

GRENADA 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Grenada is a parliamentary democracy with a bicameral legislature. In February's generally free and fair elections, the New National Party won all 15 seats in the House of Representatives and Keith Mitchell was sworn in as prime minister. Authorities maintained effective control over the security forces. Security forces did not commit human rights abuses.

Human rights problems included poor prison conditions, violence against women, instances of child abuse, and laws that discriminate against lesbian, gay, bisexual, and transgender (LGBT) persons.

The government took steps to punish security force members or other officials who committed abuses, and impunity was not perceived to be a problem.

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 any political killings. As of October there were no police killings in the line of duty. The police Criminal Investigation Department, in coordination with the Department of Public Prosecutions (DPP), is charged with investigating all such killings, should they occur. After a DPP review, and in cases not involving criminal liability, authorities refer them to the coroner for an inquest.

After authorities initially charged five policemen with manslaughter for the 2011 death of Canadian-Grenadian citizen Oscar Bartholomew while in police custody, the DPP appealed the March decision by a judge to reinstate the five officers into the Royal Grenada Police Force (RGPF) and compensate them for back pay during their suspension. The judge also ruled that a coroner's inquest must be held before the criminal case could proceed, and as of October, the inquest remained pending.

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.

Police and prosecutors investigated, found no grounds for charges, and dismissed the case of allegations of brutality at the South St. George's Police Station against a man arrested at a political rally in Morne Rouge, St. George, in December 2012.

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, there were 456 prisoners, of whom five were women, held in space designed for 198 persons. 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 serves as a back-up.

The prison maintained an education program for the inmates, employed a counselor to work with the prison population, and implemented the second phase of a program to work with young prisoners on their reinsertion into society.

Authorities held women in a separate section of the prison from men. There was no separate facility for the 21 juveniles held at the prison.

Administration: Prison administrators keep adequate records. Authorities utilized alternatives to sentencing for young, nonviolent offenders, including a six-month program requiring daily participation. Eighty percent of participants in the program returned to the educational system upon completion, while others received job training and placement. Prisoners and detainees had access to visitors three times per week. Authorities permitted prisoners to conduct religious observances. 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 to make contact with outside institutions.

Monitoring: The prison visiting committee monitors prison conditions. Visits from independent nongovernmental observers were welcome, but there were no such requests during the year.

Improvements: During the year the government began a mandatory program focused on young and first-time offenders to improve life skills and anger management.

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 RGPF, led by the police commissioner, maintains internal security. The country does not have a military. The RGPF encompasses the Coast Guard, special service unit, fire fighting unit, and other specialized units. The RGPF is supplemented by 250 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. 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 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 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 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 and 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. 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 press, and the government generally respected these rights in practice. The independent media were active and expressed a wide variety of views without restriction.

Censorship or Content Restrictions: The government did not penalize anyone for publishing items counter to government guidelines, but the media practiced occasional self-censorship.

Libel Laws/National Security: In 2012 Parliament abolished two sections of the Criminal Code that permitted citizens to file criminal complaints in instances of “negligent or intentional libel” and defamation.

Internet Freedom

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. Approximately 42 percent of households 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 freedom of assembly and association, and the government respected these rights in practice.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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 in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in past requests for assistance pending resettlement.

Protection of Refugees

Access to Asylum: The government has no formal channels for providing protection to refugees or asylum seekers.

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

Recent Elections: The most recent general elections were held in February, when 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 Organization of American States led a 25-member election observer mission, which deemed the elections generally free and fair.

Participation by Women and Minorities: Five women served in the House of Representatives. Two of the 13 appointed senators were women. Four female legislators served as ministers of government and the country's first female governor general was appointed in May. In the civil service, women held 14 of the 17 most senior positions, known as permanent secretaries.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity.

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 newly re-formed Integrity in Public Life Commission is responsible for combating corruption, while ombudsman office, in its capacity as an independent organ with the powers to investigate maladministration, has a role as well. The Integrity in Public Life Commission took steps to establish itself during the year, while the ombudsman office continued to operate independently and to cooperate with the media and other elements of civil society.

Parliament repealed the existing Integrity in Public Life Act in March and in August passed the Integrity in Public Life Bill, 2013; as of October, the bill awaited signature by the governor general.

Whistleblower Protection: The law has no provision for the protection of whistleblowers.

Financial Disclosure: The new anticorruption legislation, which is contained in the Integrity in Public Life Bill, 2013, 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 there is no law providing 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. In March the ombudsman submitted his third annual report to Parliament, covering complaints filed in 2012. Of the 81 complaints filed with the ombudsman in 2012, the office closed 37. Roughly one-fourth of complaints filed in 2012 were made against the RGPF. Fifty-five complaints to the ombudsman from 2011 remained active in 2012. The office closed 26 of these in the course of 2012 and five were discontinued.

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 32 charges involving rape or related crimes for prosecution, and the court convicted all 32 defendants.

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 462 cases of domestic violence, 388

against women and 74 against 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 accommodating a maximum of 16 battered and abused women and their children operated in the northern part of the country, and it housed four residents as of October; 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.

Sexual Harassment: The law prohibits sexual harassment, but there were no criminal penalties for it, although the government quantified it as a persistent problem. It is the responsibility of the complainant to bring a civil suit against an alleged harasser. In one case brought against a national lottery authority manager by three women, a court found the manager to be liable for sexual misconduct, and he was fired.

