



**JOINT SUBMISSION OF THE UNITED NATIONS
SUB-REGIONAL TEAM FOR BARBADOS AND OECS
FOR THE THIRD CYCLE UNIVERSAL PERIODIC REVIEW
OF GRENADA**

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Introduction

As Grenada prepares for its 3rd cycle of Universal Periodic Review (UPR) in 2020, this joint submission is being made on behalf of the United Nations Sub-regional Team for Barbados and the OECS (UNST). The sub-regional team commends the Grenada government on its efforts to implement supported recommendations from the last UPR cycle, particularly regarding women's rights and children's rights. This submission discusses the status of implementation of Grenada's second cycle UPR recommendations as well as key developments in Grenada's human rights situation.

Acceptance of International Norms

Presently, Grenada is a party to seven of the United Nations core international human rights agreements. Since its second UPR cycle, Grenada has indicated that it is open to ratifying additional human rights instruments including the Convention against Torture and the Optional Protocols to the CRC on a Communications Procedure.

Cooperation with Treaty Bodies

Grenada supported recommendations to submit outstanding reports to the treaty bodies. Since the second cycle UPR, Grenada requested and received support from the OHCHR in building the capacity of government officials to draft treaty body and UPR reports. Although Grenada established a National Mechanism for Reporting and Follow-up ("NMRF"), with the support of the OHCHR, tasked with supporting Grenada's human rights reporting, the country still struggles with meeting its reporting obligations.

Recommendations:

- Consistent with the UPR recommendations Grenada supported in the second UPR cycle, encourage Grenada to seek technical assistance from the UNST and the OHCHR to ratify human rights agreements including the Optional Protocol to the CRC on a Communications Procedure, meet its human rights reporting obligations especially the overdue State Report on the CRC, and to implement the treaty bodies' concluding observations.

Cooperation with Special Procedures

Grenada has not extended a standing invitation to Special Procedures Mechanisms. In July 2016 the Independent Expert on Foreign Debt made a request for a visit but the request is still pending.

Constitutional and legislative framework

Although Grenada did not support the majority of UPR recommendations it received regarding its constitutional and legislative framework, after the second cycle UPR Grenada attempted to make significant changes to its constitution that would have expanded human rights protection in the country.

Constitutional reform had been a part of Grenada's national discourse for decades. In Grenada the constitution can be amended only via referendum. In 2014 the Government of Grenada established the Constitution Reform Advisory Committee (CRAC), composed of individuals from a broad cross-section of the Grenadian society, to examine the question of constitutional reform and how the country should best go about the effort. Ultimately in

2016 the House of Representatives and the Senate passed seven “Constitutional Amendment Bills” to be voted on by registered electors. They included the following propositions:

1. CCJ and Other Justice Related Matters: The Caribbean Court of Justice (CCJ) becomes the final court of appeal, rather than the Privy Council of the United Kingdom (Privy Council); renaming the Supreme Court of Grenada and the West Indies Associated States as the “Eastern Caribbean Supreme Court”; introducing a code of conduct for civil servants; changing the oath of allegiance so that allegiance is sworn to Grenada instead of the Queen.
2. Elections and Boundaries Commission: Creation of an Elections and Boundaries Commission to replace the Constituency Boundaries Commission and the Supervisor of Elections.
3. Ensuring a Leader of the Opposition: The leader of the party with the most votes will be appointed Leader of the Opposition and will sit in the House of Representatives if the second-placed party fails to win a seat in a general election.
4. Fixed Date for Elections: Introduce fixed dates for elections, with the caveat that a vote of no confidence may trigger an early election.
5. Name of State: Changing the official name of the State of Grenada to "Grenada, Carriacou and Petite Martinique".
6. Rights and Freedoms: An expanded list of fundamental rights and freedoms, including an expanded definition of “discrimination” and a new gender equality provision.
7. Term of Office of Prime Minister: Limiting the Prime Minister to three consecutive terms in office.

The CRAC held over fifty consultations within and outside of Grenada. At the request of the Government of Grenada and in collaboration with national stakeholders, UNDP’s Support to Referendum on Constitution Reform project focused on assistance in developing well-drafted constitutional amendment bills, the delivery of comprehensive civic education and voter information campaigns, and by assisting the Parliamentary Elections Office in the organization of the referendum and its related administrative processes. UNDP, in partnership with OHCHR and UN Women, was welcomed as a neutral actor in the process that helped build the capacity and confidence of national actors to navigate the 2016 referendum and any attempts in the future.¹ On 24 November 2016, Grenadians went to the polls to vote on each of the seven proposed constitutional amendments. Voter turnout for the referendum was very low and none of the proposed amendments garnered the necessary 2/3 majority to pass.

