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Compilation 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 compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

- 2. The United Nations Subregional Team for Barbados and the Organization of Eastern Caribbean States recommended that Grenada seek technical assistance from the Subregional Team and the Office of the United Nations High Commissioner for Human Rights (OHCHR) to ratify human rights conventions, including the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, meet its human rights reporting obligations, especially the overdue State report to the Committee on the Rights of the Child, and implement the treaty bodies' concluding observations.³
- 3. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that Grenada was not party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. UNHCR recommended that Grenada accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
- 4. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Grenada ratify the Convention against Discrimination in Education.⁶
- 5. The Human Rights Committee noted that, in accordance with rule 70 of its rules of procedure, it had initiated the procedure to examine Grenada in the absence of a report. The Committee on Economic, Social and Cultural Rights included Grenada in the list of States with reports overdue by at least 10 years. 8

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- 6. The Subregional Team noted that Grenada had not extended a standing invitation to the special procedures mechanisms. In July 2016, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights had made a request for a visit but a response was still pending.⁹
- 7. Grenada is covered by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva and a national human rights adviser who is based in the region and supports the United Nations country teams in the English-speaking Caribbean.¹⁰

III. National human rights framework¹¹

- 8. The subregional team indicated that although Grenada did not support the majority of the recommendations it had received during the second cycle of the universal periodic review regarding its constitutional and legislative framework, Grenada had attempted to make significant changes to its Constitution, changes that would have expanded human rights protection in the country. In 2016, the House of Representatives and the Senate had passed seven Constitutional amendment bills but the voter turnout for the referendum was very low and none of the proposed amendments garnered the necessary two thirds majority to pass. ¹² The Subregional Team highlighted that there had been a strong campaign opposing the bills, initially led by the opposition party and joined by some civil society organizations and church groups, which had overwhelmed the voices of those who supported the bills. Opponents of the bills condemned the rights and freedoms bill arguing that the proposed definition of "gender" could open the door to same-sex marriage. ¹³
- 9. The Subregional Team noted that in November 2018 Grenada had held another referendum on a constitutional amendment on the appellate authority of the Caribbean Court of Justice. Voters again rejected making that Court the final court of appeal. Civil society activists reported that the issue of the rights of lesbian, gay, bisexual, transgender and intersex persons had again become a factor in the debate on whether to adopt the proposed constitutional amendment.¹⁴
- 10. The Subregional Team highlighted that Grenada had supported all recommendations to establish a national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In that regard, the Ministry of Foreign Affairs and the Attorney General's Office had been working with the Commonwealth Secretariat and OHCHR to establish a national human rights institution. In a 2017 workplan it was outlined that the Office of the Ombudsman would be converted into the national human rights office, in compliance with the Paris Principles. Unfortunately, Grenada has not yet established a national human rights institution in compliance with the Paris Principles. ¹⁵
- 11. The Subregional Team noted that, although Grenada had established, with the support of OHCHR, a national mechanism for reporting and follow-up, tasked with supporting its human rights reporting, the country still struggled to meet its reporting obligations.¹⁶
- 12. The Subregional Team noted that, as of March 2019, Grenada was solidifying plans to convert the Central Statistics Office into a national statistics institute that would be in charge of data-collection activities within the national statistical system.¹⁷

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

A. Cross-cutting issues

Equality and non-discrimination¹⁸

- 13. The Subregional Team stated that, although the Constitution included antidiscrimination language, neither the Constitution nor the national legislation protected against discrimination on the basis of sexual orientation or gender identity.¹⁹
- 14. The Subregional Team noted that, as in other Caribbean countries, same-sex relations between consenting adults was illegal in Grenada and that section 431 of the Criminal Code of Grenada considers same-sex relations to be an "unnatural crime" punishable by imprisonment for 10 years. ²⁰ The Subregional Team recommended that Grenada repeal section 431 of the Criminal Code, which criminalizes consensual sexual activity between consenting adults.²¹
- 15. UNESCO recommended that Grenada amend legislation that is discriminatory against the lesbian, gay, bisexual and transgender community and that it ensure human rights and citizenship education in schools with the aim of addressing the persistent social stigma.²²
- 16. The Subregional Team reported that, according to civil society activists, lesbian, gay, bisexual and transgender persons, particularly those from a lower economic bracket, faced stigma and discrimination, including challenges accessing basic health care and social services and greater difficulty finding employment.²³ The Subregional Team recommended that Grenada collaborate with civil society organizations to develop an awareness-raising campaign to promote non-discrimination and a fully inclusive society.²⁴

