



## UPR: Grenada

Canadian HIV/AIDS Legal Network

United Nations Human Rights Council, Geneva. 21<sup>st</sup> September 2010.

Mr. President, distinguished members of the delegation,

We welcome Grenada's constructive participation in the UPR process. We note that as of today, Grenada's response to the more than 90 recommendations made to it was not available, and we urge all States to ensure that their responses are provided in advance of the report adoptions.

We wish to particularly address recommendations 82-86, which call upon Grenada to decriminalise same-sex conduct between consenting adults, in accordance with international human rights law.

We note that during the Working Group review, Grenada itself acknowledged (in para. 26) that laws prohibiting consensual same-sex conduct "could be viewed as discriminatory, as it took away from the freedom of the individual." Grenada further acknowledged that: "With the passage of time, growing tolerance on the part of the people would help in addressing this issue. It was a policy issue on which the Cabinet would have to deliberate."

We welcome this acknowledgement that consideration needs to be given to repealing such laws, which have a discriminatory impact. Indeed, just last week as a high-level parallel event held in conjunction with the Human Rights Council, UN Secretary General Ban Ki-moon delivered a statement which underlined:

*"Laws criminalizing people on grounds of sexual orientation and gender identity violate the principle of non-discrimination. They also fuel violence, help to legitimize homophobia and contribute to a climate of hate. No doubt deeply rooted cultural sensitivities can be aroused when we talk about sexual orientation. Social attitudes run deep and take time to change. But cultural considerations should not stand in the way of basic human rights."*

This position has been affirmed by the UN Human Rights Committee, which in 2007 specifically expressed a concern that the Criminal Code penalizes same-sex sexual activities between consenting adults, and recommended that Grenada repeal these provisions of its laws. The Committee has also noted that such laws "run counter to the implementation of effective education programmes in respect of HIV/AIDS prevention" by driving marginalized communities underground, a finding supported by UNAIDS and other key actors in the fight against the HIV/AIDS pandemic.

We further welcome Grenada's support for the OAS resolution on human rights, sexual orientation and gender identity in each of 2008, 2009 and 2010, and urge the government to support the GA joint statement on the same topic, as recommended by France.

We thank the delegation of Grenada's for its attention to these matters, and look forward to hearing what measures are planned with a view to repealing the provisions against consensual same-sex conduct in accordance with its international obligations.

Thank you.