

GRENADA 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Grenada is a parliamentary democracy with a bicameral legislature. Observers considered the February 2013 elections to be generally free and fair. The New National Party won all 15 seats in the House of Representatives, and Keith Mitchell was sworn in as prime minister. Civilian authorities maintained effective control over the security forces.

The most significant human rights abuses included poor prison conditions, violence against women, child abuse, and laws that discriminate against lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons.

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. The 2011 death of Canadian-Grenadian citizen Oscar Bartholomew while in police custody remained outstanding. Authorities initially charged five police officers with manslaughter, but by the end of October, the court had not heard the case. The commissioner of police placed the officers on unpaid suspension, but the court determined that this action was illegal and ordered the officers reinstated.

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. Flogging, a legal form of punishment for sex crimes and assault, was not uncommon.

While the media reported claims of police mistreatment, victims brought no charges, largely because those who made the claims chose not to file criminal complaints. There were no reports of deaths due to torture.

Prison and Detention Center Conditions

Prison and detention center conditions did not meet international standards, and overcrowding was a serious problem.

Physical Conditions: In the sole penitentiary, as of September there were 450 prisoners, of whom four were women, held in space designed for 198 persons. The Grenada Human Rights Organization (GHRO) claimed that although the United Nations recommends no more than three prisoners per cell, the prison often housed up to seven prisoners per cell. Potable water supplied by the water utility normally was available in prison hallways but not in the cells. During the dry season, when the water supply is cut off on occasion, a tank served as a back up.

Administration: Prisoners may raise complaints directly with prison authorities, through their lawyers, or through the government's prison visiting committee. While there was no specific prison ombudsman, prisoners relied on the prison welfare officer, a senior prison official, to process complaints and make contact with outside institutions.

Independent Monitoring: The prison visiting committee monitors prison conditions. Visits from independent nongovernmental observers were welcome. In June a team consisting of the GHRO, Global Alliance for Legal Aid, and two barristers from the United Kingdom visited and carried out assessments.

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 Royal Grenada Police Force (RGPF), led by the police commissioner, maintains internal security. The country does not have a military. The RGPF encompasses the coast guard, a special service unit, a fire-fighting unit, immigration and border control, and other specialized units. The RGPF is supplemented by 193 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 higher. The Criminal Investigation Department, in coordination with the Department of Public Prosecutions (DPP), is charged with investigating killings by police officers.

After a DPP review, and in cases not involving criminal liability, authorities refer such cases to the coroner for an inquest. Civilian authorities maintained effective control over the RGPF, and the government had effective mechanisms to investigate and punish abuse and corruption. In the case of deaths attributed to the RGPF, police conduct the investigations, which the DPP and the coroner review. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment of Detainees

The constitution and law permit police to detain persons on suspicion without a warrant, but they must bring formal charges within 48 hours, and authorities generally respected this limit. Authorities granted detainees access to a lawyer of their choice 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. Detainees charged with treason may be accorded bail only upon the recommendation of the governor general.

e. Denial of Fair Public Trial

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

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 a defense lawyer to be present during interrogation and to advise the

accused on how to respond to questions. Defendants and their counsel generally had adequate time and facilities to prepare a defense. Defendants have a right to a fair trial, without undue delay, although case backlogs meant periods of several months to a year before many cases went to trial. The accused has the right to confront his or her accuser, present evidence, call witnesses, access government-held evidence, and 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 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. According to the GHRO, many defendants did not have access to legal counsel, and the government lacked adequate legal aid resources to serve demand. 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 including human rights violations. 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.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government generally respected these rights. The independent media were active and expressed a wide variety of views without restriction.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, approximately 35 percent of the population had access to the internet in 2013, while local internet service providers estimated that as of September more than 60 percent of the population had internet access.

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 the freedoms of assembly and association, and the government respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

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

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has no formal channels for providing protection to refugees or asylum seekers. There were no reports of refugees attempting to enter the country in 2014.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government through free and fair periodic elections based on universal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: In February 2013 general elections, the New National Party won all 15 seats in the House of Representatives, defeating the National Democratic Congress, which had governed for more than four years. (The term limit is five years.) The Organization of American States led an election observer mission, which deemed the elections generally free and fair.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption; however, officials frequently engaged in corrupt practices with impunity. While there was a perception, particularly among the political opposition and some media outlets, that the government did not implement the law effectively, there were no new cases or serious allegations of public corruption during the year.

Corruption: Allegations continued to circulate of instances in prior years of corrupt practices by government officials, but subsequent investigations did not report any findings of corruption. The Integrity in Public Life Commission is responsible for combating corruption, while the Ombudsman's Office, in its capacity as an independent organ with the powers to investigate maladministration, has a role as well. The Ombudsman's Office continued to operate independently and to cooperate with the media and other elements of civil society.