B. Civil and political rights

1. Right to life, liberty and security of person²⁵

17. The Subregional Team reported that public support for the death penalty remained high among Grenadians and that, since the previous universal periodic review, there had been little discussion regarding the modalities for abolishing the death penalty, although the issue had been discussed during the 2016 constitutional reform effort.²⁶

2. Administration of justice, including impunity, and the rule of law²⁷

18. The Subregional Team noted that, during its previous universal periodic review, Grenada had supported recommendations to fully implement the Juvenile Justice Act. Although it had been passed in July 2012, the Act did not take effect until April 2016. That delay, of almost four years, was a disappointing reflection of the State's reluctance to reform laws aimed at improving systemic responses to help children in conflict with the law.²⁸

3. Fundamental freedoms and the right to participate in public and political life²⁹

- 19. UNESCO encouraged Grenada to introduce a freedom of information law that was in line with international standards.³⁰
- 20. UNESCO encouraged Grenada to continue to decriminalize defamation, to place laws on defamation within the Civil Code, in accordance with international standards, and to assess the system for appointing the members of the body charged with regulating communications activities in order to ensure the body's independence.³¹
- 21. The Subregional Team reported that 47 per cent of members of parliament in Grenada were women. In addition, women held the positions of Governor General, who is the Head of State; Secretary to the Cabinet, who is the Head of the Public Service;

Accountant General, who is the Head of the Treasury; and Ombudsman. Over the years, there had been a steady increase in the number of women in leadership and administrative positions.³²

22. UNESCO had recorded no killings of journalists in Grenada since systematic reporting began in 2008.³³

4. Prohibition of all forms of slavery³⁴

- 23. The Subregional Team noted that in 2014 Grenada had passed legislation against human trafficking giving effect to the Protocol to Prevent, Suppress and Punish Trafficking of Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. It also noted that Grenada had made efforts to increase general awareness of human trafficking through a consultation on the issue held in 2018 and by organizing a training event for government and civil society stakeholders in 2019.³⁵
- 24. Regarding the relevant recommendations from the second cycle of the universal periodic review,³⁶ UNHCR commended Grenada for passing the Prevention of Trafficking in Persons Act (Act No. 34 of 2014) and for enacting it on 11 June 2014. The Act contains provisions aimed at combating trafficking in persons within and across the borders of Grenada, providing for the offence of trafficking in persons and providing measures to protect and support trafficked persons and for incidental and connected purposes. UNHCR encouraged Grenada to extend the protections contained in the Act to all persons who were vulnerable to trafficking in persons and to recognize that the situations of such persons frequently overlapped with those of persons seeking international protection as refugees.³⁷

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work³⁸

25. The Subregional Team noted that Grenada was working on fulfilling its obligation to provide opportunities for women with the aim of getting them out of low-skilled and low-paid employment.³⁹

2. Right to an adequate standard of living⁴⁰

26. The Subregional Team noted that social safety net programmes such as the Support for Education, Empowerment and Development Programme and programmes on building material assistance and housing distribution were some examples of the Government's commitment to addressing poverty. Additionally, small business loan programmes from financial institutions such as the Grenada Development Bank had also assisted some women in becoming self-employed through entrepreneurship opportunities.⁴¹

3. Right to health⁴²

- 27. The Subregional Team reported that abortion was illegal in Grenada, except when carrying out such a procedure would save the life of the mother or preserve physical health. Although Grenada had reviewed its legislation criminalizing abortion, it had not attempted to implement the recommendation to decriminalize abortion. Access to sexual and reproductive health services was limited because of age-based restrictions. Although there was no clear policy restricting access to sexual and reproductive health or other health services without parental consent or notification based on age, there were many uncertainties among adolescents and health professionals about the legal age at which young people could receive medical advice and treatment without parental consent. The Subregional Team recommended that Grenada adopt legal and regulatory measures to ensure universal access to sexual and reproductive health services without restrictions in terms of marital status, age and third-party authorization requirements.
- 28. The Subregional Team noted that Grenada had taken steps to address HIV/AIDS prevalence and treatment. In that regard, in 2016 Grenada had launched the National Workplace Policy on HIV and AIDS with the aim of promoting youth engagement and

education on sexual and reproductive health issues, including HIV/AIDS. However, HIV treatment, care and support services remained highly centralized, with one treatment site at the General Hospital and six care and support sites throughout the country.⁴⁵

29. The Subregional Team reported that the Ministry of Health had begun a human papilloma virus vaccination programme in 2019, and that all but two primary schools on the island had been covered by the programme. It noted that, by introducing the vaccination programme, the risk of girls acquiring the papilloma virus and cervical cancer decreased. It added that the vaccinations were voluntary and there had not been a 100 per cent vaccination rate.⁴⁶

