

Grenada UPR: Joint Submission from the United Nations Subregional Team for Barbados and the OECS

Contributing agencies:

UN Women Caribbean (UN Women)

UNFPA Subregional Office for the Caribbean (UNFPA)

UNICEF Office for the Eastern Caribbean (UNICEF)

I. Background and framework

A. Scope of international obligations

UNICEF:

- Following strong advocacy from UNICEF, the Government of Grenada (the “Government”) acceded to the two Optional Protocols to the Convention on the Rights of the Child to prevent the involvement of children in armed conflict and to ensure the protection of children from sale, prostitution and pornography, on 6 February 2012.
- UNICEF indicates that the necessary advocacy is underway to have the Government sign and ratify the third Optional Protocol to accept the individual complaints procedures.

B. Constitutional and legislative framework

UN Women:

- UN Women acknowledges that the protection of women and girls is strengthened by laws addressing GBV, including the Domestic Violence Act in 2010, Child (Protection and Adoption) Act in 2010, and amended provisions of the Criminal Code (2012). Notably, the Criminal Code now recognises marital rape as an offence entitled “rape of a spouse” and extends protection for both male and female victims of sexual violence incorporating a wider definition of rape and stiffer penalty.
- UN Women notes the absence of sexual harassment legislation impedes the protection of rights of women and girls.

UNFPA:

- UNFPA acknowledges that the Government of Grenada has enacted a number of domestic legislations aimed at improving the socio-economic well-being of citizens and has provided support for the development of the Draft Model Reproductive Health Care Protection and Services Bill that focuses on adolescents and youth rights to sexual and reproductive health care services in OECS countries.

UNICEF:

- UNICEF notes that the Government is taking some steps towards honoring its commitments under the international children's human rights conventions to which it is a party. Especially in this regard, it has sought and received support to reform child protection laws which were very archaic.
- UNICEF acknowledges that Grenada has participated actively in a sub-regional legal reform process initiated by the Organisation of Eastern Caribbean States (OECS). That reform process, which focused on laws relating to the family and domestic violence, addressed child care and adoption, the status of children born out of wedlock, juvenile justice and domestic violence and in the process addressed a number of the legislative matters raised by the Committee. Draft bills for each of these areas have been developed.

UNICEF notes that the revised Child Care and Adoption Act and the Domestic Violence Act were passed in 2010, and came into effect in 2011; the Status of Children Bill is before a select Committee of Parliament; and the Juvenile Justice Act was passed in 2012 but is not yet in effect until key institutional requirements are in place to facilitate implementation of the law. While some critical stakeholders are insistent that all of the necessary infrastructure must be in place before enforcement of this Act, others are convinced that enough is in place to make the Act workable and impactful on children's lives.

C. Institutional and human rights infrastructure and policy measures**UN Women:**

- UN Women recognizes the commitment of the government of Grenada to address gender equality through the development of a draft national gender equality policy and action plan and the production of a draft country Gender assessment (2014).
- The development and adoption of a national strategic plan on Gender Based Violence (2012) and of Multi Sectoral Protocols on addressing domestic violence and sexual abuse (2011) are also recognized by UN Women as policy level initiatives undertaken by the state to address gender based violence as the most severe form of discrimination against women and girls.

UNFPA:

- UNFPA notes the Government of Grenada's commitment to the implementation of the International Conference on Population and Development (ICPD) Programme of Action and commends the development and formal acceptance of the Sexual and Reproductive Health Policy and Strategic Plan (2014) as a result of strong advocacy from UNFPA.
- UNFPA notes that the Government of Grenada's support to promoting gender equality in the country in its efforts in establishing a Gender Policy. It is critical for Grenada to implement this policy to advance gender equality and women's empowerment, including with a focus on preventing and addressing gender-based violence including sexual violence.

UNICEF:

