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2010 Human Rights Report: Grenada

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

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 won 11 of 15 seats in Parliament, and Tillman Thomas was sworn in as prime minister. Security forces reported to civilian authorities.

Human rights 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 formal complaints or confirmed reports that government officials employed them. While young detainees occasionally claimed to have been roughed up by the police to family and friends, no one appealed to the press or approached the authorities with allegations. Flogging, a legal form of punishment for sex crimes and assault, was not uncommon.

Prison and Detention Center Conditions

Overcrowding was a significant problem; in the sole penitentiary there were 440 prisoners, of whom 16 were women, held in space designed for 98 persons. Some prisoners slept on mattresses or blankets on the ground. The prison initiated an education program for the inmates and hired a counselor to work with the prison population.

Women were held in a separate section of the prison from men. There was no separate facility for its six juveniles, who mix with the general prison population in the course of the day.

Prison conditions are monitored by the government's Prison Visiting Committee. The government permits monitoring of prison conditions by independent human rights groups, but no such visits were requested 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 1,011-person Royal Grenada Police Force (RGPF) is headed by the police commissioner and encompasses the Coast Guard, the Special Services Unit, the Fire Fighting Unit, and other specialized units. The RGPF is supplemented by 260 rural constables. The RGPF generally was effective at responding to complaints and maintained 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. Only the Public Service Commission can discipline officers with the rank of inspector or above. Civilian authorities maintained effective control over the RGPF, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

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 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 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.

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.

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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.

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. In November the Media Workers Association of Grenada (MWAG) criticized the prime minister for characterizing a blogger as "dangerous to Grenada" and "trying to create instability." MWAG's statement generated debate among journalists about whether the prime minister's comment constituted intimidation.

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 24 Internet users per 100 inhabitants in 2009.

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

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/drl/irf/rpt.

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.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in the single instance where assistance was requested with regard to refugees and asylum seekers. In this case, the government agreed not to deport a family that claimed political asylum while UNHCR sought a country for resettlement.

The law does not address forced exile. The government did not resort to it.

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The government has no formal channels for providing protection to refugees or asylum seekers. The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

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.

Political parties could operate without restriction or outside interference.

Two women served in the House of Representatives. Four of the 13 appointed senators are women, including the president of the senate. Three female legislators served as ministers of government. In the civil service, women held 17 of the 19 most senior positions--permanent secretaries.

Section 4 Official Corruption and Government Transparency

Although the law provides criminal penalties for official corruption, the government did not implement the law effectively. Allegations continued to surface that present or former officials engaged in corrupt practices with impunity, but few investigations were concluded during the year. The World Bank's governance indicators reflected that corruption remained a problem.

In 2007 Parliament passed the country's first anticorruption laws, including a bill establishing an Integrity Commission. In October 2009 the government appointed seven persons to the Integrity Commission, which met but was not yet operational at the end of the year.

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

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. However, government responsiveness to those requests was not tracked.

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.

The country's first ombudsman, a career public servant who previously served as cabinet secretary, assumed office in 2009. 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. By December the Office of the Ombudsman handled approximately 60 complaints. While several complaints involved nongovernment institutions and fell outside the ombudsman's jurisdiction, most complaints were forwarded to the appropriate ministries for action and remained under consideration. In two cases, the ombudsman opened formal investigations when the referrals did not resolve the complaint. The ombudsman planned to submit his first annual report to Parliament in 2011.

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 42 charges involving rape or related charges for prosecution, and the court convicted 34 persons during the year.

Women's rights monitors noted that violence against women remained a serious problem. A new Domestic Violence Bill expanded the range of eligible relationships subject to domestic violence provisions, persons who may apply for assistance on behalf of victims, and the definition of abuse, which now includes harassment and damage against property. 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. Victims and persons seeking to report cases of abuse contact the Ministry of Social Development and local ministry offices in three parishes and the island of Carriacou.

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 have the right to decide freely and responsibly the number, spacing, and timing of their children and had access to contraception as well as obstetric and post-natal care. Life-style choices (such as tobacco and alcohol use) 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. Incidence of maternal mortality was not available. Essential obstetric and postpartum care was widely available, as were 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. Due in part to factors like post-hurricane reconstruction, the poor economy, and high levels of unemployment, women moved into nontraditional fields such as carpentry and construction. Television and radio public service announcements continued to combat spousal abuse and raise women's awareness of their rights.

