

GRENADA 2016 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Grenada is a parliamentary democracy with a bicameral legislature. Observers considered the 2013 elections to be generally free and fair. The New National Party won all 15 seats in the House of Representatives and selected Keith Mitchell as prime minister.

Civilian authorities maintained effective control over the security forces.

The most significant human rights abuses were poor prison conditions due to overcrowding; violence against women and children; and laws that discriminate against lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons.

Other human rights problems included delays in bringing detainees to trial, lack of legal counsel for defendants, and sexual harassment.

The government investigated and prosecuted officials who committed violations.

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

a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings. The courts continued to examine the 2011 death of Canadian-Grenadian citizen Oscar Bartholomew, which occurred while he was in police custody. Concurrently, a coroner's inquest continued to determine whether a criminal act was committed. Authorities expected to complete the inquest by April 2017.

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 reports that government officials employed them, with the exception of flogging, a common form of punishment for petty crimes such as theft and traffic offenses.

Prison and Detention Center Conditions

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

Physical Conditions: In September there were 465 prisoners in the country's sole penitentiary, which was designed for 198 persons. In addition to six women, there were four juveniles in the adult prison: three boys and one girl. Because of the severity of their crimes, the juveniles remained at the adult facility despite the existence of a new juvenile rehabilitation center opened in March. The Grenada Human Rights Organization (GHRO) claimed the prison often held up to six to eight prisoners per cell, exceeding the UN recommendation of no more than three per cell. In the male block, potable water normally was available in prison hallways but not in the cells.

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, and GHRO representatives visited the prison in May.

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 police force reports to the minister for national security, a portfolio held by the prime minister.

Civilian authorities maintained effective control over the RGPF, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving 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. 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. Police must formally arraign or release a detained person within 60 days, and the authorities generally followed these procedures. There was a functioning system of bail, although persons charged with capital offenses are not eligible. Only upon recommendation from the governor general may a judge set bail for detainees charged with treason.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: By law detainees or arrested persons are entitled to challenge in court the legal or arbitrary nature of their detention. If the court finds persons to have been detained unlawfully, they are entitled to prompt release and/or compensation.

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 public 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 the right to a trial without undue delay, although case backlogs meant periods of several months to a year before many cases went to trial. Defendants have the right to confront their accusers, present evidence, call witnesses, access government-held evidence, and appeal. Defendants have the right to free interpretation as necessary from the moment charged through all appeals. Trials are open to the public unless the charges are sexual in nature or a minor is involved. The law extends these rights to all defendants.

The court appoints attorneys for indigents in cases of murder or other capital crimes. In criminal cases that reach the appellate stage, the court appoints a lawyer if the defendant is unable to afford counsel. 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 crime 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. All High Court decisions, including human rights decisions, may be appealed to the Eastern Caribbean Supreme Court.

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

The constitution and law prohibit such actions, and there were no reports that the government failed to respect 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 respected these rights. 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. Local internet service providers estimated that as of September 2015, 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 established formal channels for providing protection to refugees or asylum seekers. There were no reports of refugees attempting to enter the country in 2015.

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 held by secret ballot and based on universal suffrage.

Elections and Political Participation

Recent Elections: In 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.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and women and minorities did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption. The Integrity in Public Life Commission is responsible for combating corruption, while the Ombudsman's Office, as an independent organ with the powers to investigate maladministration, has a role as well.

Corruption: 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 allegations of public corruption during the year. Neither the commission nor the ombudsman conducted any investigations during the year.

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

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 law allows for a maximum penalty of 30 years' imprisonment. The central statistical office reported cases of domestic violence against both women and men. In 2015 there were 696 reported cases of domestic abuse (479 females and 217 males), compared with 257 cases (184 females and 73 males) in 2014. 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. The Grenada National Organization of Women noted that despite an increase in the number of reported cases, domestic violence remained underreported. Many women feared retribution, stigma, or further violence, and most were economically dependent on the perpetrators. The government developed programs to combat gender-based violence. These included sensitizing youth and increasing the number 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 law 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: Government social service agencies reported cases of child abuse, including physical abuse and 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. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

There were no reports of anti-Semitic acts.

Trafficking in Persons

There were no confirmed reports the country was a source, destination, or transit country for victims of human trafficking.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, air travel and other transportation, and access to health care and the judicial system. 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 children with disabilities 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 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 based on 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.

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 organizations. 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 seek 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. 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. The 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 as essential by the International Labor Organization. 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.

The government and law enforcement respected freedom of association and the right to collective bargaining. 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. 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 on whether such penalties were sufficient to deter violations. No specific information was available 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 that 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 security guards was \$8.00 XCD per hour (\$3.00). The poverty income rate was estimated at \$6,200 XCD per year (\$2,300). According to the 2008 Country

Poverty Assessment by the Caribbean Development Bank, 38 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 had been brought to the notice of government authorities. The government did not always enforce occupational health and safety regulations.

The government informally encouraged businesses to rectify violations without resorting to formal channels for compliance, including fines and penalties, which have never been used. No information was 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.

The national insurance scheme received 217 claims of workplace injury in 2015. No workplace deaths were reported.