



General Assembly

Distr.: General
17 February 2010

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Eighth session
Geneva, 3-14 May 2010

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

Grenada*

The present report is a summary of 3 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. 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. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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

I. Background and framework

N/A

II. Promotion and protection of human rights on the ground

A. Implementation of international human rights obligations

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

1. The Global Initiative to End All Corporal Punishment Against Children (GIEACPC) reported on the legality of corporal punishment of children in all settings in Grenada. GIEACPC hoped that the universal periodic review of Grenada will highlight the importance of prohibition of corporal punishment of children, and recommended that Grenada introduce legislation as a matter of urgency to prohibit all corporal punishment of children in the family home and all other settings.²

2. GIEACPC noted that corporal punishment is lawful in the home. Section 54 of the Criminal Code allows for the use of “justifiable force” under the “authority to correct a child, servant or similar person for misconduct”. The draft Children Bill (Care and Adoption) protects children from abuse but does not prohibit corporal punishment.³ GIEACPC further noted that corporal punishment is lawful in schools under the Education Act (2002), Act No.11 (2003) and section 54 of the Criminal Code.⁴ As indicated by GIEACPC, in the penal system, corporal punishment is lawful as a sentence for crime under the Criminal Code and the Corporal Punishment Ordinance (1960). The draft Child Justice Bill (2007) does not include corporal punishment among permitted sentences. Corporal punishment is lawful as a disciplinary measure in penal institutions under the Criminal Code. It would not be prohibited by the the Draft Child Justice Bill.⁵ GIEACPC also reported that in alternative care settings, licensing requirements prohibit corporal punishment in care institutions, but section 54 of the Criminal Code applies it. It is not prohibited in the Draft Children Bill (Care and Adoption), which states that a person authorised to provide care for a child shall “correct and manage the behaviour of the child” (article 29(c)).⁶

2. Right to privacy

3. A joint submission (JS1) by ARC International, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) and ILGA-Europe, noted that Grenada maintains criminal sanctions against sexual activity between consenting adults.⁷ Article 435 of the Criminal Code provides: "If any two persons are guilty of unnatural connexion, or if any person is guilty of an unnatural connexion with an animal, every such person shall be liable to imprisonment for ten years". JS1 noted that laws against “unnatural” sexual activity are often used to penalise consensual conduct, including between consenting adults of the same sex.⁸ JS1 recommended that the Human Rights Council urge Grenada to bring its legislation in conformity with its international human rights obligations by repealing all provisions which criminalise sexual activity between consenting adults of the same sex.⁹

3. Freedom of religion or belief

4. The Institute on Religion and Public Policy (IRPP) noted that the Constitution protects the freedom of religion and that Grenada has consistently upheld the right to practice religion freely. The Government is secular and does not interfere with a citizen’s

right to worship. All the religious groups in Grenada must register with the Prime Minister's office. The Prime Minister's office will then issue licenses for the groups, buildings, and events of the registered religious groups. Religious groups who have been registered can receive benefits such as tax exemptions on customs and imports. The government also observes various religious holidays as national holidays.¹⁰ IRPP indicated that Grenada has four major religious groups. Those who consistently practice their faith make up 60 per cent of the population.¹¹

5. IRPP indicated that there has been minimal abuse of religious liberty within Grenada. There have been no religious prisoners or detainees in the country and no reports of forced religious conversion.¹² IRPP noted that in 2002, an issue arose about Rastafarian religious rights within the prison system. The prison requires that all men must cut their hair in order to protect public health and, in some cases, ensure security. The Rastafarian prisoners proclaimed that keeping their dreadlocks is part of their religion and to cut them would be violating their freedom of religion. The Government's lawyer argued that the policy of cutting hair is part of the regulations of prisons and the reasons of health and security are valid. The lawyer for the Rastafarians claimed that the prison was discriminating against men as women are not expected to cut their hair while in prison.¹³

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

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. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council)

Civil society

GIEACPC Global Initiative to End All Corporal Punishment of Children, London (United Kingdom);

IRPP Institute on Religion and Public Policy, Washington, D.C. (USA);

JS1 Joint submission by ARC International, Geneva (Switzerland); the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) and ILGA-Europe*, Brussels (Belgium).

² GIEACPC, page 1.

³ GIEACPC, page 2.

⁴ GIEACPC, page 2.

⁵ GIEACPC, page 2.

⁶ GIEACPC, page 2.

⁷ JS1, page 1.

⁸ JS1, page 1.

⁹ JS1, page 2.

¹⁰ IRPP, page 1.

¹¹ IRPP, pages 1-2.

¹² IRPP, page 2.

¹³ IRPP, page 2.