- UNICEF notes that there is currently no National Policy on Children or a Plan of Action which looks specifically at advancing children's issues.
- UNICEF acknowledges that issues on children are included in the National Development Plan (NDP) and in Departmental Plans. The implementation of these plans shows, however, a lack of coordination and consistency between NDP and Departmental Plans.
- UNICEF previously recommended the establishment of a central coordinating mechanism charged with the development of a National Policy on Children and subsequently a National Action Plan to guide the Policy's implementation, monitoring and evaluation. Additionally, UNICEF also recommended the allocation of adequate financial and human resources to implement monitor and evaluate the National Action Plan of the National Policy on Children.
- UNICEF indicates that there is weak institutional capacity for the implementation, monitoring and evaluation of social policy programmes. The quantitative data and statistics on 'common' social indicators are compiled by different government departments in silos. Comprehensive assessments on the socio-economic situation in Grenada are been undertaken intermittently with external funding such as the Poverty Assessments (funded by CDB) and the Social Safety Net Assessment (supported by UNIFEM, UNICEF and the World Bank). There is no systematic, comprehensive disaggregated data collection and analysis mechanism in place within the Government.
- UNICEF notes that analysis and evaluation, where it exists, is often limited to financial monitoring. The kind of data that would help to better understand the different dimensions of social disparity and inequities is very limited. The capacity for the much-needed detailed analyses of the existing data and information is weak and gaining access to available data remains difficult.
- UNICEF acknowledges that the Central Statistical Office (CSO) of Grenada has endorsed the use of SpiceInfo (the nationalized form of DevInfo) as a national data storage and dissemination platform for social statistical data. The functions of the Central Statistical Office (CSO) are however governed by old laws which do not allow statistical offices to cover a wider and more detailed range of data sets and do not stimulate interagency and inter-sectoral cooperation for data collection, compilation, analysis and dissemination.
- UNICEF recommends expanding the mandate of the Central Statistical Office (CSO) of Grenada to enable it to collect a wide and detailed range of disaggregated data that could influence (with evidence) social policy and programming, as well as the reporting on international treaties.
- UNICEF also recommends the development of comprehensive data collection systems and systematic disaggregated data through (1) introducing reliable and methodologically sound national survey instruments such as the Multi-Indicator Cluster Survey (MICS) and (2) strengthening administrative data collections systems.
- UNICEF notes that there is need to ensure that adequate numbers of staff, staff training, computer equipment and software, and budget are provided to the CSO and governmental departments and bodies responsible for systematic data collection and analysis. This must

be complemented with sound dissemination and access to aggregated data, statistics and analysis of the human development progress.

- As a part of the measures to better protect children, UNICEF is working with the Government of Grenada to eliminate the concern that some children are still not being registered at birth and are not given a name until their baptism, which could be three or four months after their birth.
- UNICEF notes that after a series of successful birth registration catch-up campaigns, as of April 2014, a bedside registration system and public education campaign are now in place to ensure that every child is fully registered before they leave birth centres nationally. A baptism certificate is no longer a prerequisite for a birth certificate. However, it must be noted that fathers' names still cannot be put on birth certificates unless they are present for the registration of the birth. While the foregoing changes are still voluntary the necessary changes to the Civil Registration Act are being pursued.
- UNICEF notes that Grenada has adopted a Code of Standards for the operation of childcare homes and training programmes are available for social and welfare workers. These are being implemented by the Child Protection Authority.
- UNICEF notes that the foster care programme requires some strengthening especially as it relates to the care of older children.
- UNICEF notes that whilst leveraging the role and support of informal and NGO-led child protection mechanisms, the Government is attempting to invest towards a more formal child protection system. The Child Protection Authority was commissioned in May 2011, making it the sole agency for responsibility for addressing child protection in the tri-island state of Grenada, Carriacou and Petite Martinique. The process of adoption and foster care is now under one agency which allows for a more harmonised approach in dealing with these fundamental matters which affect children's lives. In this regard, the investigation and management of child protection matters in Grenada is improving, in terms of response time, management of cases and public advocacy on child protection matters.
- UNICEF notes that the Board of Management of the Child Protection Authority acknowledges that its inherited staffing capacity is below the standards required to fully respond to the mandate of obligated reporting of child abuse by professionals. UNICEF will be providing technical assistance for conduct of a thorough, independent institutional appraisal and transformational guide.

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

UN Women:

- UN Women notes that the CEDAW committee considered the combined Initial to 5th periodic report on CEDAW submitted by the government of Grenada at the 51st session in February 2012.

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

UN Women:

- Recognizing the achievements made by the government of Grenada toward the achievement of gender equality, UN Women acknowledges the important role of the government of Grenada in facilitating positive transformation in gendered cultural beliefs and practices in partnership with faith based, media, and other state and civil society organizations and institutions.
- UN Women notes that five out of fifteen parliamentary representatives (33%) are women elected for the term of Parliament from 2013. However, UN Women notes with concern the low rates of participation of women on both public and private boards in Grenada reflecting a continuing trend of male dominance in decision making.

