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1999 Country Reports on Human Rights Practices

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GRENADA

Grenada is a parliamentary democracy, with a Governor General as titular Head of State. In January parliamentary elections, Prime Minister Dr. Keith Mitchell's New National Party (NNP) won all 15 seats and formed a new government. The elections were contested openly and fairly and were free of violence. The judiciary is independent.

The 755-member Royal Grenada Police Force is responsible for maintaining law and order. It is controlled by and responsive to civilian authorities. There were occasional allegations of abuse by the police.

Grenada has a free market economy based on agriculture and tourism. The estimated real economic growth rate was 5.8 percent in 1998, and the projected annual growth rate for 1999 was 6.1 percent. Per capita gross domestic product was approximately \$3,000 in 1999.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Human rights problems include an allegation of police brutality during arrest, which has not been confirmed judicially. The Commissioner of Police has spoken out strongly against police use of unlawful force. Violence against women is common but appears to be on the decline. Child abuse is a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

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 reported incidents of torture. Flogging, a legal form of punishment, is rare but has been used as punishment for sex crimes and theft cases.

There were no reports by the press of police brutality during the year. The 1998 case of an allegation of police brutality, which involved excessive use of force in making an arrest, was not resolved because the officer fled and has never been apprehended. Allegations of police brutality are investigated internally by the police. There were no reports that disciplinary action was taken against a police officer during the year. The Police Commissioner can discipline officers in valid cases of brutality with penalties that may include dismissal from the force. The Police Commissioner has spoken out strongly against police use of unlawful force.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law provides the police with the right to detain persons on suspicion without a warrant, but they must bring formal charges within 48 hours. The police adhered to this time limit in practice. If the police do not charge a detainee within 48 hours, they must release the person.

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 1997 the authorities arrested a Belgian national and detained him for a period of 2 years. Because he had not been charged formally, the judge ruled that he should be released because he had been held so long without trial. Upon release, he was returned to Belgium to face charges there.

Exile is not practiced.

e. Denial of Fair Public Trial

The judiciary, a part of the Eastern Caribbean legal system, is highly regarded and independent. Final appeal may be made to the Privy Council in the United Kingdom. There are no military or political courts. Those arrested on criminal charges are brought before a judge to determine whether there is sufficient evidence to substantiate the charges; if there is, the judge remands the defendant for trial.

The law provides for the right to a fair public trial, and the authorities observe it 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 similarly will appoint a lawyer to represent the accused if the defendant was not previously represented or reappoint earlier counsel if the appellant no longer can afford that lawyer's services. Due to the backlog of cases caused by a shortage of judges and facilities, up to 6 months can pass before those charged with serious offenses face trial in the high court. With the exception of persons charged with murder and foreign-born drug suspects, the courts grant most defendants bail while awaiting trial.

There were no reports of political prisoners.

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

The Constitution provides for protection from these abuses, and there were no reports of such actions. The law generally requires judicially issued warrants for searching homes, except in cases of hot pursuit. The Firearms Act of 1968 and the Drug Abuse Prevention Act Number 7 of 1992 contain other exceptions that give the police and security units legal authority to search persons and property without warrants in certain circumstances. In practice police obtain warrants in the majority of cases before conducting any search.

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 does not restrict these rights. There are three weekly newspapers and several other newspapers that publish irregularly. One of the weeklies is affiliated with an opposition political party, but the three most widely circulated newspapers are independent and often critical of the Government. The newspapers routinely carry press releases by the opposition parties, including regular weekly columns expressing the opposition parties' views.

There are six radio stations. The main station is part of the Grenadian Broadcasting Network (GBN), a privately owned organization in which the Government holds a minority share. The principal television station is also part of the GBN. A privately owned television station began broadcasting in 1992. A cable company began operating in the capital area and since has expanded to most areas of the country. All newspapers, radio, and television stations enjoy independence from the State and regularly report opposition views. The television news often carried reports on opposition activities, including coverage of political rallies held by various political parties and candidates, public forums featuring political leaders of each of the major parties, and other public service broadcasts.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assemble for any peaceful purpose, and the Government respects this right in practice. Supporters of political parties meet frequently and hold public rallies; the authorities require permits for the use of a public address system but not for public meetings themselves.

The Constitution provides for the right to association, and the Government respects this right in practice.

c. Freedom of Religion

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

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

The Constitution provides for freedom of movement within the country, and all citizens have the right to enter and leave the country, except in special circumstances as outlined in and limited by the 1986 Act to Restrict the Freedom of Movement of Certain Persons. This law allows the Minister for National Security to restrict travel out of the country by any person whose aims, tendencies, or objectives include the overthrow of the democratic and parliamentary system of government; it has not been invoked in the past few years. Anyone so restricted may appeal after 3 months to an independent and impartial tribunal. The Chief Justice appoints an accredited lawyer to preside over such a tribunal.

No formal government policy toward refugee or asylum requests exists. The issue of provision of first asylum did not arise. There were no reports of forced expulsion of anyone having a valid claim to refugee status; however, government practice remains undefined.