There were several political factors that played a major role in the referendum outcome including the fact that there was a strong “no” campaign, initially led by the opposition party and joined by some CSOs and church groups, that overwhelmed the voices of those who supported the bills. A major element of the “no” campaign was a letter issued by church-based organizations that condemned the rights and freedoms bill arguing that the proposed definition of “gender” could open the door to same-sex marriage. The strong, highly vocal and visible opposition to that bill derailed support for the other proposed amendments.²

¹ The UN Constitutional: A Newsletter on United Nations Constitutional Support, Issue 6, Spring 2017, p. 10

² Ibid.

Using some of the lessons from 2016, in November 2018 Grenada held another referendum on a constitutional amendment, this time focusing on one issue only – accession to the appellate authority of the CCJ. Voters again rejected making the Caribbean Court of Justice the final court of appeal. Civil society activists report that the issue of LGBTI rights again became a factor in the debate regarding the amendment.

Legal frameworks are generally rendered more effective when supported by well-considered policy that further elaborates on process and procedure. In this regard, Grenada has also done relatively well in the development of policy documents intended to bolster the national commitment to end violence against women and girls, including a recently adopted Child Protection Action Plan (2017).

Recommendations:

- Ensure operationalization of the plans of actions and protocols against GBV.

LGBTQ rights

Similar to other Caribbean countries, same sex relations between consenting adults is illegal. Under the Grenada Criminal Code, Section 431, the offence of “unnatural crime” is committed by way of “sexual intercourse per anum.” Such offence is punishable by imprisonment for ten years. In addition, although Grenada’s constitution has anti-discrimination language, neither the constitution nor Grenada’s legislation protects against discrimination on the basis sexual orientation or gender identity. Grenada is a very conservative Christian society where non-heteronormative expression is deeply frowned upon. Civil society activists report that LGBT people who live openly in society, particularly those from lower economic bracket, face stigma and discrimination, including challenges accessing basic health care, social services and greater difficulty finding jobs.

In terms of advocacy, there is little support for sexual and reproductive rights campaigning for the elimination of stigma and discrimination against marginalized groups, such as sex workers and LGBTQI. In fact, these vulnerable groups are associated with sexual activity that is criminalized in Grenada, which greatly impedes their access to health care. In Grenada, advocacy and counselling services are provided for minority sexual and gender groups through Grenada Chapter of the HIV/AIDS Partnership (GrenCHAP). While efforts to decriminalize buggery and prostitution may meet resistant and criticisms from religious, political and other groups, decriminalization is important to meet the SDG’s principle of universal access and equity.

Recommendations:

1. Repeal Section 431 of the Grenada Criminal Code which criminalizes consensual sexual activity between consenting adults.
2. Collaborate with civil society organizations to develop a sensitization campaign around non-discrimination and a fully inclusive society.

Death Penalty

Public support for the death penalty remains high among Grenadians. Therefore, the government neither supported nor implemented recommendations to abolish or establish a moratorium on the death penalty. Since Grenada’s last UPR there has been little discussion regarding the modalities for the abolition of the death penalty although the issue was discussed in consultations during the 2016 constitutional reform effort.

The country's most recent execution was in 1978, and there are currently no prisoners awaiting execution. Grenada's law forbids the execution of individuals for crimes committed while under the age of 18, as well as pregnant and nursing women, individuals over the age of 70 years, and persons deemed mentally incapable. However, the threat of a death sentence remains because, similar to other Caribbean countries, the Government of Grenada the death penalty mainly as a deterrent for criminality.

Trafficking in Persons

In 2014 Grenada passed anti-human trafficking legislation gives effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking of Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, 2000. The stated aim of the legislation includes provisions "to combat the trafficking of persons within and across the borders of Grenada."

Grenada has made efforts to increase general awareness of the trafficking issue. In 2018 Grenada held a consultation on the issue of trafficking in persons. This brought together representation from various sectors to discuss the way forward. A training on human trafficking for national government and civil society stakeholders was held in February 2019. The training was facilitated by the International Organisation of Migration and focused on the distinction between trafficking and smuggling, victim identification, indicators and the role of different actors, the international and regional framework and national law regulating human trafficking and assistance to victims and referral mechanism.