Children

Citizenship is derived from birth in the country or, if abroad, by birth to a Grenadian parent upon petition. There is universal birth registration.

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 92 cases of physical abuse, 23 cases of sexual abuse, and 13 incest cases involving minors during the year. Government officials attributed the rise in reported cases over previous years to a growing awareness among youth and others of the availability of support for victims. 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. In October Parliament passed the Child Protection and Adoption Bill, which mandates reporting of suspected child abuse cases by education, health care, and other professionals. The government used television and radio spots to raise awareness within the population about child abuse and incest.

A statutory rape law 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. The criminal code prohibits sale and trafficking of girls for prostitution, for the production of pornography, or for pornographic performances, but lacks similar prohibitions that apply to boys.

The government is not a party to the 1980 Hague Convention on International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html, as well as country specific information at http://travel.state.gov/abduction/country/country_3781.html

Anti-Semitism

There was no organized Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

In 2009 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. Although the law does not mandate access to public buildings or services, building owners increasingly incorporated disabled access into new construction and premises renovation. Although public schools accepted special needs children and sought to meet their needs, many 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, faced no discrimination in access to information and communication, and suffered no restrictions on the right to vote or to participate fully in civic affairs. 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, as well as the Council for the Disabled, which reviews disability-related issues.

National/Racial/Ethnic Minorities

Approximately 8 percent of citizens are descendants of individuals who came to the country from India as indentured servants, many of whom found themselves in slave-like conditions. Some complained of residual 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. Members of sexual minorities generally did not acknowledge openly their sexual orientation. The Grenada Caribbean HIV AIDS Program (GrenCHAP) participated on the National AIDS Council and served as an advocate for sexual minorities and at-risk populations. There were no reports of violence linked to sexual orientation. There were no reports that sexual orientation affected employment and occupation, housing, statelessness, or access to education or health care.

Other Societal Violence or Discrimination

It was not uncommon for persons to be shunned by family members or face discrimination in housing and employment should their HIV-positive status become known. According to civil society contacts, fear of disclosing their status prevented some persons with HIV/AIDS from seeking services provided by government or civil society. While the government acted to ameliorate concerns by the public about persons with HIV, it moved less quickly to finalize policies in draft or to act on recommendations provided by the HIV-positive community. The government encouraged citizens to be tested and to get treatment. NGOs such as GRENCHAP and Hope Pals provided counseling to those affected by HIV/AIDS; made recommendations to the government on outreach and policy; and 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. All major unions belong to one umbrella labor federation, the Grenada Trades Union Council, which was subsidized by the government. Labor ministry officials estimated that in 2009, 52 percent of the work force was unionized.

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, employers generally did so in practice. Renegotiation of contracts between the government and government worker unions, which expired in December 2008, remained pending.

The law provides workers with the right to strike, and workers exercised this right in practice. The Technical and Allied Workers Union conducted six brief strikes or work stoppages during the year. The Commercial and Industrial Union conducted one. In addition there was a strike by the Leeward Islands Airline Pilots Association in June against a regional carrier. While essential workers have the right to strike, the labor minister may refer disputes involving essential services to compulsory arbitration. The government's list of essential services is broad and includes services no longer regarded by

the International Labor Organization as essential. A revision of the list was under discussion between government and labor.

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 or otherwise compensate the employee if a court finds they were discharged illegally. No such violation of law came to the notice of government during the year.

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

The statutory minimum age for employment of children is 18 years. Inspectors from the labor ministry enforced this provision in the formal sector through periodic checks, but enforcement in the informal sector remained a problem, particularly for family farms. The Labor Ministry inspected family farms for child workers upon receipt of child labor allegations.

The legal code does not specifically prohibit the sale and trafficking of children for exploitive labor. Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip/.

e. Acceptable Conditions of Work

The Ministry of Labor last updated minimum wages in 2002. In 2008 a tripartite committee reviewed wage levels. Although the committee provided its recommendations to the government in April 2009, no further action has been taken. Under the 2002 minimum wage levels, wages are linked to 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. In 2009 approximately 30 percent of the population earned less than the official poverty line, which was drawn at EC\$599 (\$222) per month. The government effectively enforced minimum wages. While not subject to minimum wage provisions, most foreign contract workers earned more than minimum wage.

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. There were no exceptions for foreign contract workers. No violations of the law were brought to the notice of government authorities.

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 their continued employment.

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