

GRENADA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Grenada is a parliamentary democracy with a bicameral legislature. Observers considered the 2018 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.

The Royal Grenada Police Force has the responsibility for law enforcement and reports to the Ministry of National Security. The country does not have a military force but has a tactical special services unit under the Royal Grenada Police Force, which is similar to a military division. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed abuses.

Significant human rights issues included the existence of laws criminalizing consensual same-sex conduct between men, but the law was not enforced during the year.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses.

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 that government officials employed them.

Impunity was not a significant problem in the security forces. Allegations of abuse by public authorities are reported to the Office of the Ombudsman, which works with the relevant authorities to assist with a resolution. When a complaint is made to the ombudsman, the office may refer it to an appropriate authority, make inquiries, investigate, and make recommendations to the appropriate authority or mediate. The Commissioner's Office of the Royal Grenada Police Force investigates any actions of cruel, inhuman, or degrading treatment or punishment.

Prison and Detention Center Conditions

Prison conditions were harsh due to gross overcrowding.

Physical Conditions: In August there were 357 prisoners, including three women, in the country's sole penitentiary, which was designed for 150 persons. Due to the COVID-19 pandemic, however, authorities placed four to five prisoners per cell in spaces that typically held six to eight persons. In the male block, potable water was available in prison hallways but not in cells. Potable water was available in the cells of the female block.

Administration: Authorities investigated credible allegations of mistreatment.

Independent Monitoring: The prison visiting committee, composed of nongovernmental persons, conducted monthly visits and addressed allegations of mistreatment, including during the COVID-19 pandemic. There was also a Prison Rehabilitation Committee composed of social workers and counselors who conducted independent monitoring of prison conditions.

Improvements: To reduce overcrowding at the prison during the COVID-19 pandemic, the government issued convict licenses to allow inmates with shorter sentences and convictions for petty crimes to be released from prison earlier. A total of 41 inmates were released under this program.

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

The law permits police to detain individuals on suspicion of criminal activity without a warrant, but police 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 of arrest. Police must formally arraign or release a detained person within 60 days, and authorities generally followed these procedures. There is a functioning bail system, although persons charged with capital offenses are not eligible. A judge may set bail for detainees charged with treason only upon a recommendation from the governor general.

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. The law protects individuals against self-incrimination. Individuals have the right to be informed promptly of the charges against them. The law requires police to explain a person's rights upon arrest. 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. Trials are open to the public unless the charges are sexual in nature or a minor is involved. The law allows defendants the right to be present at their trial and to seek the advice of legal counsel. Defendants have the right for a defense lawyer to be present during interrogation and for the lawyer 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 confront their accusers, present evidence, and call witnesses. Accused persons have the right to remain silent and to appeal.

The court appoints attorneys for indigents in cases of murder or other capital crimes. In appeals of criminal cases, the court appoints a lawyer if the defendant is unable to afford counsel. According to the Grenada Human Rights Organization,

many defendants could not afford private legal counsel, and the government lacked adequate legal aid resources to meet the demand for free legal aid. With the exception of foreign-born drug-crime suspects or persons charged with murder, the courts granted bail to most defendants 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. Defendants may appeal any High Court decision, 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. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

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, although the cabinet instituted general prohibitions on large gatherings under the emergency powers laws due to the COVID-19 pandemic.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://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.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Access to Asylum: The law does not provide for the granting of asylum or refugee status; however, the government has established a system for providing protection to refugees through UNHCR.

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 the general elections held in 2018, 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 Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal, civil, and administrative penalties for corruption by officials and was implemented effectively. Nonetheless, there were general allegations, particularly by the political opposition and some media outlets, of government corruption.

Corruption: There were no cases of government corruption during the year.

Financial Disclosure: The law requires all elected officials and members of the Integrity in Public Life Commission to report their income and assets. The commission monitors and verifies disclosures but does not publicly disclose them except in court. The commission must note in the official gazette failure to file a disclosure. 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 and generally enforced the law.

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, and authorities enforced the law. 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.

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 on the part of government authorities.

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. The government enforced the law effectively.

Children

Birth Registration: Citizenship is derived from birth in the country or, if abroad, by birth to a Grenadian parent upon petition. All births were promptly registered.

Child Abuse: 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. Government social service agencies reported cases of child abuse, including physical and sexual abuse, and had programs to combat child abuse. Authorities placed abused children in either a government-run home or private foster homes.

Child, 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: The law does not comprehensively prohibit the commercial sexual exploitation of all children, although the posting and circulation of child pornography on the internet is prohibited. 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. The government enforced the law. The minimum age of consensual sex is 16. A statutory rape law applies when the victim is age 15 or younger. The penalty is 30 years' imprisonment if the victim is younger than 13, and 15 years' imprisonment if the victim is 13 to 15 years of age.

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/reported-cases.html>.

Anti-Semitism

There was 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, and there were no reports of discrimination against persons with disabilities. Although the law does not mandate access to public transportation, services, or buildings, building owners increasingly incorporated accessibility features during new construction and renovations. The government provided for special education throughout the school system; however, most parents chose to send children with disabilities to special education schools, believing those schools offered better conditions for learning.

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

The law criminalizes consensual same-sex sexual conduct 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 conduct between women.

No laws specifically prohibit discrimination in employment, housing, education, health care, access to government services, and essential goods and services against a person based on sexual orientation or gender identity.

HIV and AIDS Social Stigma

It was common for family members to shun persons with HIV or AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right 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 it does not oblige employers to recognize a union unless the majority of the workforce belongs 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 in the government's list include electricity and water; public-health sectors, including sanitation; airport, air traffic, seaport, and dock services, including pilotage; fire departments; telephone and telegraph companies; prisons and police; and hospital services and nursing.

The government 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 commensurate with those for other laws involving denials of civil rights, such as discrimination. Administrative and judicial procedures related to labor were subject to lengthy

delays and appeals. Labor organizations sought a change in labor laws to effect timely resolution of disputes following labor action.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor and specifically prohibits the sale or trafficking of children for exploitive labor. The law requires the use of force, threats, abuse of power, or other forms of coercion for trafficking to be considered an offense. The law does not sufficiently prohibit the trafficking of children, despite establishing heightened penalties for traffickers of children, because it requires the use of coercion for trafficking to be considered an offense. The government effectively enforced the law, and the penalties were commensurate with those for other analogous serious crimes, such as kidnapping.

c. Prohibition of Child Labor and Minimum Age for Employment

The statutory minimum age for employment of children is 16 years. The law allows holiday employment for children younger than 16 but does not specify the minimum age, types of work, or number of hours permitted for such work. The law also permits employment of children younger than 18 if 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.

Inspectors from the Ministry of Labor enforced the minimum age provisions in the formal sector through periodic checks. Enforcement in the informal sector was insufficient, specifically for family farms. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment or occupation based on race, color, national origin, religion, political opinion, gender, age, or disability. The law does not prohibit discrimination in respect to employment or occupation based on language, HIV status or other communicable diseases, sexual orientation, or gender identity. While there is no penalty for violating the law, authorities stated the country adheres to International Labor Organization guidelines and

standards. In general the law and regulations were effectively enforced in collaboration with the Labor Commissioner's Office within the Ministry of Labor. Penalties were commensurate to laws related to civil rights, such as election interference.

e. Acceptable Conditions of Work

The law provides for a national minimum wage for various categories of employment, which was above the poverty income rate.

The government sets health and safety standards. Workers may 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 involving 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. There were no major industrial accidents during the year.

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.