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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-fifth session**  
20–31 January 2020

## **Summary of Stakeholders' submissions on Grenada\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 8 stakeholders' submissions<sup>1</sup> to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

#### **II. Information provided by stakeholders**

##### **A. Scope of international obligations<sup>2</sup> and cooperation with international human rights mechanisms and bodies<sup>3</sup>**

2. World Coalition against the Death Penalty (WCADP) noted that Grenada had been a party to the International Covenant on Civil and Political Rights since 1991; however, the country had not signed to the Second Optional Protocol to the ICCPR.<sup>4</sup> Center for Global Nonkilling (CGNK) and WCADP recommended that Grenada ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.<sup>5</sup>

3. CGNK recommended that Grenada ratify the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>6</sup>

4. CGNK noted that even if the political situation of a country could justify the absence of the needed tools for the prevention of genocide, the fact that there were various minority groups in Grenada made the ratification of the Convention more valuable and urgent.<sup>7</sup> CGNK recommended that Grenada ratify the Convention on the prevention and punishment of the crime of genocide.<sup>8</sup>

5. WCADP indicated that Grenada was a party to the American Convention on Human Rights, which it signed on 1978; however, Grenada had not acceded to the American Protocol on the abolition of the death penalty.<sup>9</sup> The Inter-American Commission on Human

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\* The present document was not edited before being sent to United Nations translation services.



Rights (IACHR) also indicated that Grenada had not ratified the Protocol to the American Convention on Human Rights to Abolish the Death Penalty.<sup>10</sup>

6. International Campaign to Abolish Nuclear Weapons (ICAN) noted with appreciation that Grenada had participated in the negotiation of the UN Treaty on the Prohibition of Nuclear Weapons and voted in favour of its adoption on 7 July 2017. However, Grenada had not yet signed the Treaty. ICAN recommended that Grenada sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.<sup>11</sup>

## **B. National human rights framework<sup>12</sup>**

7. GrenCHAP Inc. (GrenCHAP) stated that since Grenada's second UPR cycle in 2015, a constitutional referendum with the aim of expanding the rights and freedoms of individuals had failed to garner enough support. It noted that, while the bill sought to enshrine gender equality between men and women in the Constitution, it did not incorporate sexual orientation or gender identity. The proposed bill faced sharp criticism by conservative religious groups who argued that such a bill would grant protections to people from the LGBTIQI people and provide the legislative framework to legalize same-sex marriage in the country.<sup>13</sup> Similarly, Just Atonement Inc. (JAI) informed that attempts by the Government of Grenada to pass a Rights and Freedoms Bill in 2016, which called for gender equality, had been blocked by religious organizations that feared the law was a step towards legalizing same-sex marriage.<sup>14</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Cross-cutting issues**

#### *Equality and non-discrimination<sup>15</sup>*

8. GrenCHAP noted no action had been taken to repeal section 431 of Grenada's Criminal Code that criminalizes sexual activities between consenting adults of the same sex.<sup>16</sup> JAI noted that the national law forbade "gross indecency" and "unnatural connections", covering all types of homosexual activity.<sup>17</sup> IACHR stated that, with respect to the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, the Criminal Code still provided for prison sentences of 10 years for consensual sexual relations between persons of the same sex, which was discriminatory and contrary to inter-American standards on the matter.<sup>18</sup>

9. GrenCHAP stated that criminalization of same-sex intimacy had a profound effect on the State's ability to safeguard the rights and protections guaranteed to them under the International Covenant on Civil and Political Rights.<sup>19</sup> JAI stated that discriminatory laws empowered regular citizens to harass, threaten, and physically harm members of the LGBT community who then often did not to report these incidents for fear of legal prosecution.<sup>20</sup>

10. GrenCHAP recommended that Grenada repeal section 430 and 431 of Grenada's Criminal code which criminalizes sexual relationships between consenting adults of the same sex.<sup>21</sup> JAI recommended that Grenada overturn old and, discriminatory laws and pass new laws promoting gender equality and banning discrimination based on sexual orientation.<sup>22</sup>

#### *Development, the environment, and business and human rights<sup>23</sup>*

11. JAI noted that Grenada, like many other small island countries, was feeling the effects of climate change more immediately than other large countries. It highlighted that the geography of the island made it susceptible to hurricanes, tropical storms, and flooding.<sup>24</sup>