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 exercise 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; on January 18, Prime Minister Dr. Keith C. Mitchell's NNP was returned to office, securing all 15 seats in Parliament.

There are no restrictions in law or practice on participation by women in government and politics. Four of the 15 elected members of Parliament are women; there are no women among the 13 appointed Senators. Women account for 7 of the 13 permanent secretaries, the highest civil service position in each ministry; in addition, a woman is the Cabinet Secretary, the highest civil service position in the Government.

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

Local human rights groups operate without government restriction, and the Government

cooperates with visits from international human rights organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, place of origin, political opinions, color, creed, or sex, and the Government generally adheres to these provisions.

Women

Women's rights monitors believe that violence against women remains a serious problem; however, they reported a decrease in such incidents during 1998. The police state that most cases of abuse are not reported, and others are settled out of court. The law stipulates a sentence of 15 years' imprisonment for a conviction of rape. Sentences for assault against a spouse vary according to the severity of the incident. On September 1, a shelter for battered and abused women and their children opened in the northern part of the island, with medical and psychological counseling personnel on its staff. The home houses 20 persons.

There is no evidence of official discrimination in health care, employment, or education. Women frequently earn less than men performing the same work; such wage differences are less marked for the more highly paid jobs.

Children

The Social Welfare Division within the Ministry of Labor provides probationary and rehabilitative services to youths, day care services and social work programs to families, assistance to families wishing to adopt or foster children, and financial assistance to the six children's homes run by private organizations.

Government social service agencies reported a further increase in the number of child abuse cases, including sexual abuse. Abused children are placed either in a government-run home or in private foster homes. The law provides for harsh penalties against those convicted of child abuse and disallows the victim's alleged "consent" as a defense in cases of incest. Women's organizations and other nongovernmental organizations increased their public awareness efforts to recognize and combat sexual abuse of women and children.

People with Disabilities

The law does not protect job seekers with disabilities from discrimination in employment, nor does it mandate provision of accessibility for public buildings or services. The National Council for the Disabled and the National Children's Home assist the Government in placing disabled students into community schools. The Council also seeks assistance from architects and builders in the construction of ramps at hotels and public buildings, and ramps have been installed at some hotels.

Section 6 Worker Rights

a. The Right of Association

All workers are free to organize independent labor unions. Labor Ministry officials estimate that 35 percent of the work force is unionized. Union leaders play a significant role in the political process, and one labor leader serves in the Senate on behalf of the Grenada Trades Union Council (GTUC).

Workers in the private and public sectors are free to strike, once legal and procedural requirements are met. There were several incidents of industrial action, including brief strikes by road workers, teachers, farmers, and private sector workers. However, all were short-lived and settled with the intervention of the Labor Commission, the Minister of Labor, or the Industrial Court. All unions are technically free of government control, and none receive government financial support. However, all the major unions belong to one umbrella labor federation, the GTUC, which is subsidized by the Government. The GTUC holds annual conventions and determines some policies for member unions.

The GTUC and its unions freely affiliate with regional and international trade union groups.

b. The Right to Organize and Bargain Collectively

Workers are free to organize and to participate in collective bargaining. Legislation requires employers to recognize a union that represents the majority of workers in a particular business. The law prohibits discrimination by employers against union members and organizers. If a complaint of discrimination arises, mechanisms exist to resolve it. After all avenues for resolving a complaint have been exhausted between union representatives and employers, both sides may agree to ask for the assistance of the Labor Commissioner. If the Labor Commissioner is unable to find a resolution to the impasse, the Minister of Labor intervenes and, if unable to reach an agreement, may appoint an arbitration tribunal if both parties agree to abide by its ruling. The law requires employers found guilty of antiunion discrimination to rehire dismissed employees, but in most cases the employee accepts the option of compensation. There were no cases of antiunion discrimination reported to the Ministry during the year.

Unions may organize and bargain anywhere in the country, including, in theory, export processing zones (EPZ's), which are not exempted from labor legislation.

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits forced or bonded labor, including that of children, and there were no reports of it.

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor, including forced or bonded labor, is illegal (see Section 6.c.); however, children sometimes work in the agricultural sector. The statutory minimum age for employment of children is 18 years. Inspectors from the Ministry of Labor enforce this provision in the formal sector by periodic checks. Enforcement efforts in the informal sector are lax.

e. Acceptable Conditions of Work

There are no minimum wage laws in force. Most workers, including nonunionized workers, receive packages of benefits from employers set by collective bargaining agreements between employers and labor unions. In many cases, overall wages and benefits are insufficient to provide a decent standard of living for a worker and family. Many agricultural workers earn only about \$5.37 to \$5.55 (EC\$14.50 to EC\$15.00) per day. The law does not prescribe a set number of hours as the standard workweek, except for the public sector, which is expected to work a 40-hour week Monday through Friday. The normal workweek in all sectors seldom exceeds 40 hours, although in the commercial sector this includes Saturday morning work.

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

f. Trafficking in Persons

There are no laws that specifically address trafficking in persons. There were no reports that persons were trafficked in, to, or from the country.

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