Institutions & policies

Grenada supported all recommendations to establish a national human rights institution in compliance with the Paris Principles (NHRI), as well as those to improve the country's existing Central Statistics Office.

Grenada's Ministry of Foreign Affairs and the Attorney General's Office is working with the Commonwealth Secretariat and the OHCHR to establish a national human rights institution. A two-day dialogue between June 28th-29th 2016 was held to raise awareness of the benefits of a human rights institution and to clarify the establishment process. A 2017 work plan outlined that the Office of the Ombudsman would be converted to the National Human Rights Office, in compliance with the Paris Principles. Unfortunately, Grenada has not yet established an NHRI in compliance with the Paris Principles.

In 2018, Grenada held consultations with key agencies of the government to discuss the proposal for transitioning the Central Statistics Office (CSO) to a National Statistics Institute. A workshop was held in July 2018 to lay the groundwork for the transition. This transformation is acting as a means to strengthen the statistical system to support good governance.³ As of March 2019, the government was solidifying plans to convert the CSO into a National Statistics Institute that is independent and highly professional in the coordination of the data collection activities within National Statistical Systems. The CSO will serve to conduct the 2020 Round of Population and

³ Recommendation A/HRC/29/14/72.27

Housing Census with UNFPA's support. At present, the CSO has implemented measures to expand the scope of its data.

Human rights education and training

Grenada indicated its support to increase human rights education and anti-discrimination awareness raising programs for the public, however, they withheld their support for anti-discrimination education specifically on the basis of sexual orientation.

Recommendations:

- Engage with local CSOs on a sexual harassment awareness raising campaign.
- Enact culture-based behaviour change approaches targeting those at risk of perpetrating or being a victim.
- Provide training and certifications of chaplains to counsel GBV victims.

Human rights and extreme poverty

Social Safety net programmes such as the Support for Education, Empowerment and Development (SEED), building material assistance programme and the housing distribution programme are some examples of Government's commitment to addressing the issue of poverty. The programmes, although not permanent, serve as a means of advancing women and men from a position of dependence to one of independence. Additionally, small business loan programmes from financial institutions such as the Grenada Development Bank have also assisted some women to become self-employed through entrepreneurship opportunities.

Right to health

Abortion is illegal in Grenada except in the case of saving the life of a woman/preserving physical health. Although Grenada reviewed the legislation criminalizing abortion with UNFPA's support, the country has not attempted to implement the recommendation to decriminalize abortion. It did, however, support other recommendations to improve sexual and reproductive health services for women and girls in order to prevent early pregnancies and sexually transmitted infections and diseases, as well as ensure that young people are educated and engaged about reproductive health practices.

Access to sexual and reproductive health (SRH) services is limited because of age restrictions. Although there is no clear policy restricting access to SRH or other health services without parental consent or notification based on age, there are many uncertainties among adolescents and health professionals about the legal age at which young people could receive medical advice and treatment without parental consent (UNFPA).

The issue of access to sexual and reproductive health services for adolescents and youth in Grenada is part of a regional initiative. Through the support of the Pan Caribbean partnership for HIV, the CARICOM Youth Ambassador as well as UN agencies such as PAHO and UNFPA, there are various initiatives that will support the advancements of the access to SRH services for adolescents and youth in Grenada and by extension, respond to the questions above. These initiatives include:

- CARICOM Youth Ambassadors presented to the Ministers of Health in September 2018, challenges in the region and recommendations for advancing. Grenada's Minister of Health and Chief Medical Officers were present at this meeting.
- With the support of UNFPA, an analysis of Grenada's policies and legislation that affect the access to SRH services for adolescents and youths was completed. The findings from the analysis will be presented to Caribbean young people, civil society and parliamentarians at a meeting scheduled for the end of August 2019. The conclusions will result in key actions to advance access to services at national levels.
- The Ministry of Health developed a National Adolescent Health Policy and Plan with technical assistance from PAHO in 2013; the policy has not been approved for implementation.
- The Ministry of Health developed a National Sexual and Reproductive Health Policy and Strategic Action Plan with technical assistance from UNFPA in 2013. The Policy was Cabinet approved in 2014 but is pending costing for implementation.