12. IACHR noted the implementation of a strategic plan to address climate change impacts.<sup>25</sup> JAI informed that Grenada had finalized its National Climate Change Adaptation

Plan (NAP). The plan emphasized investment in emergency preparedness and response systems to meet the challenge of inevitable storms. The plan also called for improvement of physical and social infrastructure, as well as the enforcement of zoning and land use laws so that structures will be able to withstand the effects of storms.<sup>26</sup>

## 2. Civil and political rights

### *Right to life, liberty and security of person*<sup>27</sup>

13. CGNK noted that the death penalty was still present in the Constitution of Grenada.<sup>28</sup> IACHR stated that, while the death penalty was still provided for in the Criminal Code of Grenada, it had not been used since 1978. In 2007, the Judicial Committee of the Privy Council had confirmed that article 230 of the Criminal Code should be interpreted as discretionary and that persons who were not given the full opportunity to challenge the constitutionality of a death sentence should be resentenced.<sup>29</sup> WCADP stated that Grenada retained the death penalty in law.<sup>30</sup> WCADP noted that Grenada had been an abolitionist in practice State since 1978. It added that Grenada had consistently voted against the seven resolutions (2007, 2008, 2010, 2012, 2014, 2016, and 2018) of the United Nations General Assembly for a moratorium on the use of the death penalty.<sup>31</sup> WCADP reported that there was one person who was under a sentence of death Grenada.<sup>32</sup>

14. WCADP recommended that Grenada abolish the death penalty in law.<sup>33</sup> WCADP also recommended that Grenada commute the death sentence of the only prisoner still under a sentence to death.<sup>34</sup>

15. IACHR stated that, with respect to public security, the homicide rate in Grenada stood at 10.2 per 100,000 citizens for 2016. For 2018, the Royal Grenada Police Force had reported a 5 per cent reduction in the crime rate, with 74 per cent crimes solved, compared with the year before.<sup>35</sup>

16. GrenCHAP noted that violence against LGBTQI people remained a persistent issue. People who did not conform to societal norms of gender expression were at an increased risk of being victims of physical and emotional violence within the public sphere. It noted the inaction of Police Officers before these cases.<sup>36</sup>

17. Edmund Rice International (ERI) noted that “flogging” was provided as a punishment in Grenada for male adults, and was available for crime of robbery and for certain offences under the Praedial Larceny Act, and as a punishment under the Prisons Rules. It stated that the use of flogging as a punishment had been relatively widespread over the last 10 years with many instances of persons being flogged pursuant to punishments imposed in the Magistrates Court, the High Court and under the Prisons Rules.<sup>37</sup> ERI recommended that Grenada abolish flogging as a punishment.<sup>38</sup>

18. JAI informed that flogging remained a punishment for petty crimes.<sup>39</sup> JAI recommended that Grenada consider switching to a mediation-based system for handling petty crimes.<sup>40</sup>

19. JAI reported that poor prison conditions in Grenada stemmed from a lack of resources. As of 2013, there was only one prison in Grenada. Half of the inmate population at the prison were detainees awaiting trial. It added that, due to understaffing, not all detainees who could not afford counsel were provided with one as the Grenada Constitution promises.<sup>41</sup>

### *Administration of justice, including impunity, and the rule of law*<sup>42</sup>

20. In terms of access to justice, IACHR observed that, for the second time in 10 years, Grenadians had voted in a referendum not to transfer jurisdiction to the Caribbean Court of Justice but to keep the Privy Council in London as its highest judicial authority.<sup>43</sup>

21. ERI referred to the case of two persons remaining in prison without ever having received a lawful sentence from the court.<sup>44</sup> ERI recommended that Grenada take steps to either refer those cases back to the Court for determination of an appropriate sentence or release them.<sup>45</sup>

*Fundamental freedoms and the right to participate in public and political life*<sup>46</sup>

22. With respect to freedom of expression, IACHR noted that there was no effective legal framework in place to enable the monitoring and disclosure of media expenditure and funding.<sup>47</sup>

23. IACHR welcomed the holding of general elections in March 2018 and the high turnout of voters.<sup>48</sup> It also praised the growth in the political participation of women and the high number of female members of the House of Representatives.<sup>49</sup>

