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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Grenada*

The present report is a summary of 5 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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



Information provided by stakeholders

A. Background and framework

1. Scope of international obligations²

1. Amnesty International (AI) welcomed the steps taken by Grenada towards ratifying a number of core human rights instruments, including the Convention on the Rights of Persons with Disabilities, the Rome Statute of the International Criminal Court and the International Convention on the Elimination of All Forms of Racial Discrimination. It indicated that while recognizing that the country did not have the capacity to ratify all the treaties recommended during the review, Grenada committed to consider the ratification of a number of international human rights instruments during its first Universal Periodic Review (UPR) in 2010,³⁴

2. Joint Submission 2 (JS2), Commonwealth Human Rights Initiative (CHRI) and AI, all recommended that Grenada ratify the ICCPR-OP 2.⁵ JS2 also recommended that Grenada ratify the Protocol to the American Convention on Human Rights to Abolish the Death Penalty.⁶

3. AI called on Grenada to sign, ratify and implement key international human rights treaties, including the CAT, with technical and financial support by the United Nations and Inter-American systems as necessary.⁷

4. AI further called on Grenada to ratify and implement the ICPED, with technical and financial support of the United Nations and Inter-American systems as necessary.⁸

5. AI also called Grenada to sign, ratify and implement the Inter-American Convention to Prevent and Punish Torture, the Inter-American Convention on the Forced Disappearance of Persons, the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, the Inter-American Convention against All Forms of Discrimination and Intolerance and the Inter-American Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities, with technical and financial support of the United Nations and Inter-American systems as necessary.⁹

2. Constitutional and legislative framework

6. Joint Submission 1 (JS1) indicated that Grenada started a constitutional reform process in 2013. It recommended that the country extend constitutional protections against discrimination based on sexual orientation, gender identity and expression; and that it harmonize national legislation with international conventions and give these precedence over national legislation.¹⁰

7. AI also called on Grenada to include in national legislation, and particularly as part of the on-going review of the Constitution, sexual orientation and gender identity as basis for protection from discrimination and to establish and implement policies and initiatives to address discrimination based on sexual orientation or gender identity.¹¹

8. AI called on Grenada to approve appropriate constitutional provisions in order to abolish the death penalty, as part of the on-going review of the Constitution.¹²

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

9. CHRI recommended that Grenada demonstrate its commitment to the United Nations human rights mechanisms by complying with its treaty reporting obligations.¹³

2. Cooperation with special procedures

10. CHRI recommended that Grenada extend an open invitation to all special procedures of the United Nations Human Rights Council.¹⁴ AI noted Grenada's request, during its first UPR, for technical and financial support from the United Nations, including to extend an open and standing invitation to the special procedures of the Human Rights Council.¹⁵

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

1. Equality and non-discrimination

11. JS1 indicated that in Grenada, there is still much stigma and discrimination against LGBT people, together with strong public sentiments against equality movements. Considerable stigma continues to exist, partly fuelled by public expressions against homosexuality by religious leaders.¹⁶ JS1 recommended that Grenada conduct training of health-care to police officers and workers and take every necessary measure, such as legislation, training, policies among others, to eliminate such discrimination both in the public and private sphere.¹⁷

12. CHRI indicated that there is no explicit legislation against discrimination based on sexual orientation and gender identity in Grenada. CHRI recommended that Grenada promote and facilitate constructive dialogue on sexual orientation and gender identity with stakeholders, including government ministries, civil society and religious leaders. It further recommended that Grenada introduce policies aimed at ending discrimination based on sexual orientation and gender identity.¹⁸

13. AI called on Grenada to implement human rights education and anti-discrimination awareness-raising programs in collaboration with local human rights organizations working on behalf of lesbian, gay, bisexual, transgender and intersex persons.¹⁹