Grenada has also taken steps to address HIV/AIDS prevalence and treatment in the country. In 2016 Grenada launched the National Workplace Policy on HIV & AIDS which seek to promote youth engagement and education on sexual and reproductive health including HIV/AIDS. Most community-level public health care facilities offer HIV/AIDS counselling and testing during weekly clinics however HIV treatment, care, and support services remain highly centralized with one treatment site at the General Hospital and six care and support sites throughout the country. Only a small percentage of those who receive testing return for their results, likely due to the two-week waiting period. Rapid testing is only available in the private healthcare sector which is not an option for many.

The Ministry of Health began a *Human Papillomavirus Vaccine* program in 2019, with the vaccination process occurring in all but two primary schools on the island. By introducing this vaccine, girls will decrease their risk of acquiring HPV; and their risk of acquiring cervical cancer. The vaccinations are voluntary and there has not been a 100% vaccination rate.

Recommendations:

- Develop legislation to ensure access to sexual and reproductive health and rights for all segments of the population
- Cost and implement the National Sexual and Reproductive Health Policy (2013)
- 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

Right to education

Grenada showed support for all recommendations to improve the education system, with the goal of providing high quality human resources for its social and economic development. Some educational improvements underway in the country include:

1. A Library Development Programme to make improvements to existing public primary school library spaces. The Ministry of education approved GND Schools Inc. to begin working on four more libraries on 4th June 2019.

2. Grenada adopted the Antigua and Barbuda Declaration of School Safety during the 2nd Caribbean Safe School Ministerial Forum. The Declaration reaffirms commitment to disaster risk management in the education sector and reaffirms the right to quality and inclusive education for all.

The Ministry of Education provides Health and Family Life Education in schools although the implementation of the programmes has been interrupted. Cultural and religious values embedded in the education system prevent selected components of the curriculum from being taught, such as sexuality and sexual health. Adolescents that are not in school are not addressed by the Ministry of Education, and therefore their education on sexual health is intermittent and unsustainable.

Recommendations:

- Develop and implement a policy for pregnant learner retention and re-entry into the formal school education system.
- Mandate the inclusion and delivery of age-appropriate comprehensive sexuality education for in-and out of school adolescents and youth.

Discrimination against women

UN Women supported the preparation of the May 2019 Grenada Comprehensive National Review on Implementation of the Beijing Declaration and Platform for Action, which provides substantial information on the government's efforts to improve the situation of women and girls.

Women in Leadership⁴

Forty-seven percent (47%) of the Parliamentary Representatives in Grenada are women. As of the 2018 General Elections seven (7) women and eight (8) men to the House of Representatives of Parliament. In addition, women hold 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 has been a steady increase in the number of women in leadership and administrative positions. For example, women serving as school principals, permanent secretaries and magistrates/judges have increased within the last five years. These are considered as achievements and are significant since traditionally, the above listed designations were predominantly held by men. Furthermore, although antiquated perceptions of a woman's place still exist among many, these views are slowly but steadily regressing especially among the younger generations.

Promoting women in non-traditional fields of study⁵

Grenada is working on fulfilling its obligation to provide opportunities for women with the aim of getting them out of low-skilled and low-paid jobs. As part of a wider global initiative to fill the gender gap for females in the technology sector, the Caribbean non-governmental organizations SheLeadsIT hosted the "Caribbean Girls Hack"

⁴ Grenada Comprehensive National Review on Implementation of the Beijing Declaration and Platform for Action, May 2019

⁵ ibid

hackathon to invite girls to build their capacity in the field of information and communication technology (ICT). The event took place in Grenada on May 21st, 2019 with over 100 girls taking part.⁶

Local tertiary level and skills training institutions such as the T.A. Marryshow Community College and the New Life Organization (NEWLO) have created opportunities for women and girls to pursue careers in non-traditional areas such as electrical engineering, plumbing, refrigeration and auto mechanic repairs. These institutions have been engaged in awareness initiatives to empower women and girls to take advantage of these opportunities made available.

Some secondary schools such as the Boca Secondary School and Westerhall Secondary School are committed to tackling stereotypes by encouraging and enrolling girls in non-traditional technical subject areas as technical drawing and Building Technology.

Gender-based violence

The Government of Grenada, Carriacou and Petite Martinique and Civil Society have made a number of systematic advances in legislation and policy frameworks and national action plans, as well as programmatic efforts to address gender inequality, and women and girls' human rights. Despite these advances, however, violence against women and girls continues to be a pervasive problem throughout the country.

