



人权理事会
普遍定期审议工作组
第二十一届会议
2015年1月19日至30日

联合国人权事务高级专员办事处根据人权理事会第 5/1 号决议附件第 15(c)段和理事会第 16/21 号决议附件第 5 段汇编的材料概述

格林纳达*

本报告为五个利益攸关方为普遍定期审议所提供材料¹的概述。报告根据人权理事会第 17/119 号决定通过的一般准则编写，其中不含联合国人权事务高级专员办事处(人权高专办)的任何意见、看法或建议，亦不含对具体主张的任何判断或评定。报告所载资料均在尾注中一一注明出处，对原文尽可能不作改动。根据人权理事会第 16/21 号决议的规定，报告酌情单列一章，收录完全依照《巴黎原则》获资格认证的受审议国国家人权机构提供的材料。凡所收到的材料，均可在人权高专办的网站上查阅全文。编写本报告时考虑到普遍定期审议的周期及周期内发生的变化。

* 本文件在送交联合国翻译部门前未经编辑。



利益攸关方提供的材料

A. 背景和框架

1. 国际义务范围²

1. 大赦国际欢迎格林纳达为批准大量核心人权文书，包括《残疾人权利公约》、《国际刑事法院罗马规约》和《消除一切形式种族歧视国际公约》所采取的行动。大赦国际指出，格林纳达承认没有能力批准审议期间建议的所有条约，但是承诺考虑批准 2010 年第一次普遍定期审议期间建议的许多国际人权文书。^{3 4}

2. 联署材料 2、英联邦人权倡议和大赦国际均建议格林纳达批准《公民权利和政治权利国际公约第二项任择议定书》。⁵ 联署材料 2 还建议格林纳达批准《美洲人权公约关于废除死刑的议定书》。⁶

3. 大赦国际呼吁格林纳达签署、批准并执行核心国际人权条约，包括《禁止酷刑公约》，必要时由联合国和美洲人权体系提供技术和资金支助。⁷

4. 大赦国际进一步呼吁格林纳达批准并执行《保护所有人免遭强迫失踪国际公约》，必要时由联合国和美洲人权体系提供技术和资金支助。⁸

5. 大赦国际还呼吁格林纳达签署、批准并执行《美洲防止和惩处酷刑公约》、《美洲被迫失踪人士公约》、《美洲反对种族主义、种族歧视和相关不容忍行为公约》、《美洲反对一切形式的歧视和不容忍行为公约》、《美洲消除对残疾人一切形式歧视公约》，必要时由联合国和美洲人权体系提供技术和资金支助。⁹

2. 宪法和法律框架

6. 联署材料 1 指出，格林纳达自 2013 年起开始宪法改革进程。联署材料 1 建议该国针对基于性取向、性别认同和表现的歧视加大宪法保护；使国内法符合国际公约，并赋予国际公约高于国内法的地位。¹⁰

7. 大赦国际还呼吁格林纳达，特别是在当前审议宪法的过程中，将性取向和性别认同作为保护人们免遭歧视的理由纳入国内法，并制定和实施政策和倡议，以消除基于性取向或性别认同的歧视。¹¹

8. 大赦国际呼吁格林纳达在当前审议宪法的过程中，批准适当的宪法条款，以便废除死刑。¹²

B. 与人权机制的合作

1. 与条约机构的合作

9. 英联邦人权倡议建议格林纳达通过遵守条约报告义务，显示对联合国人权机制的承诺。¹³

2. 与特别程序的合作

10. 英联邦人权倡议建议格林纳达向联合国人权理事会所有特别程序发出长期有效的邀请。¹⁴ 大赦国际指出，格林纳达在第一次普遍定期审议期间要求联合国提供技术和资金支助，包括为该国向人权理事特别程序发出长期有效的邀请提供支助。¹⁵

C. 参照适用的国际人道主义法履行国际人权义务的情况

1. 平等和不歧视

11. 联署材料 1 指出，在格林纳达，男女同性恋、双性恋和跨性别者仍然遭到鄙视和歧视，公众对平等运动强烈反感。严重的鄙视持续存在，宗教领袖公开反对同性恋的言论也起到了推波助澜的作用。¹⁶ 联署材料 1 建议格林纳达对警察和医疗工作者开展培训，并采取一切必要措施，例如立法、培训、政策措施等，消除公开和私下的这种歧视。¹⁷