4. Right to education⁴⁷

- 30. UNESCO stated that government expenditure on education was comparatively high in Grenada, at 10.1 per cent of the gross domestic product in 2016, with education representing a 42.8 per cent share of total government expenditure in the same year.⁴⁸
- 31. UNESCO noted that while education was free and obligatory for children between the ages of 5 and 16 years, there was still the cost of uniforms, shoes and textbooks. It also noted that poor children were disproportionately disadvantaged in education and that social safety net strategies for these families were underfunded and unable to reach 100 per cent coverage.⁴⁹
- 32. UNESCO reported that the quality of basic education was affected by the low percentage of fully trained teachers and that there was a continuing disparity in academic success among girls and boys. It noted that the Government had started the process of regularizing the employment status of teachers who had been temporarily employed for many years, which was expected to contribute to an increase in the retention of qualified teachers.⁵⁰
- 33. UNESCO recommended that Grenada continue its efforts towards achieving equal access to quality education, including for children from low-income families.⁵¹
- 34. UNESCO also recommended that Grenada include comprehensive, scientific and evidence-based sexual education in its curricula.⁵² The Subregional Team recommended that Grenada mandate the inclusion and delivery of age-appropriate, comprehensive sexuality education for in- and out-of-school adolescents and youth.⁵³
- 35. The Subregional Team noted that the Ministry of Education had been implementing health and family life education programmes in schools but that implementation of such programmes had been interrupted. Cultural and religious values embedded in the education system had made it impossible to teach selected components of the curriculum, such as sexuality and sexual health.⁵⁴
- 36. UNESCO noted that Grenada was one of only a few countries in the region to prioritize a small percentage of funding for special education.⁵⁵

D. Rights of specific persons or groups

1. Women⁵⁶

- 37. The Subregional Team noted that Grenada had made a number of systematic advances in legislation, policy frameworks and national action plans, as well as programmatic efforts, to address gender inequality and women's and girls' human rights. Despite those advances, however, violence against women and girls continued to be a pervasive problem throughout the country. It added that the full extent of gender-based violence in Grenada was unknown due to silence and lack of reporting among victims. According to the records of the Royal Grenada Police Force, the rate of domestic violence in the country had increased exponentially between 2012 and 2016.⁵⁷
- 38. The Subregional Team reported that Cedars Home provided shelter for women who were victims of abusive relationships and their children, as well as counselling and legal support for the victims.⁵⁸

- 39. The Subregional Team underscored that, although the Criminal Code had been amended in 2012 to include marital rape, the first charge was not been brought until 2019, sparking debates on the rights of men and women after marriage. The debates allowed for a public discussion about the fact that women's rights were not to be diminished because of marriage.⁵⁹
- 40. The Subregional Team noted that in 2019 the Grenada Women's Parliamentary Caucus had restated its commitment to championing a bill against sexual harassment by carrying out a round of public engagements and introducing such a bill in Parliament. Sexual harassment in public spaces, educational settings and employment continued to be a prevailing problem.⁶⁰

2. Children⁶¹

- 41. Regarding the relevant recommendations from the second cycle of the universal periodic review, ⁶² UNHCR commended the positive steps taken by the Government to comply with article 7 of the Convention on the Rights of the Child, which calls for the registration of a child immediately after birth. ⁶³
- 42. The Subregional Team noted that since its previous universal periodic review Grenada had taken measures to better address the rights of children and child protection concerns. However, it also provided information about cases of child sexual and physical abuse, noting that some of the consequences of such abuse included unwanted teenage pregnancies, abortions, the transmission of sexually transmitted infections, including HIV, and drug and alcohol abuse.⁶⁴ The Subregional Team also noted that in September 2017 the cabinet had appointed a committee to address child sexual abuse and, in 2018, the Government had launched a special victims unit and hotline to deal specifically with victims of sexual crimes, domestic violence and child abuse.⁶⁵
- 43. The Subregional Team noted that the lack of access to formalized and consistent legal aid for children in conflict with the law must be juxtaposed against the relatively high numbers of children who were charged with criminal offences.⁶⁶
- 44. The Subregional Team recommended that Grenada support the enhancement of systems to ensure legal representation of children.⁶⁷
- 45. UNESCO noted that corporal punishment was not legislated for and recommended that Grenada prohibit corporal punishment in its legislation.⁶⁸
- 46. The Subregional Team recommended that Grenada develop and implement a behavioural change strategy to address corporal punishment within the home, to strengthen parenting and family programmes, and to tackle sexual abuse and incest. ⁶⁹