Gender-based violence, including intimate partner violence and violence against women and girls is identified as one of the most prevalent forms of violence in the Caribbean, sustained by a culture of silence and denial. The Country Gender Assessment (2014)⁷ reported that, in the decade from 2000-2010, 1,630 cases of sexual offences were reported by the Royal Grenada Police Force, with the majority of cases involving indecent assault, defilement of a female, and rape. Additionally, of the 73 homicides reported in the period 2005-2009, 11% were due to intimate partner violence.

The full extent of gender-based violence in Grenada is unknown due to silence and lack of reporting among victims. According to the records of the Royal Grenada Police Force (RGPF), the rate of domestic violence in Grenada has increased exponentially between 2012 and 2016. RGPF statistics show that on average 150 cases of sexual offenses were committed every year for the last ten years. Of these, there were 30 reported cases of rape per year, which is described as twice the global average.

In 2017, Grenada embarked on an initiative to conduct a prevalence survey on violence against women. It is part of the UN Women/CARICOM Pilot Programme. The Survey, entitled "Women's Health and Life Experiences Survey" was conducted in 2018 based on the World Health Organisation Model. The results are being compiled and analysed, and the reports are being prepared.

In recent years the government has taken measures to gain a deeper understanding of the problems and more significantly, to sensitize and mobilize individuals, communities, and various sectors to take action to respond to

⁶ <https://news.itu.int/caribbean-girls-hack-events-show-digital-skills-momentum/>

⁷ Country Gender Assessment, Grenada, 2014

victims and offenders and prevent those forms of violence. Reforms have been undertaken, but there is need to further develop the response and prevention mechanism. There has been public sensitization and educational drives on a national, community and individual level and services have been strengthened through training of service providers and first responders. There is now a Special Victims Unit (SVU) within the Royal Grenada Police Force which allows for easy access to reporting by victims. There is a hotline attached to the SVU. Schools continue to be engaged through the National School Tour and through walks, marches, presentations by the Child Protection Authority, Ministry of Social Development and the Royal Grenada Police Force.

Resources for victims of gender-based violence

Cedar's Home provides shelter for women and their children who are victims of abusive relationships. The Home provides counseling and legal support for the victims and facilitates their reintegration into society. Beginning on 2nd March 2017, the staff at Cedars Home underwent a 15-day training programme regarding GBV laws and policies as well as gender equality and human rights.

Over the period 2016 to 2018, the Legal Aid and Counselling Clinic in Grenada received a technical assistance grant from the Caribbean Development Bank (CDB), to strengthen its capacity to provide psychosocial and psycho-educational programming, and public education to address GBV. The funds were used to support three programmes, the Man-to-Man programme, which is a court-mandated violence intervention and group counselling programme for men who have committed acts of GBV; the CHANGES programme, which is an 11-week group counselling programme for women who have been victims of GBV; and the Alternatives programme, a programme catering to young men 18-years or younger, who come into conflict with the law.⁸

More recent developments

Marital rape is particularly significant and worth mentioning. Although the Criminal Code was amended since 2012 to include it, the first charge was laid 2019. This has sparked a plethora of debates on rights of men and women once they are married. The debate allowed for the public discussion that women's rights are not diminished because of marriage.

A Committee for the Prevention of Child Sexual Abuse was formed in 2017. During 2018, research was completed on "Situational Review of Child Sexual Abuse in Grenada" and "Strengthening Services to Victims and Defining a Formal Mechanism for Response, Coordination and Networking to Address Sexual Violence, Intimate Partner Violence and Child Abuse." In 2019, the National Gender Machinery was tasked to include violence against children in its role as the coordinating mechanism for GBV response.

"Strengthen interventions to combat domestic violence and child abuse" is one of the priorities of the Medium-Term Agenda of the Government of Grenada for 2019 to 2021. It is therefore anticipated that further action will be done over the next three years.

Sexual harassment

⁸ Recommendations A/HRC/29/14/72.50-53

Provisions against sexual harassment were included in a bill to revise the Labour Code of Grenada in 2016. The Bill is awaiting final review and approval to be made into Law. The Bill seeks to address sexual harassment in the work place but not in public spaces and educational settings, except when they can be treated as workplaces. Two other Bills which seek to address sexual harassment in additional contexts were considered during the period; one previously submitted by GNOW was reviewed, and a new CARICOM Model Bill was developed in 2017 as part of a regional project, IMPACT Justice. Currently, the Ministry of Labour receives and responds to allegations of sexual harassment in the workplace on a case by case basis.