*Prohibition of all forms of slavery*<sup>50</sup>

24. JAI noted that Grenada had only recently begun to address human trafficking as a national issue, and added that Grenada had passed the Prevention of Trafficking of Persons Act in 2014.<sup>51</sup> JAI informed that the Government of Grenada suspected that most victims of human trafficking in the region were refugees from Latin America; however, a lack of empirical data or laws addressing human trafficking made it difficult to evaluate the problem.<sup>52</sup>

25. JAI recommended that Grenada enforce its legislation, train local law enforcement in carrying out its policies and commission studies to determine the extent and nature of human trafficking in the country.<sup>53</sup>

**3. Economic, social and cultural rights***Right to work and to just and favourable conditions of work*<sup>54</sup>

26. GrenCHAP noted that LGBTQI people experienced additional discrimination about access to safe employment. It reported different denunciations of homophobic slurs and workplace bullying due to sexual orientation or gender identity. It added that another report of workplace discrimination came from a lesbian who experienced workplace harassment from both her co-workers and boss. Due to workplace discrimination, LGBTQI people were less likely to be employed or receive promotions resulting in LGBTQI people earning less over the course of their lifetime.<sup>55</sup>

*Right to an adequate standard of living*<sup>56</sup>

27. GrenCHAP noted that legal penalties for same-sex intimacy strengthened social stigma against people whose sexual orientation and gender identity did not conform to societal norms, manifesting in discrimination within areas of housing, education, access to healthcare and access to legal process.<sup>57</sup> GrenCHAP recommended that Grenada adopt a comprehensive legislation that bars housing discrimination on the basis of sexual orientation and gender identity.<sup>58</sup>

*Right to health*<sup>59</sup>

28. GrenCHAP stated that Grenada had made significant headway in promoting access to HIV testing for marginalized populations. The Ministry of Health had identified Grenada Planned Parenthood Association and GrenCHAP as strategic partner to increase access to HIV testing for people within the LGBTQI and Sex Worker communities. It added that while Grenada had been able to advance access to HIV testing the issue of stigma was still persistent.<sup>60</sup>

29. JAI noted that, by failing to support those diagnosed with HIV/AIDS in tracking their sexual partners, Grenada placed the LGBT community, as well as its entire population, at risk of contracting the disease.<sup>61</sup>

*Right to education*<sup>62</sup>

30. ERI noted that in the previous UPR cycle, Grenada had accepted recommendations to improve the quality of education in the country. It stated that in the present climate of conflict with the Grenada Union of Teachers, children were being denied a holistic education, which mitigated against providing high quality human resources for Grenada's social and economic development.<sup>63</sup>

31. GrenCHAP recommended that Grenada adopt a comprehensive legislation that bars discrimination and bullying within the education system with a focus on sexual orientation and gender identity.<sup>64</sup>

32. GrenCHAP recommended that Grenada engage in the implementation of a comprehensive human rights education and anti-discrimination campaign with special focus on sexual orientation and gender identity, in collaboration with civil society.<sup>65</sup>

#### 4. Rights of specific persons or groups

##### *Women*<sup>66</sup>

33. JAI affirmed that both women and children were frequently subjected to physical and sexual violence. Recently, Grenada had passed new legislation criminalizing rape and spousal rape. In September 2017, the Government of Grenada had appointed a committee to address child sexual abuse, and in November, the Prime Minister had announced that a special victims' unit would be established to help victims of sexual abuse.<sup>67</sup>

34. JAI recommended that Grenada pass more legislation empowering women and children to report abuse, as well as investigate the need for and effectiveness of shelters for abused women and children in the country.<sup>68</sup>

##### *Children*<sup>69</sup>

35. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment was lawful in the home, according to Article 54 of the Criminal Code 1958, noting that the Domestic Violence Act 2010 was not interpreted as prohibiting all violent punishment in childrearing. It added that there was no prohibition of corporal punishment in the Child Protection Act 1998 or the Child (Protection and Adoption) Act 2010 (in force 2011).<sup>70</sup>

36. GIEACPC noted that corporal punishment was lawful in alternative care settings with the possible exception of childcare homes, in day care. It was also lawful in schools through the Education Act 2002, as a disciplinary measure in penal institutions and as a sentence for crime.<sup>71</sup>

37. GIEACPC hoped that States make a specific recommendation that Grenada draft and enact legislation as a matter of priority to explicitly prohibit all corporal punishment of children, in all settings including the home and as a sentence for a crime.<sup>72</sup>

#### *Notes*

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

##### *Civil society*

##### *Individual submissions:*

CGNK	Center for Global Nonkilling (Switzerland);
ERI	Edmund Rice International (Switzerland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children (United Kingdom of Great Britain and Northern Ireland; GrenCHAP Inc. (Grenada);
GRECHAP	GrenCHAP Inc. (Grenada);
ICAN	International Campaign to abolish nuclear weapons (Switzerland);
JAI	Just Atonement Inc. (United States of America);
WCADP	World Coalition against the Death Penalty (France).