Reproductive Rights: 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 postnatal care. According to UN Population Fund estimates, skilled health personnel attended 99 percent of births, and 52 percent of women ages 15-49 used a modern method of contraception.

Discrimination: Women generally enjoyed the same rights as men, and there was no evidence of formal discrimination in education. There were no laws mandating equal pay for equal work, and women frequently earned less than men performing the same task. 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 September government social service agencies reported 181 cases of child abuse, including 84 cases of physical abuse and 97 cases of sexual abuse. Two cases of incest went to court. 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 the six children's homes run by private organizations.

Forced and Early Marriage: The legal minimum age for marriage is 21, although persons as young as 18 can be married with parental consent in writing. Marriage under the age of 18 was extremely rare.

Sexual Exploitation of Children: A statutory rape law applies when the victim is 16 years and 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 Electronic Crimes Bill Parliament passed in August includes a prohibition on the posting and circulation of child pornography. The law also prohibits the importation, sale, and public display of pornography. The criminal code prohibits sale and trafficking of children for prostitution, for the production of pornography, or for pornographic performances.

International Child Abductions: The government is not a party to the 1980 Hague Convention on International Child Abduction.

Anti-Semitism

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

Trafficking in Persons

There were no reports of human trafficking during the year.

Persons with Disabilities

The constitution and law do not protect job seekers with disabilities from discrimination in employment or in the provision of other state services. Although the law does not mandate access to public buildings or services, building owners increasingly incorporated accessibility features into new construction and premises renovation. The government provided for special education throughout the school system; however, for practical reasons, 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 such persons. The Ministry of Social Development includes an office responsible for looking after persons with disabilities, as well as a council for the disabled, which reviews disability-related issues.

National/Racial/Ethnic Minorities

Approximately 8 percent of the citizens are descendants of individuals who came to the country from India as indentured servants. Most have intermarried with persons of European or African descent and integrated into society.

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

The law criminalizes consensual same-sex sexual activities between men, providing 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 in employment, housing, education, or health care. In June 2012 a magistrate dismissed a 2011 case allegedly involving nonconsensual sodomy, but the DPP challenged the decision. Following additional review, the DPP abandoned this challenge, and the magistrate again dismissed the case.

Society generally was intolerant of same-sex sexual conduct, and many churches condemned it. LGBT persons rarely acknowledged openly their sexual orientation or gender identity. The Grenada Caribbean HIV/AIDS program (GrenCHAP) participated on the national AIDS council, served as an advocate for LGBT persons and at-risk populations, and experienced no impediments to its operations.

There were no gay pride events. There were no reports of violence linked to real or perceived sexual orientation. Persons who were subjected to rumors regarding their sexual orientation complained that their livelihoods were affected.

In May the Senate president called for a review of the law criminalizing consensual same-sex sexual conduct between adult men in a local newspaper. In his commentary, he “wonder[ed] why it should be considered unlawful for two adult consenting males to have sexual relations in the privacy of their homes. This may well be taking it a bit too far, and the law ought to be reconsidered.”

Other Societal Violence or Discrimination

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.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, regulations, and statutory instruments provide for the rights of some workers to form and join independent labor unions, conduct legal strikes, and participate in collective bargaining. 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. While authorities can force 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 in practice. The Ministry of Labor employed seven inspectors responsible for the full range of labor rights inspections, including workplace safety and the right to organize. Information was not provided regarding what the penalties for violations were or whether such 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 collectively bargain were generally respected in practice. Employers generally recognized and bargained with unions even if a majority of the workforce did not belong to it. Worker organizations generally operated without government interference.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, excepting court-ordered labor, penal labor, and labor while a member of a uniformed service, such as the police or prison system, or in the context of a public emergency.

The law does not specifically prohibit the sale or trafficking of children for exploitive labor, although general provisions against forced labor do apply to children.

The government effectively enforced the law. There was no information on the adequacy of resources, inspections, remediation, penalties, or whether such penalties were sufficient to deter violations.

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. It was common practice for children to undertake summer jobs or take on part-time employment following secondary school graduation at age 16. 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 Labor Ministry inspected family farms for child workers upon receipt of child labor allegations. There was no information on the adequacy of resources, 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.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The minimum wage schedules set pay by occupation. The minimum wage for domestic workers, for example, was East Caribbean Dollar (EC) \$4.50 (\$1.67) per hour, while that for a security guard was EC \$6.00 per hour (\$2.22). The poverty income rate was estimated at EC \$5,842 per year (\$2,164).

The law provides for a 40-hour maximum workweek. The law does not stipulate rest periods, although employers cannot ask persons to work for longer than five hours consecutively without 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.

Enforcement, including wages, hours, occupational safety, and other elements, is the responsibility of the Ministry of Labor's seven labor inspectors. Inspectors examined approximately 75 percent of eligible sites. The government effectively enforced minimum wage requirements, and reported no violations of the law concerning working hours were brought to the notice of government authorities. The government's enforcement of occupational health and safety standards was inconsistent.

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 in order to promote appropriate clothing, health checks, and pesticide safety.

During the year the national insurance scheme received 397 claims of workplace injury. There were no workplace deaths reported.