B. Right to life, liberty and security of the person;

UN Women:

- UN Women acknowledges the progress made by the Government of Grenada in the implementation of the National Strategic Plan on Gender Based Violence through the support of the United Nations Trust Fund in Support of Ending Violence against Women and Girls. In particular UN Women notes progress made in the establishment of the Gender Based Violence Unit within the Division for Gender and Family Affairs which provides support to victims of gender based violence.
- UN Women acknowledges the services of the non- governmental organization the Legal AID and counselling clinic (LACC) in providing psycho- social and legal support to survivors of GBV as well as psycho-educational support to male perpetrators of violence. The importance of adequate state subventions to support these essential services provided by LACC is however also noted.
- While UN Women acknowledges and commends the government of Grenada for the support provided to survivors of gender based violence through the state supported Cedars Home, the need for regular counselling support as well as educational, career development, development of income generating skills for female survivors as well as support for child care and transitional housing is also recommended.
- UN Women commends progress related to the training of police officers in response, investigation and prosecution of sexual and gender based violence as well as training of judicial officers, social workers, educators and faith based leaders on GBV including GBV protocols. Drafting of standard operating procedures for the medical sector in addressing GBV as well as community level and school based awareness work with children and young

people are also noted areas of progress under this project. It is important that sustainability of training initiatives, support to victims, monitoring of protocol implementation and effective evaluation of programme initiatives remain a priority of the government of Grenada as evidenced through adequate resource allocation.

UNFPA:

- UNFPA recognizes the commitment of Grenada in strengthening the services and responses of the police and justice sector to the needs of women and girls who have been subjected to violence in all its forms. UNFPA wishes to encourage the finalization of the gender policy.

UNICEF:

- UNICEF notes that societal views of the right of authorized adults to use corporal punishment on children continue to be strongly aligned to moral and biblical teachings. The current Juvenile Justice Act permits corporal punishment as a sentencing option in the judicial system, and is intermittently use by one hard line magistrate. However, the UNICEF-supported Juvenile Justice Act passed on 26 June 2012, explicitly prohibits the use of flogging as a sentencing option. It is hoped that the new Act will be soon brought into force.
- UNICEF notes that at least one-third of the child population is affected by sexual abuse. Incest is a significant problem and it is rare for children to report when they have been abused, mainly due to fear of stigmatization. The Criminal Code has been upgraded to improve the degree of protection against sexual abuse and exploitation, and the definition of sexual abuse of boys expanded to improve their protection.
- UNICEF continues to support the Ministry of Social Development to strengthen its measures to combat child abuse through the development of a National Child Abuse Protocol, as well as the carrying out of advocacy efforts, including the designation of a Child Abuse Awareness and Prevention Month, the publication of a prevention of child abuse handbook, educational sessions at school and community level and media programmes and discussions on child abuse to support the protection of children against abuse.
- UNICEF acknowledges that with the passage of the 2010 Child Care and Protection Act, which makes reporting by professionals mandatory and the establishment of the Child Protection Agency in 2011, the National Child Abuse reporting Protocol was launched in 2013 and is now in effect.
- Training is being provided for social workers, health and education officials. How well the enforcement and policy of this provision is being undertaken is not yet fully known. It is also of concern that The Child Protection Authority does not have a sufficient number of appropriately placed social workers to respond to the reports or adequate personnel to provide counseling for victims and perpetrators of child abuse.
- In this regard, Grenada joined the Eastern Caribbean Area in launching a Break the Silence against Child Sexual Abuse campaign in 2013. The campaign uses a symbol of a blue teddy

bear with a plaster on its heart, and is raising awareness about the issue, the importance of reporting it and providing information on the availability of services.

- The Child Protection Authority reports that more children are feeling safer to report incidence of abuse and that they have the assurance that their complaint will be addressed by the Authority. Children are seen wearing and asking for Child Protection Authority promotional items and the Authority reports have increased indeed seen an increase of reporting child abuse cases by the populace.
- Phase one of the campaign has been very effective, with increased reporting and awareness.
- Based on the resulting data, selected communities need to be targeted with special messages. Public education on the laws pertaining to child abuse, the role and powers of the Child Protection Authority and how, in general terms, Grenada can put local mechanisms to protect and care for its children now needs to be established.

C. Administration of justice, including impunity, and the rule of law

UNICEF:

- UNICEF notes that under the Juvenile Justice Act passed in 2012 the age of criminal responsibility has been raised to 12 years. It is hoped that the new Act will be soon brought into force.
- UNICEF continues to be concerned that the 2012 Juvenile Justice Act which addresses many of the concerns outlined by the UN Committee on the Rights of the Child have been addressed but there is hesitation over its enforcement. The necessary advocacy is being undertaken with Government. Meanwhile, UNICEF continues to support the Ministry of Social Development to bring the NGO-led court-diversion programme – Alternatives - under state control and to make it state-wide.
- UNICEF notes that the Ministry is finalizing the upgrades to the Bacolet Centre which had been demolished by Hurricane Ivan in 2004, and this will be a purpose build facility for children who receive custodial sentences as a last resort. This will ensure that children between the ages of 16 and 18 who are incarcerated are no longer housed at the adult prison but in separate facilities from adults. Significant training of personnel is being undertaken through the OCES/USAID Juvenile Justice Reform Project.