12. 英联邦人权倡议指出，格林纳达没有明文禁止基于性取向和性别认同的歧视。英联邦人权倡议建议格林纳达就性取向和性别认同问题，推动与政府部委、民间社会和宗教领袖等利益攸关方的建设性对话。英联邦人权倡议还建议格林纳达制定旨在消除基于性取向和性别认同的歧视的政策。¹⁸

13. 大赦国际呼吁格林纳达与从事男女同性恋、双性恋、跨性别者和两性人相关工作的地方人权组织合作，实施人权教育和反歧视宣传方案。¹⁹

2. 生命权、人身自由和安全权

14. 联署材料 2 提到格林纳达在第一次普遍定期审议期间拒绝的关于废除死刑和正式暂停执行死刑的建议，²⁰ 指出虽然该国近几十年来没有执行死刑，但是格林纳达保留死刑说明仍有可能恢复执行死刑。该国没有正式暂停执行死刑，而政府也明确反对任何废除死刑的国际呼吁。美洲人权法院谴责格林纳达的绞刑处决方式不人道且有辱人格。联署材料 2 建议格林纳达废除并/或宣布正式暂停执行死刑；不再试图恢复死刑；采取必要措施，确保遵守最高标准的正当程序，并确保国内法达到最严格的死刑案件复审水平。联署材料 2 还建议格林纳达确保充分遵守美洲人权委员会的决定，特别是涉及个别案件和与死刑有关的预防措施的決定。²¹ 英联邦人权倡议也建议格林纳达正式废除死刑。²²

15. 大赦国际呼吁格林纳达正式暂停执行死刑，以便按照联合国 2007 年 12 月以来通过的大会决议，包括最近的 2012 年 12 月 20 日第 67/176 号决议，废除死刑。大赦国际还呼吁格林纳达支持国内和国际上废除死刑的呼吁，包括对联合国大会关于暂停执行死刑的决议投赞成票。²³

16. 终止一切体罚儿童行为全球倡议指出，格林纳达无视儿童权利委员会和人权事务委员会的一再建议，以及第一轮普遍定期审议期间提出的建议，仍然将体罚儿童定为合法。²⁴

17. 英联邦人权倡议指出，格林纳达在第一次普遍定期审议期间，拒绝了关于消除对儿童的体罚和禁止在家里和学校实施体罚的建议。不过，该国申明将致力于鼓励不实施体罚。²⁵

18. 终止一切体罚儿童行为全球倡议指出，《刑法》允许有权“纠正儿童、佣人或其他类似人员的不当行为”的人在家使用武力。第 65 条称，家长和其他有家长权限的人可以“出于管教目的”，对“有不当行为或不遵从合法管教”的 16 岁以下儿童使用武力。“管教权”可交付给其他人，例如，通常认为学校老师被授予了这种权利。终止一切体罚儿童行为全球倡议进一步指出，2010 年《家庭暴力法》将家庭暴力定义为“损害他人或任何儿童健康、安全和福祉的任何控制或虐待行为”，但是该定义没有被解释为禁止在养育子女的过程中实施任何暴力处罚。1998 年《儿童保护法》和 2010 年《儿童(保护和收养)法》都没有禁止体罚。²⁶

19. 终止一切体罚儿童行为全球倡议指出，《刑法》允许老师出于“管教”目的，使用“合理的武力”(第 54、55 和 56 条)。2002 年《教育法》允许使用体罚，但是违反专门规定而实施体罚将受到惩处(第 53 条)。²⁷

20. 终止一切体罚儿童行为全球倡议希望各国提出具体建议，以确保禁止刑法系统中体罚的 2012 年《少年司法法》生效，并确保缔约国作为优先事项，起草并颁布一项禁止在一切场所体罚儿童的法律。²⁸

3. 隐私权

21. 英联邦人权倡议指出，格林纳达在上一次普遍定期审议期间，申明将致力于提高人们对男女同性恋、双性恋和跨性别者权利的认识并鼓励容忍。英联邦人权倡议指出，成年男子间自愿的同性性行为仍被定为刑事犯罪。不过，英联邦人权倡议还指出，法律没有对成年女子间的同性性行为作出规定。英联邦人权倡议和联署材料 1 均建议格林纳达努力废除《刑法》中的有关条款。²⁹

