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2021 Country Reports on Human Rights Practices: Grenada

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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EXECUTIVE SUMMARY

Grenada is a parliamentary democracy with a bicameral legislature. Observers considered the 2018 elections to be generally free and fair. In 2018 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 responsibility for law enforcement and reports to the Ministry of National Security. The country does not have a military force but has a police special services unit that is like a military division. Civilian authorities maintained effective control over the security forces. There were no credible reports that members of the security forces committed abuses.

Significant human rights issues included the existence of laws criminalizing consensual sexual 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 or engage in corrupt acts.

Section 1. Respect for the Integrity of the Person

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.

Prison and Detention Center Conditions

Prison conditions were harsh due to gross overcrowding.

Physical Conditions: In August there were 365 prisoners, including six women, in the country's sole penitentiary, which was designed for approximately 200 persons. In the male block, potable water was available in prison hallways but not in cells. Potable water was available in the cells on the female block.

Administration: There were no reports or allegations of mistreatment during the year. Authorities investigate all credible allegations of mistreatment.

Independent Monitoring: The Visiting Committee, appointed by the cabinet, serves as the independent monitoring committee. Monthly visits were conducted with administrative officials and to address inmate concerns, including during the COVID-19 pandemic. During the pandemic the committee was not allowed to visit cells but instead met with representatives from the inmate blocks and the administration. A Prison Rehabilitation Committee, composed of social workers and counselors, conducted independent monitoring of prison conditions. Human rights groups also visited the prison and provided independent monitoring. There were no significant findings of abuses during the year.

Improvements: The prison worked with the Magistrate Court to provide alternative forms of punishment and reduced sentences for petty crimes during the pandemic.

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 of arrest. 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 sometimes meant periods of several months to a year before a case 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 exceptions of foreign-born drug-crime suspects or those 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

A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA

The law provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

Libel/Slander Laws: Libel, slander, and defamation are criminal offenses. Government or public figures did not use these laws to restrict public discussion or retaliate against journalists or political opponents.

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.

C. FREEDOM OF RELIGION

See the Department of State's International Religious Freedom Report at <https://www.state.gov/religiousfreedomreport/>.

D. FREEDOM OF MOVEMENT AND THE RIGHT TO LEAVE THE COUNTRY

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 refugees, returning refugees, and asylum seekers, as well as 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 most recent 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. There were no reports of abuses or irregularities.

Participation of Women and Members of Minority Groups: No law limits 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 penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated allegations by the political opposition and some members of media regarding government corruption during the year, but none proved credible.

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

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several 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 Office of the Ombudsman has the authority to investigate complaints from individuals who object to government actions they deem unfair, abusive, illegal, discriminatory, or negligent.

Section 6. Discrimination and Societal Abuses

WOMEN

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, domestic violence, and intimate partner violence. It 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 monitors, violence against women and minors remained a serious and pervasive problem.

The police and other government agents did not incite, perpetrate, or explicitly or implicitly condone gender-based violence.

Sexual Harassment: The law prohibits sexual harassment, but there are no criminal penalties for it. The government noted it was a persistent problem. Some employers took steps to educate employees and reduce harassment, including through termination of employment in some cases. The Gender-based Violence Unit and Social Services within the Ministry of Social Development conducted awareness drives and worked with victims of sexual harassment

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Contraception was widely available. There were no legal or social barriers to accessing contraception, but some religious beliefs created cultural barriers to contraception usage.

The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraceptives, through Grenada Planned Parenthood. Emergency contraceptives were also available to victims at pharmacies and clinics throughout the county. Counseling and other services were provided through the Ministry of Social Development. The Ministry of Social Development, the Gender-based Violence Unit, Social Services, and the Grenada Planned Parenthood Association assisted victims of sexual and gender-based violence.

Discrimination: Women generally enjoyed the same legal status and rights as men, including under family, religious, personal status, and nationality laws, as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. The law mandates equal pay for equal work. The law does not provide for civil or criminal penalties for sexual harassment in employment. There was no evidence of formal discrimination in such areas as marriage, divorce, child custody, education, the judicial process, and other institutions, including housing, although the law does not explicitly prohibit discrimination based on gender for access to credit. The government enforced the law effectively.

SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

The law provides for the prosecution of any individual who perpetrates any act of racial or ethnic violence against minorities or persons in general. The government enforced the law

effectively.

There were no reports of any governmental or societal violence or discrimination against members of racial, ethnic, or national minorities. Police and other government agents did not incite, perpetuate, condone, or tolerate such violence or abuse.

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 prohibits commercial sexual exploitation of all children, including prohibiting the posting and circulation of child pornography on the internet. The law also prohibits the importation, sale, and public display of pornography. The law prohibits sale and trafficking of children for commercial sex, 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 age 13 to 15. The law prohibits the commercial sexual exploitation of all children and was enforced. The penalties are commensurate with the penalties for rape and sufficient to deter the crime.

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/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 accommodations in public schools for children with disabilities; however, most parents chose to send children with disabilities to separate special education schools, believing those schools offered better conditions for learning.

HIV AND AIDS SOCIAL STIGMA

HIV and HIV-related stigma and discrimination were not concerns in employment, housing, or for access to education and health care. It was not uncommon, however, for family members to shun persons with HIV or AIDS.

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY

The law criminalizes consensual sexual conduct between men and provides penalties of up to 10 years' imprisonment. The government did not enforce the law. The law makes no provision for 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. There were no reports that police or other government agents incited, perpetrated, condoned, or tolerated violence against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals or those reporting on such abuse.

There were also no reports of involuntary or coercive medical or psychological practices specifically targeting LGBTQI+ individuals.

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. If an employee is terminated for union activity, the employee may bring his or her case to the court, and if the court supports this finding, the court may require the reinstatement of the employee or compensation to the employee. The law requires employers to recognize a union in a particular business only if most 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 includes electricity, water, public-health sectors, sanitation, airports, air traffic, seaports, pilotage, dock services, fire departments, telephone and telegraph companies, prisons, police, hospital services, and nursing. Several of these services are not regarded as essential by the International Labor Organization.

The government respected freedom of association and the right to collective bargaining. Employers generally recognized and bargained with unions.

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.

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 criminalizes the use of force, threats, abuse of power, and other forms of coercion for trafficking. The law does not sufficiently prohibit the trafficking of children, despite establishing stricter 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 analogous 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 under the supervision of their parents but does not specify types of work or number of hours permitted for such work. The law permits employment of children younger than 18 if employers meet certain conditions set forth in the labor code related to hours, insurance, and working conditions. 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 analogous 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 employment or occupation based on language, HIV status or other communicable diseases, sexual orientation, or gender identity. While there is no penalty for these types of discrimination, authorities stated that the country adhered 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

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

The law provides for a 40-hour workweek with eight-hour days, except for clerical and shop assistants who have 44-hour workweeks, domestic workers who have a limit of 10-hour workdays, and security guards or shift workers who have a limit of 12 hours of work per day.

Occupational Safety and Health: The government sets health and safety standards. Occupational safety and health (OSH) standards were appropriate for the main industries in the country. Experts actively identified unsafe conditions and responded to workers' complaints, particularly during the pandemic. 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. Ministry of 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 generally enforced OSH regulations. There were no major industrial accidents during the year.

The government informally encouraged businesses to rectify OSH 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 OSH fines or other penalties.

Informal Sector: The government defined the informal sector as self-employed persons who do not declare their assets or pay income taxes, such as street vendors, farmers, and domestic and construction workers. There were no data on the number or percentage of individuals in this sector, but they were protected by OSH laws and occasionally received assistance through government social programs.

TAGS

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