In 2019, the Women's Parliamentary Caucus reinstated their commitment to champion a bill against sexual harassment through a round of public engagement, revision if necessary, and introduction into Parliament. It is therefore anticipated that legislation against sexual harassment will become a reality in the future. Sexual harassment in public spaces, education settings and in employment continues to be a prevailing problem.

Currently, the Ministry of Labour continues to receive and respond to allegations of sexual harassment in the workplace on a case by case basis.

Children: definition, general principles, protection

Child protection is a critical for many Caribbean countries and, since its last UPR, Grenada has taken measures to better address the rights of children and child protection concerns.

The absence of provisions within the law to address the right of a minor to independently access vital health services has been red flagged in several reports, both at a national and regional level. There is great uncertainty amongst health professionals about children's access to sexual and reproductive health services without parental consent or notification. The whole issue of parental involvement in a child's access to these types of services is a controversial one. Parents have reasonable expectations about being consulted on issues pertaining to the general health and welfare of their children, whilst children are seeking privacy and confidentiality in their access to medical services. These competing interests are difficult to resolve and will likely be the subject of some resistance from parents. Reliance on policy or even the common law is insufficient those operating in the health sector are quite understandably reluctant to act on the strength of anything other than expressly stated provisions within the law. As a result, children will not be afforded meaningful access to sexual and reproductive health services.

Child abuse

In Grenada, the number of child abuse cases reported during 2011–2015 totaled 1,907 children. In 2015 alone 121 cases of sexual abuse against children were recorded. Some reports indicate that child sexual abuse has graduated away from the home setting towards schools and centres where young people gather.⁹ Sexual abuse and physical abuse were the most common types of reported abuse during the period, each accounting for about 32% of reported cases, while neglect/abandonment for 28% of the cases and 7% emotional and verbal abuse.

Some of the consequences of child sexual abuse include unwanted teenage pregnancy, abortions, transmission of STIs/HIV, drug and alcohol abuse, and their resulting economic consequences. Therefore, there is a critical need

⁹ Situation Analysis of Children in Grenada, 2017.

to address the issues of child sexual abuse in Grenada. Currently, gender-based and sexual violence are covered under the Domestic Violence Act of 2010, the Child Protection and Adoption Act of 2010, and the National Domestic Violence and Sexual Abuse Protocol for Grenada of 2011. The MoSD and two NGOs – Grenada National Organization of Women (GNOW) and the Legal Aid and Counselling Centre (LACC) are the main service agencies involved in providing support services for victims.

The MoSD has jurisdiction over both child protection and juvenile justice matters. However, pursuant to the Child (Care and Adoption) Act (2010) the mandate for child protection comes under the more direct control of a statutory authority, namely the Child Protection Authority ('CPA'). The Child Protection Agency Strategic Plan 2019-2024, developed with UNICEF's support, identified effective advocacy and networking as a critical key success factor to enable the CPA to deliver on its mandate. These are tools which are necessary to enable the CPA to effectively target key decision makers and align public opinion and action with the agency's goals. The organization should be seeking to capitalize on the increasing societal support for fighting child abuse and counter the impact of the historical tolerance of child abuse.

The human resource capacity of the CPA is quite good, especially by comparison with other OECS States. Despite this reality, Child Protection Officers still complain of feeling overwhelmed by their caseloads and unable to meet all of the obligations required of them. UNICEF supported the government in an assessment of their current child protection systems and with the collaboration of several government stakeholders highlighted key areas requiring attention. Among these were strengthening VAC preventative measures including preventing violence in schools, supporting interagency collaboration, strengthening child protection data management and sharing, supporting behavior change on KAPs on corporal punishment within the household and capacity development needs of child protection and justice sector workers.

In September 2017, the cabinet appointed a committee to address child sexual abuse, and in 2018 the government launched a Special Victims Unit and Hotline to deal specifically with victims of sexual crimes, domestic violence, and child abuse. The unit consists of female officers attached to the Criminal Investigation Department (CID) of the RGPF.