22. 大赦国际指出，虽然格林纳达在第一轮普遍定期审议期间承诺将继续提高对上述问题的认识并鼓励容忍，但是从事男女同性恋、双性恋和跨性别者相关工作的地方团体表示，自上次审议以来，该国并未开展公共宣传活动。³⁰大赦国际还呼吁格林纳达废除所有禁止和惩处自愿同性性关系的法律，包括《刑法》中的相关规定。³¹

4. 言论自由

23. 英联邦人权倡议建议格林纳达确保由一个公正、独立的机构认真调查关于政府干预媒体工作的所有指控；并通过一项符合国际最佳做法的《知情权法》。³²

5. 健康权

24. 联署材料 1 指出，格林纳达《刑法》还妨碍了防治艾滋病毒/艾滋病的公共卫生工作。³³ 联署材料 1 建议格林纳达确保医疗机构通过这方面的政策，并采取措施，惩处违反规定者。³⁴

注

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

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|---------|--|
| AI | Amnesty International, London (UK); |
| GIEACPC | Global Initiative to End Corporal Punishment of Children, London (UK); |
| CHRI | Commonwealth Human Rights Initiative, New Delhi (India); |

Joint submissions:

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| JS1 | Joint submission 1 submitted by: GRECHAP, Gorundation Grenada and the Sexual Rights Initiative; |
| JS2 | Joint submission 2 submitted by: The Greater Caribbean for Life, The Caribbean Institute for Human Rights and The International Human Rights Clinic of the Inter-American University of Puerto Rico, School of Law. |

² The following abbreviations have been used in the present document:

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|------------|--|
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CRPD | Convention on the Rights of Persons with Disabilities |
| ICPPED | International Convention for the Protection of All Persons from Enforced Disappearance |

³ A/HRC/15/12, paragraphs 71.1 - 12 (See text of recommendations below):

71.1. Consider ratifying other human rights core instruments, namely, the Convention against Torture, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and the Convention on the Rights of Persons with Disabilities (Algeria);

71.2. Consider ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of Persons with Disabilities, as well as the Optional Protocols thereto; the International Convention for the Protection of All Persons from Enforced Disappearance; the First and Second Optional Protocols to the International Covenant on Civil and Political Rights; the Protocols to the Convention on the Elimination of All Forms of Discrimination against Women and to the Convention on the Rights of the Child; and the Rome Statute; accede to the Conventions on refugees and stateless persons; and accomplish the human rights goals set out in Human Rights Council resolution 9/12 (Brazil);

71.3. Ratify pending core international human rights instruments, notably the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the of the International Criminal Court, including accession to the Agreement on Privileges and Immunities (**Slovakia**);

71.4. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto; ratify the First and Second Optional Protocols to the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance (**Chile**);

71.5. Intensify efforts to cooperate with the international human rights system by signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Covenant on Civil and Political Rights; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto; the two Optional Protocols to the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto; and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (**Spain**);

71.6. Sign and ratify the following international instruments: the Optional Protocols to the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and the Optional Protocol hereto; the Optional Protocols of the Convention on the Rights of the Child; the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto; and the International Convention for the Protection of All Persons from Enforced Disappearance (**Argentina**);

71.7. Sign, ratify or accede to the main international human rights instruments, in particular the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic and Social Rights, and the Rome Statute (**Uruguay**);

71.8. Consider signing all core outstanding international human rights instruments and enacting the domestic legislation necessary to domesticate the provisions of these instruments (**South Africa**);

71.9. Ratify, as soon as possible, the International Convention for the Protection of All Persons from Enforced Disappearance (**France**);

71.10. Accede to the Rome Statute of the International Criminal Court (**Netherlands**);

71.11. In line with the Government's commitment to the rights of persons with disabilities, adhere to the principles set out in the Convention on the Rights of Persons with Disabilities and favourably consider its ratification as soon as possible (**Mexico**);

71.12. Consider actively acceding to the Convention on the Rights of Persons with Disabilities (**China**).

⁴ Amnesty International, page 1. See also A/HRC/15/60, paragraph, 505.

⁵ Joint submission 2 submitted by The Greater Caribbean for Life, The Caribbean Institute for Human Rights and The International Human Rights Clinic of the Inter-American University of Puerto Rico, School of Law, page 5. See Submission for case cited.

⁶ Joint submission 2 submitted by The Greater Caribbean for Life, The Caribbean Institute for Human Rights and The International Human Rights Clinic of the Inter-American University of Puerto Rico, School of Law, page 5; Commonwealth Human Rights Initiative, para. 2 and Amnesty International page 3.

⁷ Amnesty International, page 3.