##### *Regional intergovernmental organization(s):*

CIDH	Comisión Interamericana de Derechos Humanos (United States of America).
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<sup>2</sup> The following abbreviations are used in UPR documents:

ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;

## ICPPED

International Convention for the Protection of All Persons  
from Enforced Disappearance.

- 3 For relevant recommendations see A/HRC/29/14, paras. 72.1–72.25; 72.34–72.39.
- 4 WCADP, p.2.
- 5 CGNK, p.6 and WCADP, p.2.
- 6 CGNK, p.7.
- 7 CGNK, p.6.
- 8 CGNK, p.6.
- 9 WCADP, p.2.
- 10 IACHR, p.2.
- 11 ICAN, p.1.
- 12 For relevant recommendations see A/HRC/29/14, paras. 72.26–72.33.
- 13 GrenCHAP, pp.1–2.
- 14 JAI, p.2.
- 15 For relevant recommendations see A/HRC/29/14, paras. 72.61–72.72; 72.74–72.76.
- 16 GrenCHAP, p.2.
- 17 JAI, p.2.
- 18 IACHR, p.2.
- 19 GrenCHAP, p.2.
- 20 JAI, p.2.
- 21 GrenCHAP, p.5.
- 22 JAI, p.2.
- 23 For relevant recommendations see A/HRC/29/14, para. 72.81.
- 24 JAI, p.4.
- 25 IACHR, p.1.
- 26 JAI, p.4.
- 27 For relevant recommendations see A/HRC/29/14, paras. 72.42–72.48.
- 28 CGNK, p.6.
- 29 IACHR, p.2.
- 30 WCADP, p.2.
- 31 WCADP, p.1.
- 32 WCADP, p.1.
- 33 WCADP, p.2.
- 34 WCADP, p.2.
- 35 IACHR, p.1.
- 36 GrenCHAP, p.3.
- 37 ERI, p.2.
- 38 ERI, p.2.
- 39 JAI, p.3.
- 40 JAI, p.3.
- 41 JAI, p.3.
- 42 For relevant recommendations see A/HRC/29/14, paras. 72.55; 72.59–72.60.
- 43 IACHR, p.2.
- 44 ERI, p.1.
- 45 ERI, p.1.
- 46 For relevant recommendations see A/HRC/29/14, para. 72.87.
- 47 IACHR, p.2.
- 48 IACHR, p.1.
- 49 IACHR, p.1.
- 50 For relevant recommendations see A/HRC/29/14, paras. 72.101–72.104.
- 51 JAI, p.6.
- 52 JAI, p.6.
- 53 JAI, p.5.
- 54 For relevant recommendations see A/HRC/29/14, para. 72.101.
- 55 GrenCHAP, p.3.
- 56 For relevant recommendation see A/HRC/29/14, para. 72.77.
- 57 GrenCHAP, p.2.
- 58 GrenCHAP, p.5.
- 59 For relevant recommendation see A/HRC/29/14, paras. 72.49; 72.78–72.80.
- 60 GrenCHAP, p.4.
- 61 JAI, p.2.
- 62 For relevant recommendations see A/HRC/29/14, paras. 72.40–72.41; 72.73; 72.81–72.84.
- 63 ERI, p.3.

<sup>64</sup> GrenCHAP, p.5.

<sup>65</sup> GrenCHAP, p.5.

<sup>66</sup> For relevant recommendations see A/HRC/29/14, paras. 72.13; 72.50–72.54; 72.87–72.93.

<sup>67</sup> JAI, p.5.

<sup>68</sup> JAI, p.5.

<sup>69</sup> For relevant recommendations see A/HRC/29/14, paras. 72.13; 72.56–72.58; 72.94–72.100.

<sup>70</sup> GIEACPC, pp.2–3.

<sup>71</sup> GIEACPC, pp.3–5.

<sup>72</sup> GIEACPC, p.1.

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