

GRENADA 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Grenada is a parliamentary democracy with a bicameral legislature. Observers considered the March 13 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.

Human rights issues included criminalization of consensual same-sex sexual activity between adults, although the law was not enforced during the year, and child labor.

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.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports government officials employed them, with the exception of flogging, a common form of punishment for petty crimes such as traffic violations, theft of agricultural products, and petty larceny.

Prison and Detention Center Conditions

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

Physical Conditions: In August there were 460 prisoners in the country's sole penitentiary, which was designed for 198 persons. The Grenada Human Rights Organization 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: Authorities conducted proper investigations of credible allegations of mistreatment.

Independent Monitoring: The prison visiting committee and the prison welfare officer conducted monthly visits and accepted allegations of mistreatment.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

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 force. The RGPF encompasses the coast guard, a special service unit, a firefighting 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. There were no reports of impunity involving security forces during the year.

Arrest Procedures and Treatment of Detainees

The law permits 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.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and 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 as well as free assistance of an interpreter. 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, and appeal. 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 criminal cases that reach the appellate stage, the court appoints a lawyer if the defendant is unable to afford counsel. According to the Grenada Human Rights Organization, 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. Defendants may appeal all High Court decisions, including human rights decisions, to the Eastern Caribbean Supreme Court.

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

The law prohibits 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 Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected this right. 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, 59 percent of the population used the internet in 2017.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally 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

The law provides 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 2017.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In general elections held on March 13, the New National Party won all 15 seats in the House of Representatives, defeating the largest opposing party, the National Democratic Congress. The Organization of American States observer mission deemed the elections generally free and fair.

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

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. 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: 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 cases or allegations of public corruption 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 but does not publicly disclose them except in court. The commission must note failure to file a disclosure in the official gazette. If the office holder in question fails to file in response to this notification, the commission may seek a court order to enforce compliance, and a judge may impose conditions as deemed appropriate.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 unfair, abusive, illegal, discriminatory, or negligent.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, 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.

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. Police and judicial authorities usually acted promptly in cases of domestic violence.

According to women's rights monitors, violence against women nevertheless remained a serious and pervasive problem.

Crimes involving sexual violence rose 13 percent during the year. Police launched a special victims unit and hotline to deal with this category of crimes.

Sexual Harassment: The law prohibits sexual harassment, but there were no criminal penalties for it. The government noted it was a persistent problem.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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.

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 and sexual abuse. Authorities placed abused children in either a government-run home or 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.

Early and Forced Marriage: The legal minimum age for marriage is 21, although persons as young as 18 may be married with parental consent in writing.

Sexual Exploitation of Children: A statutory rape law applies when the victim is 16 years old or under. Penalties are 30 years' imprisonment if the victim is less than age 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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

There is a small Jewish community. There were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

Discrimination against persons with disabilities is generally prohibited. 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, believing the three schools offered better conditions for learning.

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 government did not actively enforce the law. 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 consensual adult same-sex sexual conduct, and many churches condemned it. Most lesbian, gay, bisexual, transgender, and intersex persons were not open about their sexual orientation, gender identity or expression, or sex characteristics.

HIV and AIDS Social Stigma

It was common for family members to shun persons with HIV/AIDS. They also faced discrimination in housing and employment. The government encouraged citizens to visit a doctor for tests and treatment.

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.

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.

The government and law enforcement officials 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.

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.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory 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 East Caribbean dollars (XCD) (\$185,000), or both for forced labor, or one million XCD (\$370,000) for child trafficking, including forced child labor. The penalties were sufficient to deter violations. The government effectively enforced the law. The law does not sufficiently prohibit, however, the trafficking of children, because it requires the use of force, threats, abuse of power, or other forms of coercion to carry out the offense.

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 of minors under 18 as long as employers meet certain conditions related to hours, insurance, and working conditions set forth in the labor code. There is no explicit prohibition against children's involvement in hazardous work. The law allows holiday employment for children under age 16 but does not specify the minimum age, types of work, or number of hours permitted for such work.

Inspectors from the Ministry of Labor enforced the minimum age provision in the formal sector through periodic checks. Enforcement in the informal sector was insufficient, particularly for family farms. There was no information on the adequacy of resources, number of inspections, remediation, penalties, or on whether such penalties were sufficient to deter violations.

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 and 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, or gender identity. There is no penalty for violating the law, but authorities stated the country adheres to International Labor Organization guidelines and standards. In general the government effectively enforced the law and regulations.

e. Acceptable Conditions of Work

The law provides for a national minimum wage. The minimum wage for domestic workers, for example, was \$4.50 XCD (\$1.70) per hour, while that for security guards was \$8.00 XCD (\$3.00) per hour. The government estimated the poverty income rate at \$6,200 XCD (\$2,300) per year. According to the 2008 Country Poverty Assessment by the Caribbean Development Bank, 38 percent of the population lived below the poverty line.

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. Labor inspectors are responsible for the full range of labor rights inspections, including workplace safety and the right to organize. Labor officers worked with employers in sectors such as energy, agriculture, and construction to promote appropriate clothing, health checks, and pesticide safety. The government effectively enforced minimum wage requirements and reported no violations of the law concerning working hours. 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 that included fines and penalties. The government provided no information on the amount the law sets for fines or other penalties.