⁸ Amnesty International, page 3.

⁹ Amnesty International, page 3.

¹⁰ Joint Submission 1 submitted by GrenCHAP, Gorundation Grenada and the Sexual Rights Initiative, page 5.

¹¹ Amnesty International, page 3.

¹² Amnesty International, page 3.

- 13 Commonwealth Human Rights Initiative, page 2.
- 14 Commonwealth Human Rights Initiative, page 2.
- 15 Amnesty International, page 1. See also A/HRC/15/60, paragraphs, 504 and 505.
- 16 Joint Submission 1 submitted by GrenCHAP, Gorundation Grenada and the Sexual Rights Initiative, paragraph 12. See submission for case cited.
- 17 Joint Submission 1 submitted by GrenCHAP, Gorundation Grenada and the Sexual Rights Initiative, page 5.
- 18 Commonwealth Human Rights Initiative, page. 4. See also Amnesty International, page 2.
- 19 Amnesty International, page 3.
- 20 A/HRC/15/12, paragraphs: 71.38-48 (See text of recommendations below):
- 71.38 Amend the relevant legislation with a view to abolishing capital punishment, in line with the General Assembly resolutions 62/149 and 63/108 and the Second Optional Protocol to the International Covenant on Civil and Political Rights, and commute existing death sentences to terms of imprisonment (**Slovakia**);
- 71.39. Abolish the death penalty for all crimes, and sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (**Spain**);
- 71.40. Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, and take the necessary steps to remove the death penalty from Grenada's justice system (**Australia**);
- 71.41. Adopt, as soon as possible, a *de jure* moratorium on the death penalty with a view to its definitive abolition, and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, which prohibits the death penalty in all circumstances (**France**);
- 71.42. Establish a moratorium on executions with a view to abolishing the death penalty (**Brazil**);
- 71.43. In the light of the moratorium on the application of the death penalty, take appropriate measures with a view to its abolition (**Uruguay**);
- 71.44. Consider formally abolishing the death penalty (**Slovenia**);
- 71.45. Formally abolish the death penalty (**Germany**);
- 71.46. Abolish the death penalty (**United Kingdom**);
- 71.47. Definitively abolish the death penalty in its domestic legislation (**Argentina**);
- 71.48. Abolish the death penalty completely and, in the meantime, establish a formal moratorium on executions, as urged by the respective General Assembly resolutions (**Hungary**).
- 21 Joint submission 2 submitted by The Greater Caribbean for Life, The Caribbean Institute for Human Rights and The International Human Rights Clinic of the Inter-American University of Puerto Rico, School of Law, page 5. See submission for case cited. See also submission from the Commonwealth Human Rights Initiative, paras 5-7.
- 22 Commonwealth Human Rights Initiative, para. 2.
- 23 Amnesty International, page 3.
- 24 Global Initiative to End Corporal Punishment of Children, page 1. A/HRC/15/12, paragraphs 71.61-62 and 71.64 (See text of recommendations below):
- 71.61. Abolish provisions in its domestic legislation that authorize the corporal punishment of children in all places, in particular in detention facilities and in schools (**France**);
- 71.62. Adopt a law that prohibits corporal punishment against children in all areas of life (**Uruguay**);
- 71.64. Amend the Criminal Code to ensure equal protection of boys and girls from all forms of sexual abuse and exploitation as well as to eliminate corporal punishment provisions from existing laws and to prohibit the use of corporal punishment in places of detention and in schools (**Germany**).
- 25 Commonwealth Human Rights Initiative, page 4.
- 26 Global Initiative to End Corporal Punishment of Children, page 2.
- 27 Global Initiative to End Corporal Punishment of Children, page 3.
- 28 Global Initiative to End Corporal Punishment of Children, pages 1-2.
- 29 Commonwealth Human Rights Initiative, page 4. Joint Submission 1 submitted by GrenCHAP, Gorundation Grenada and the Sexual Rights Initiative, paragraph 14. See submission for case cited.

³⁰ Amnesty International, page 2.

³¹ Amnesty International, page 3.

³² Commonwealth Human Rights Initiative, page 3. See submission for cases cited in para. 5.

³³ Joint Submission 1 submitted by GrenCHAP, Gorundation Grenada and the Sexual Rights Initiative, paragraph 15.

³⁴ Joint Submission 1 submitted by GrenCHAP, Gorundation Grenada and the Sexual Rights Initiative, page 5.