3. Persons with disabilities⁷⁰

- 47. The Subregional Team noted that although Grenada had ratified the Convention on the Rights of Persons with Disabilities in 2014, little had been done to implement the Convention or actively promote the rights of persons with disabilities. In 2016, the Government of Grenada had attempted to expand the anti-discrimination provision in the Constitution to include persons with disabilities but the proposal was part of the 2016 rights and freedoms bill that had failed to get approval in the country's referendum.⁷¹
- 48. UNESCO too noted that Grenada had ratified the Convention on the Rights of Persons with Disabilities in 2014 and that it had not yet specifically prohibited discrimination against persons with disabilities. UNESCO recommended that Grenada specifically prohibit discrimination against persons with disabilities.⁷²

4. Migrants, refugees, asylum seekers and internally displaced persons

49. UNHCR noted that Grenada lacked a national refugee law and that the Government had not established formal channels to provide protection for refugees or asylum seekers. UNHCR highlighted that, in the absence of national asylum and refugee legislation and procedures in Grenada, it conducted registrations and refugee status determinations in the country.⁷³

- 50. UNHCR recommended that Grenada adopt national refugee legislation and develop administrative regulations, policies and procedures.⁷⁴
- 51. UNHCR recommended that Grenada develop a national refugee status determination procedure and build the capacity of government officials to successfully carry out refugee status determinations with UNHCR technical support.⁷⁵
- 52. Having noted that a growing number of citizens of one South American country were arriving in or transiting through the Caribbean region, UNHCR reported that Grenada was likely to see an increase in the number of asylum seekers.⁷⁶
- 53. UNHCR recommended that Grenada facilitate full and open access to asylum procedures for persons expressing fear of returning to their country of origin and to uphold the principle of non-refoulement in respect of all persons in need of international protection.⁷⁷
- 54. UNHCR welcomed the engagement of the Government of Grenada in the Caribbean Migration Consultations, including its participation in regional meetings and workshops held in the framework of the Consultations on matters of refugee protection, human trafficking, data collection and management, and human mobility in the context of disasters and climate change.⁷⁸

5. Stateless persons

55. UNHCR noted that some provisions of the Citizenship Act may not be in line with international standards to prevent statelessness. UNHCR recommended that Grenada review the Citizenship Act and the Registration of Births and Deaths Act and amend them in order to fully comply with international standards on the prevention of statelessness, as stipulated in the 1961 Convention on the Reduction of Statelessness.⁷⁹

Notes

- Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Grenada will be available at https://www.ohchr.org/EN/HRBodies/UPR/Pages/GDIndex.aspx.
- ² For relevant recommendations see A/HRC/29/14 and A/HRC/29/14/Corr.1, paras. 72.1–72.25 and 72.34–72.39.
- ³ United Nations Subregional Team for Barbados and the Organization of Eastern Caribbean States submission for the universal periodic review of Grenada, p. 1.
- ⁴ UNHCR submission for the universal periodic review of Grenada, pp. 1–3.
- ⁵ Ibid., pp. 3–5.
- ⁶ UNESCO submission for the universal periodic review of Grenada, p. 5.
- ⁷ A/72/40, para. 66.
- ⁸ E/2018/22-E/C.12/2017/3, para. 18, and E/2019/22-E/C.12/2018/3, para. 14.
- ⁹ United Nations Subregional Team submission for the universal periodic review of Grenada, p. 1.
- ¹⁰ See *OHCHR Report 2018*, p. 227.
- ¹¹ For relevant recommendations see A/HRC/29/14 and A/HRC/29/14/Corr.1, paras. 72.26–72.33.
- ¹² United Nations Subregional Team submission for the universal periodic review of Grenada, pp. 1–2.
- ¹³ Ibid., p. 2.
- ¹⁴ Ibid., p. 3.
- ¹⁵ Ibid., p. 4.
- ¹⁶ Ibid., p. 1.
- ¹⁷ Ibid., p. 4.
- ¹⁸ For relevant recommendations see A/HRC/29/14 and A/HRC/29/14/Corr.1, paras. 72.61–72.72 and 72.74–72.76.
- ¹⁹ United Nations Subregional Team submission for the universal periodic review of Grenada, p. 3.
- ²⁰ Ibid.
- $^{21}\,$ Ibid. See also UNESCO submission for the universal periodic review of Grenada, p. 5.
- ²² UNESCO submission for the universal periodic review of Grenada, p. 5.
- ²³ United Nations Subregional Team submission for the universal periodic review of Grenada, p. 3.
- ²⁴ Ibid.
- ²⁵ For relevant recommendations see A/HRC/29/14 and A/HRC/29/14/Corr.1, paras. 72.42–72.48.
- ²⁶ United Nations Subregional Team submission for the universal periodic review of Grenada, pp. 3–4.

