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## Grenada

### Country Reports on Human Rights Practices - [2005](#)

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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 thousand. In 2003 Prime Minister Keith Mitchell's New National Party (NNP) won 8 out of 15 parliamentary seats in generally free and fair elections. The civilian authorities generally maintained effective control of the security forces.

Although the government generally respected the human rights of its citizens, there were societal problems in a few areas:

- allegations of corruption
- violence against women
- 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 law prohibits such practices, and there were no confirmed reports that government officials employed them. However, there were occasional allegations that police beat persons being detained. Flogging, a legal form of punishment, was rare but was used as punishment for sex crimes, which accounted for 50 percent of court cases.

Prison and Detention Center Conditions

Prison conditions generally met international standards.

The government permitted visits by independent human rights observers, but none were known to have taken place during the year.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The 830-person national police force, plus an additional 200 rural constables, has a hierarchical structure and generally was effective in responding to complaints. However, lack of resources remained a problem. The police report to the minister of national security, who works in the prime minister's ministry.

There were reports of corrupt or abusive police. By year's end authorities had not charged anyone in the theft of evidence, including cocaine and money, from a secure police evidence lock-up. There were allegations against a few members of the police force involving sex crimes and several others for assault. The authorities discharged one entry-level policeman for beating up a person and another entry-level

policeman for running a small brothel. In late October citing a need to improve leadership within the force, authorities relieved two senior police officials of their jobs. Investigations into police looting after Hurricane Ivan in 2004 did not result in charges brought against anyone.

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.

#### Arrest and Detention

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 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. In practice detainees are provided access to a lawyer and family members within 24 hours.

There were no reports of political detainees.

#### e. Denial of Fair Public Trial

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

The judiciary is a part of the Eastern Caribbean legal system. There are three resident judges who hear cases in the High Court. An appeals court, staffed by a chief justice who travels between the Eastern Caribbean islands, hears appeals. Final appeal may be made to the Privy Council in the United Kingdom.

#### Trial Procedures

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 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 persons charged with a killing and foreign-born drug suspects, the courts grant most defendants bail while awaiting trial.

#### Political Prisoners

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, until the government appealed the decision to the Eastern Caribbean Supreme Court. In June that court ruled that the group could take its case for resentencing to the Privy Council in London. The 14 persons remained in prison, except for one released to another country for medical treatment. In 2003 Amnesty International (AI) classified the "Grenada 17" as political prisoners based upon its findings that their original trial was unfair, and that subsequent appeals were manipulated for political reasons.

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

The law 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 law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom or access to the Internet.

The prime minister publicly criticized the media for lack of objectivity and poor quality of its work. He successfully sued one opposition-affiliated newspaper for libel and won a large judgment against it. There was widespread reporting of allegations of corruption against the prime minister and several of his ministers.

In September the government launched the Government Information Service (GIS), a television channel that carries public service announcements, government-sponsored events, speeches by cabinet ministers, sessions of parliament, etc. The country's two other television channels are independent. Opposition spokespersons criticized the GIS as a waste of money.

#### b. Freedom of Peaceful Assembly and Association

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

#### c. Freedom of Religion

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

#### Societal Abuses and Discrimination

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

For a more detailed discussion, see the [2005 International Religious Freedom Report](#)

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

The law provides 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 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, but does not routinely grant refugee status or asylum. Although the government could provide temporary protection to individuals who may not qualify as refugees under the 1951 UN 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 law 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.

#### Elections and Political Participation

In 2003 the incumbent NNP administration of Prime Minister Keith Mitchell retained power by winning 8 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.

Late in the year the government began an examination of the constitutional provisions regarding dual citizenship and qualifications for election to parliament. The result may lead to a court decision as to whether a leading opposition member's 2003 election should be nullified and his seat given to his opponent in that election.

There were 4 women in the 15-seat parliament and 4 women among the 12 appointed senators. There were six female ministers of government.

#### Government Corruption and Transparency

There were allegations that the government attempted to divert hurricane assistance to its own NNP supporters and to constituencies with NNP parliamentarians. There were continued allegations of past corruption, especially involving the now eliminated offshore banking sector.

There are no laws mandating transparent reporting of political donations. During the year the opposition National Democratic Congress admitted that it had received \$1 million in funding from China for the 2003 election.

In August 2004 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. The prime minister claimed the cabinet approved the money, and that it was for legitimate trade promotion expenses. At year's end the German citizen remained jailed in a foreign country on unrelated fraud charges. The commission met for two weeks in May-June, when various officers who served in the foreign ministry, as well as the prime minister's bodyguards, were questioned publicly. The commission adjourned but had not given a report by year's end.

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.

The Truth and Reconciliation Commission, launched in 2001 to investigate the period between the mid-1970s and the late 1980s, had not presented its final report to the government, which was due in June 2004. 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 law prohibits discrimination based on race, place of origin, political opinion, color, creed, or gender, and the government generally enforced 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. In practice the court enforced the law. At year's end there were three cases before the court against husbands who killed their wives. 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.

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.

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; there were no reported cases during the year.

Women generally enjoy 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 is compulsory, free, and universal until the age of 16.

Boys and girls have equal access to medical care.

Government social service agencies reported no increase in the number of cases of physical and sexual abuse of children, but stated that cases of child neglect increased during the year, compared to 2004. Abused children were placed either in a government-run home or in private foster homes. The law stipulates 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. The government expanded the provision of special education in its school system. Persons with disabilities had full access to the health care system and other public services. In the aftermath of Hurricanes Ivan and Emily, the government placed a high priority on providing assistance to those with disabilities. The government as well as nongovernmental organizations provided training and work opportunities for such persons.

#### 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 47 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.

#### 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 law 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 Labor Ministry 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 minimum wage did not provide a decent standard of living for a worker and family. 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 normal workweek in the commercial sector includes Saturday morning work but did not exceed 40 hours. 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 unevenly. Workers have the right to remove themselves from dangerous workplace situations without jeopardy to continued employment.

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