Financial Disclosure: The law requires all public servants to report their income and assets, beginning with members of the Integrity in Public Life Commission. The commission monitors and verifies disclosures, although disclosures are not made public except for the possibility of eventual disclosure in court. According to the provisions of the bill, failure to file a disclosure should be noted in the *Official Gazette*. If the office holder in question fails to file in response to this notification, the commission can seek a court order to enforce compliance, and a judge can impose conditions to such order as he or she deems appropriate.

Public Access to Information: Although no law provides for public access to government information, citizens may request access to any information not

deemed classified. Statistics on government responsiveness to those requests were not available.

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.

Government Human Rights Bodies: The ombudsman has authority to investigate complaints from persons who object to government actions they deem to be unfair, abusive, illegal, 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

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and stipulates a sentence of flogging or up to 30 years' imprisonment for a conviction of any nonconsensual form of sex. Authorities referred charges involving rape or related crimes for prosecution.

According to women's rights monitors, violence against women remained a serious and pervasive problem. The law prohibits domestic violence and provides for penalties at the discretion of the presiding judge based on the severity of the offense. The central statistical office reported cases of domestic violence, against both women and men. 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 for battered and abused women and their children operated in the northern part of the country; it was staffed by medical and psychological counseling personnel. Victims and persons seeking to report cases of abuse could contact the Ministry of Social Development and local ministry offices in three parishes and the island of Carriacou. Domestic violence remained underreported, as many women feared retribution, stigma, or further violence, and

many were economically dependent on the perpetrators. The government recognized the severity of gender-based violence and developed programs to combat it, including through sensitization of youth and provision of services to victims of gender-based violence.

Sexual Harassment: The law prohibits sexual harassment, but there were no criminal penalties for it, and the government noted it was a persistent problem. It is the responsibility of the complainant to bring a civil suit against an alleged harasser.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

Discrimination: Women generally enjoyed the same legal status and rights as men, and there was no evidence of formal discrimination in education. The Employment Act of 1999 mandates equal pay for equal work. Justice system officials reported there were no allegations of violations of the equal pay for equal work provision during the year. Television and radio public service announcements continued to combat spousal abuse and raise women's awareness of their rights.

Children

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

Child Abuse: Through July government social service agencies reported cases of child abuse, including cases of physical abuse and cases of sexual abuse. Authorities placed abused children 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 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 children's homes run by private organizations.

Early and Forced Marriage: The legal minimum age for marriage is 21, although persons as young as 18 can be married with parental consent in writing. There was no data on marriages of persons under the age of 18.

Sexual Exploitation of Children: A statutory rape law applies when the victim is 16 years or under. Penalties are 30 years' imprisonment if the victim is less than 14 and 15 years' imprisonment if the victim is 14 to 16 years of age. The law prohibits the posting and circulation of child pornography. The law also prohibits the importation, sale, and public display of pornography. The law prohibits sale and trafficking of children for prostitution, for the production of pornography, or for pornographic performances.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There were no reports of societal abuses or discrimination, including anti-Semitic acts. A Chabad Center was opened in 2013 to serve approximately 500 Jewish students at St. George's University.

Trafficking in Persons

There were no confirmed reports the country was a source, destination, or transit country for victims of human trafficking. Parliament passed the Prevention of Trafficking in Persons Bill in June.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, but the constitution and law do not protect persons with disabilities from discrimination in the provision of state services. Although the law does not mandate access to public transportation, services or buildings, building owners increasingly incorporated accessibility features into new construction and premises renovation. The government provided for special education throughout the school system; however, most parents chose to send their children to three special education schools operating in the country. The government and nongovernmental organizations (NGOs) continued to provide training and work opportunities for persons with disabilities. The Ministry of Social Development includes an office responsible for looking after persons with disabilities, as well as a council for

persons with disabilities, which reviews disability-related issues. The council consists mainly of persons with disabilities, and its president must be a person with a recognized form of disability.

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

The law criminalizes consensual same-sex sexual activities between men and provides penalties of up to 10 years' imprisonment. The law makes no provision for same-sex sexual activities between women. No laws prohibit discrimination against a person on the basis of sexual orientation or gender identity in employment, housing, education, or health care.

Society generally was intolerant of same-sex sexual conduct, and many churches condemned it. Most LGBTI persons were not open about their sexual orientation or gender identity. The Grenada Caribbean HIV/AIDS program (GrenCHAP) participated on the national AIDS council, served as an advocate for LGBTI persons and at-risk populations, and experienced no impediments to its operations. There were no gay pride events.

HIV and AIDS Social Stigma

It was not uncommon for persons to be shunned by family members or face discrimination in housing and employment when their HIV-positive status became known. According to civil society contacts, fear of disclosing 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 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 (see section 7.d.).