G. Right to work and to just and favourable conditions of work

UN Women:

- UN Women remains concerned about the high rates of unemployment and poverty in Grenada, and the disparity in the labour force participation rates for men and women, in spite of statistics on educational achievement.

H. Right to social security and to an adequate standard of living

UN Women:

- UN Women notes that although Grenada has made significant investments in social development, Grenadians face a number of risks and, in most cases, the poor are most vulnerable and there are significant gender-related disparities.¹ The over-representation of women amongst the poor and the importance of state implementation of strategies aimed at ensuring the economic security of women are of critical concern.
- In recognition of the need to address socioeconomic disparities, Grenada has taken important step in launching the National Social Safety Net Policy Framework in March, 2014. UN Women commends Grenada for this significant achievement.

UNICEF:

- UNICEF notes that in March 2014, Government of Grenada has launched first National Social Safety Net Policy Framework that established new and reformed approach to the delivery of social assistance to address the challenges of poverty and vulnerability faced by the population in Grenada, Carriacou and Petite Martinique.²
- UNICEF notes that the policy framework recognizes Grenada's international commitments that mandate the provision of social safety nets (including the United Nations Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Economic, Social and Cultural Rights (ICESCR)) and see the establishment of this policy framework as an important step in strengthening national policy and legislative environment in order to progressively meet these commitments.
- UNICEF notes that Social safety net programmes have been a long-term policy priority for the Government of Grenada, considered a critical part of country's wider social protection efforts to reduce poverty and promote development outcomes that are equitable and sustainable. Social safety nets were articulated as one of nine priority pillars in Grenada's interim poverty reduction strategy in 2006.
- UNICEF notes that Grenada has also prioritized social protection (including social safety net reform) in new national Growth and Poverty Reduction Strategy (2012-2016) as one of four strategic orientations guiding growth and poverty reduction actions.
- With the approval of the national policy framework, there is need to allocate resources and strengthen national capacities for the implementation of the policy priorities.
- The 2009 Social Safety Net Assessment for Grenada by UNICEF, UNIFEM and the World Bank, indicates that in 2008, expenditures on social assistance were estimated at USD 20.6 million. It is noted that approximately two-thirds of social assistance expenditures are funded from the capital budget, mostly by donor funding, which raises concerns about the sustainability of social protection initiatives, including those for children.³

¹ See Annex 3

² See Annex 1

³ UNIFEM, UNICEF and the World Bank; Grenada Social Safety Net Assessment, 2009, See Annex 2

- The analysis of budget allocation for children in other sectors remains difficult as in most cases programme level expenditure to the beneficiaries is not available.
- UNICEF recommends the development of independent monitoring processes and mechanisms to ensure that (i) social assistance transfers within the Government of Grenada reflect the budgetary allocations accurately, (ii) funds are used effectively and target children (the largest vulnerable group), and (iii) spending produces results for poor children and their families. There is continue need to conduct budget analysis for investments in children in Grenada.

I. Right to health

UNFPA:

- UNFPA commends the government on its formal approval of the National Sexual and Reproductive Health Policy and Strategic Plan of Grenada in 2014, given this approval UNFPA recommends the development of an implementation strategy to move the process forward.
- UNFPA commends the Government of Grenada for advancing the work to update the Family Planning Medical Protocol, which was not updated for the past 24 years. The revised version will serve to provide uniformed guidance to the diverse persons to ensure delivery of high quality care in delivering family planning services in Grenada.
- UNFPA acknowledges that the Government of Grenada is supporting and addressing family planning issues from a human rights perspective. UNFPA looks forward to provide support to youth-friendly spaces and services.
- UNFPA notes the commitment of the Government of Grenada to addressing adolescent pregnancy in the Caribbean. The country participated in the Regional Study on Adolescent Pregnancy in the English- and Dutch-Speaking Caribbean and will be included in the Regional Strategy to Reduce Adolescent Pregnancy.
- UNFPA acknowledges the commitment of the Government of Grenada to enhance the country's capacity to address sexual and reproductive health issues, including gender-based violence and sexual violence in crises. UNFPA looks forward to assist in supporting the implementation of the essential services and the gender marker system which will continue to strengthen capacity in these areas.