2. Right to life, liberty and security of the person

14. Referring to recommendations rejected by Grenada during its first review under the UPR,²⁰ on the abolition of the death penalty and on adopting a formal moratorium, JS2 indicated that while no executions have been carried out for decades, Grenada's retention of the death penalty keeps open the possibility of reinstating executions. There is no formal moratorium on executions and the government has expressly opposed any international intent to abolish the death penalty. Grenada's method of execution by hanging has been condemned by the Inter-American Court of Human Rights as degrading and inhumane. JS2 recommended that Grenada abolish and/or declare a formal moratorium on the death penalty; refrain from seeking the reinstatement of the death penalty; take necessary measures to ensure compliance with the highest standards of due process and ensure that domestic laws meet the most rigorous level of review applicable to cases involving the death penalty. It further recommended that Grenada ensure full compliance with the decisions of the Inter-American Commission and specifically decisions involving individual cases and precautionary measures related to the death penalty.²¹ CHRI also recommended that Grenada formally abolish the death penalty.²²

15. AI called on Grenada to establish an official moratorium on executions with a view to abolishing the death penalty, as provided by four United Nations General Assembly resolutions adopted since December 2007, including most recently resolution 67/176 of 20 December 2012. It further called on Grenada to support calls to abolish the death penalty nationally and internationally, including by voting in favour of the United Nations General Assembly resolution on a moratorium on the use of the death penalty.²³

16. Global Initiative to End All Corporal Punishment of Children (GIEACPC) indicated that in Grenada, corporal punishment of children is still lawful, despite repeated recommendations by the CRC, the HR Committee and recommendations made during the first cycle of the UPR.²⁴

17. CHRI noted that during the first UPR, Grenada rejected recommendations to eliminate corporal punishment of children and to prohibit the use of corporal punishment at home or in educational facilities. Nevertheless, the country affirmed its commitment to encouraging its non-application.²⁵

18. GIEACPC noted that the Criminal Code allows the use of force at home, under the 'authority to correct a child, servant or other similar person, for misconduct'. Article 65 states that force may be used by parents and others with parental authority against children under 16 'for the purpose of correction' and 'for misconduct or disobedience to any lawful command'. The 'authority for correction' may be delegated to others, and such delegation is presumed in the case of schoolteachers. It further noted that the 2010 Domestic Violence Act defines domestic violence as 'any controlling or abusive behaviour that harms the health, safety or well-being of a person or any child' but this is not interpreted as prohibiting all violent punishment in childrearing. There is no prohibition of corporal punishment in the 1998 Child Protection Act or the 2010 Child (Protection and Adoption) Act.²⁶

19. GIEACPC indicated that the Criminal Code provides for the use of 'justifiable force' by teachers for the purpose of 'correction' (articles 54, 55 and 56). The 2002 Education Act authorises the use of corporal punishment and punishes its infliction contrary to the specified regulations (art 53).²⁷

20. GIEACPC hoped that States will make specific recommendations to ensure that the 2012 Juvenile Justice Act, which would prohibit corporal punishment in the penal system, is brought into force and that legislation is drafted and enacted to prohibit corporal punishment of children in all settings as a matter of priority.²⁸

3. Right to privacy

21. CHRI noted that during the last UPR, Grenada affirmed its commitment to raise awareness of the rights of the LGBT community and to encourage tolerance. CHRI noted that consensual adult male same-sex conduct remains a criminal offence. It noted however, that the law makes no provision for same-sex sexual activities between women. CHRI and also JSI recommended that Grenada work towards repealing the relevant Section of the Criminal Code.²⁹

22. AI noted that while during its first UPR, Grenada committed to continue to raise awareness of the issue and to encourage tolerance, according to local groups working on behalf of LGBTI persons, no public awareness campaigns have been undertaken since the last review.³⁰ AI also called on Grenada to repeal all laws prohibiting and punishing consensual same-sex relations, including in the Criminal Code.³¹

4. Freedom of expression

23. CHRI recommended that Grenada ensure that all allegations of government interference in the work of media are diligently investigated by an impartial and independent body; and adopt a Right to Information Act that corresponds with international best practice.³²

5. Right to health

24. JS1 indicated that the Grenada Criminal Code also impedes public health efforts in the fight against HIV/AIDS.³³ JS1 recommended that Grenada ensure healthcare facilities adopt policies, and have measures in place to sanction persons who violate these regulations.³⁴

Notes

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:*

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:

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:

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.
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