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form and join independent labor unions, participate in collective bargaining, and, with some restrictions, conduct legal strikes. The law prohibits antiunion discrimination. It requires employers to recognize a union that represents the majority of workers in a particular business but does not oblige employers to recognize a union formed by their employees if the majority of the workforce does not belong to the union. Labor law covers all categories of employees, including domestic workers and migrants.

While workers in essential services 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 not regarded by the International Labor Organization as essential. Essential services include employees of the electricity and water companies; public health and protection sectors, including sanitation, airport, seaport and dock services (including pilotage); fire departments; air traffic controllers; telephone and telegraph companies; prisons and police staff; and hospital services and nursing. While authorities can order employers to rehire employees if a court finds they were discharged illegally, there were no such cases during the year.

The government generally enforced labor laws. Penalties were sufficient to deter violations.

Administrative and judicial procedures were subject to lengthy delays and appeals. Labor organizations continued to seek a change in labor laws to ensure timely resolution of disputes following labor action.

Freedom of association and the right to collective bargaining were generally respected. Employers generally recognized and bargained with unions even if a majority of the workforce did not belong to a union.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. In May the government enacted the Prevention of Trafficking in Persons Bill 2014, which prohibits all forms of forced labor, including specifically prohibiting the sale or trafficking of children for exploitive labor. The law establishes penalties of 25 years' imprisonment, a fine of \$500,000 Eastern Caribbean Dollars (XCD) (\$185,000), or both for forced labor, or one million XCD (\$370,000) for child trafficking, including forced child labor. The government effectively enforced the law. Six

labor inspectors performed inspections according to a predetermined schedule. There were no reports that forced labor occurred during the year.

c. Prohibition of Child Labor and Minimum Age for Employment

The statutory minimum age for employment of children is 16 years. The law permits employment for minors under 18 as long as certain conditions related to hours, insurance, and working conditions set forth in the labor code are met. There is no explicit prohibition against children's involvement in hazardous work.

Inspectors from the Labor Ministry enforced the minimum age provision in the formal sector through periodic checks. Enforcement in the informal sector was insufficient, particularly for family farms. The ministry inspected family farms for child workers upon receipt of child labor allegations. There was no information on the adequacy of resources, number of inspections, remediation, penalties, or whether such penalties were sufficient to deter violations. There was no specific information provided on actions during the year to prevent child labor or remove children from such labor.

There were no reports of exploitive child labor during the year. Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The law prohibits discrimination in respect to employment or occupation regarding race, color, national extraction, social origin, religion, political opinion, sex, age, or disability. The law does not prohibit discrimination in respect to employment or occupation regarding language, HIV-positive status or other communicable diseases, sexual orientation, and/or gender identity. In general the government effectively enforced these laws and regulations. There were no reports of discrimination with respect to employment and occupation occurred.

e. Acceptable Conditions of Work

The minimum wage schedules set pay by occupation. The minimum wage for domestic workers, for example, was \$4.50 XCD (\$1.67) per hour, while that for a security guard was \$9.00 XCD per hour (\$3.33). The poverty income rate was estimated at \$6,200 XCD per year (\$2,300). According to the 2008 Poverty

Assessment, the most recent study, 37.7 percent of the population lived below the poverty line.

The law provides for a 40-hour maximum workweek. The law stipulates that employers must permit persons who work five hours consecutively a one-hour meal break. In addition the law states that employers may not ask domestic employees to work longer than a 10-hour period without at least two hours of breaks for meals and rest periods. The law requires premium pay for work above the standard workweek and prohibits excessive or compulsory overtime. The law mandates paid annual vacation of two weeks in the first year and three weeks thereafter. The government sets health and safety standards. Workers can remove themselves from situations endangering health or safety without jeopardizing their employment if they reasonably believe the situation presents an imminent or serious danger to life or health.

Enforcement, including wages, hours, occupational safety, and other elements, is the responsibility of the Ministry of Labor's labor inspectors, who are responsible for the full range of labor rights inspections, including workplace safety and the right to organize. Inspectors examined approximately 75 percent of eligible sites. The government effectively enforced minimum wage requirements and reported that no violations of the law concerning working hours were brought to the notice of government authorities. The government enforced occupational health and safety in certain cases but did not enforce them in others.

The government informally encouraged business to rectify violations without resorting to formal channels for compliance, including fines and penalties, which have never been used. There was no information provided on what the law sets as the amount for fines, or other penalties. Labor officers worked with employers in sectors such as energy, agriculture, and construction to promote appropriate clothing, health checks, and pesticide safety.

During the year the national insurance scheme received 217 claims of workplace injury. No workplace deaths were reported.