Recently, Grenada has seen an uptick in sex crimes against children. According to the RGPF from the period of January to July 2018, the number of sexually related crimes have increased by 13% over the same period for 2017 moving from 230 to 259.

In 2018 research was completed on "Situational Review of Child Sexual Abuse in Grenada" and "Strengthening Services to Victims and Defining a Formal Mechanism for Response, Coordination and Networking to Address Sexual Violence, Intimate Partner Violence and Child Abuse". In 2019, the National Gender Machinery was tasked include violence against children in its role as the coordinating mechanism for GBV response.

Children and access to justice in Grenada

Grenada does not have a Family Court, although one has been contemplated for quite some time. Juvenile matters are heard in the regular Magistrate's Court on assigned days of the month. The new child protection legislation has placed all child protection cases under the jurisdiction of the High Court. The use of the High Court for child

protection matters is not consistent with the practice in the Family Court jurisdictions like St. Lucia and St. Vincent where juvenile justice and child protection are addressed in the same Court.

During its previous UPR Grenada supported recommendations to fully implement the **Juvenile Justice Act** passed in 2012. Although passed in July 2012, this Act did not take effect until April 2016. The delay of almost four (4) years between passage of the Juvenile Justice Bill and when the bill actually took effect is a disappointing feature in Grenada's engagement with law reform aimed at improving the systemic responses to children who are in conflict with the law. This delay was reported as necessary because of the late completion of the Bacolet Rehabilitation Centre which was the designated secure treatment facility for young offenders. Senior level policy makers also advised that the delay was inevitable given the weak infrastructure within the probation department and its inability to meet the rigorous demands of the new Act. The probation department had admittedly significantly diminished its human resource capacity after passage of the Bill in 2012. Although it is still too early to assess the full rate of compliance with the new legislative requirements, initial feedback from stakeholders is revealing that there are some "teething issues" with the reformed law.

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 are charged with criminal offences. In an assessment of the child justice system in Grenada¹⁰ the data was corroborative of the broader finding that charging rates of young offenders is very high in Grenada, with an average of approximately three hundred (300) children being arrested with offences on an annual basis. Most of the offences are property related and boys are significantly more likely to be charged than girls. The assessment also revealed that children in conflict with the law in Grenada, like their adult counterparts, have little to no access to legal representation. This unfortunate reality has serious implications for the young and vulnerable children who are alleged to have committed offences, including the following:

Recommendations:

- Support the enhancement of systems to ensure legal representation of children.
- Develop and implement behavioural change strategy on corporal punishment within the homes and strengthening parenting/ family programmes; sexual abuse and incest.
- Support the establishment of an integrated Child Protection Information System and development of a Statistical Digest on Child Protection.
- Introduce safety, security and safeguarding measures targeting staff responding to SGBV and family violence.

Persons with disabilities: definition, general principles

Although Grenada ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2014, little has been done to implement the convention or actively promote the rights of person with disabilities. In 2016 the government of Grenada attempted to expand the constitutional definition to include persons with disabilities. Unfortunately, the proposal to expand constitutional rights protection, specifically to persons living with disabilities, was part of the 2016 Rights and Freedoms Bill that failed in the country's referendum.

¹⁰ OECS/UNICEF Assessment of the Child Justice System in Grenada Sept. 2016

The Grenada National Council for the Disabled (GNCD) is represented on the National AIDS Council (NAC) and participate in training and health education for SRH conducted by Grenada Red Cross Society. However, during discussion with the GNCD, there was the perception that persons with disabilities are not sufficiently included in mainstream SRH consultations and other initiatives. During the discussion with persons with disabilities, some of the SRH concerns identified included the ability of persons with disabilities, especially girls and women, to protect themselves from unwanted sexual activity because they may not have the mental capacity to engage in consensual sexual activity.

The 2012 amendment of the Criminal Code of Grenada, intended to provide protection for persons with disabilities, does so with highly offensive language stating: A person who has sexual intercourse with an “imbecile,” whether with or without the consent of the “imbecile,” under circumstances which do not amount to rape, commits an offence and is liable on conviction on indictment to a term of imprisonment not exceeding five years. (Criminal Code, Act no. 29 of 2012, section 182).

The MoSD made information on GBV accessible to persons who are blind by translating informational material “Provisions to Address GBV in Grenada” into Braille. Copies are available at the National Council of the Disabled, the Council for the Blind and the GBV Unit.