- For relevant recommendations see A/HRC/29/14 and A/HRC/29/14/Corr.1, paras. 72.55 and 72.59—72.60.
- ²⁸ United Nations Subregional Team submission for the universal periodic review of Grenada, p. 12.
- ²⁹ For relevant recommendations see A/HRC/29/14 and A/HRC/29/14/Corr.1, para. 72.87.
- UNESCO submission for the universal periodic review of Grenada, p. 6.
- 31 Ibid.
- 32 United Nations Subregional Team submission for the universal periodic review of Grenada, p. 7.
- ³³ UNESCO submission for the universal periodic review of Grenada, p. 3.
- ³⁴ For relevant recommendations see A/HRC/29/14 and A/HRC/29/14/Corr.1, paras. 72.101–72.104.
- 35 United Nations Subregional Team submission for the universal periodic review of Grenada, p. 4.
- ³⁶ A/HRC/29/14 and A/HRC/29/14/Corr.1, para. 72.102 (The Philippines).
- ³⁷ UNHCR submission for the universal periodic review of Grenada, p. 2.
- ³⁸ For relevant recommendations see A/HRC/29/14 and A/HRC/29/14/Corr.1, para. 72.101.
- ³⁹ United Nations Subregional Team submission for the universal periodic review of Grenada, p. 7.
- ⁴⁰ For relevant recommendation see A/HRC/29/14 and A/HRC/29/14/Corr.1, para. 72.77.
- ⁴¹ United Nations Subregional Team submission for the universal periodic review of Grenada, p. 5.
- For relevant recommendation see A/HRC/29/14 and A/HRC/29/14/Corr.1, paras. 72.49 and 72.78–72.80
- ⁴³ United Nations Subregional Team submission for the universal periodic review of Grenada, p. 5.
- ⁴⁴ Ibid., p. 6.
- 45 Ibid.
- 46 Ibid.
- ⁴⁷ For relevant recommendations see A/HRC/29/14 and A/HRC/29/14/Corr.1, paras. 72.40–72.41, 72.73 and 72.81–72.84.
- ⁴⁸ UNESCO submission for the universal periodic review of Grenada, p. 5.
- ⁴⁹ Ibid., p. 4.
- 50 Ibid.
- ⁵¹ UNESCO submission for the universal periodic review of Grenada, p. 5.
- 52 Ibid.
- ⁵³ United Nations Subregional Team submission for the universal periodic review of Grenada, p. 7.
- 54 Ibid
- 55 UNESCO submission for the universal periodic review of Grenada, p. 4.
- For relevant recommendations see A/HRC/29/14 and A/HRC/29/14/Corr.1, paras. 72.13, 72.50–72.54 and 72.87–72.93.
- ⁵⁷ United Nations Subregional Team submission for the universal periodic review of Grenada, p. 8.
- ⁵⁸ Ibid., p. 9.
- ⁵⁹ Ibid.
- ⁶⁰ United Nations Subregional Team submission for the universal periodic review of Grenada, p. 10.
- ⁶¹ For relevant recommendations see A/HRC/29/14 and A/HRC/29/14/Corr.1, paras. 72.13, 72.56–72.58 and 72.94–72.100.
- 62 A/HRC/29/14 and A/HRC/29/14/Corr.1, para. 72.97 (Mexico).
- 63 UNHCR submission for the universal periodic review of Grenada, p. 2.
- ⁶⁴ United Nations Subregional Team submission for the universal periodic review of Grenada, p. 10.
- 65 Ibid., p. 11.
- 66 Ibid., p. 12.
- 67 Ibid.
- ⁶⁸ UNESCO submission for the universal periodic review of Grenada, p. 5.
- ⁶⁹ United Nations Subregional Team submission for the universal periodic review of Grenada, p. 12.
- ⁷⁰ For relevant recommendations see A/HRC/29/14 and A/HRC/29/14/Corr.1, paras. 72.85–72.86.
- ⁷¹ United Nations Subregional Team submission for the universal periodic review of Grenada, p. 12.
- 72 UNESCO submission for the universal periodic review of Grenada, p. 5.
- ⁷³ UNHCR submission for the universal periodic review of Grenada, p. 1.
- ⁷⁴ Ibid., p. 3.
- 75 Ibid.
- ⁷⁶ UNHCR submission for the universal periodic review of Grenada, p. 1.
- ⁷⁷ Ibid., p. 3.
- ⁷⁸ Ibid., pp. 1–2.
- ⁷⁹ Ibid., p. 4.