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Grenada

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I. Overview and methodology

1. The National Report of Grenada for the Universal Periodic Review was prepared by a special stakeholder Committee comprising representatives of Government, the Trade Union Council (which is the umbrella body for all trade unions), non-governmental organisations, the Conference of Churches, the local Human Rights Committee set up by the Government of Grenada. The Ministries of Foreign Affairs and Legal Affairs were mandated by the Cabinet as the responsible bodies for the coordination of consultations, and the production of the final report.
2. Consultations will continue with relevant Government Ministries, social agencies, Trade Unions and Non Governmental Organisations throughout Grenada's preparation for the interactive phase of the Universal Periodic Review.
3. This national report was prepared in accordance with the General Guidelines for the Preparation of Information under the Universal Periodic Review, decision 6/102, as circulated by the Human Rights Council.
4. The aim of this report is to describe the framework and status of Grenada's fulfillment of its human rights commitment and international obligations.
5. The report highlights Grenada's background, Constitution, Governance, Judiciary, Domestic Legislations, Treaties & Conventions ratified by the Government, Protection of Human Rights, National priorities, Achievements, Challenges, Constraints and expectation of the State within the general framework of meeting the international obligations and demands of its people.

II. Country background

6. The State of Grenada which comprises of three islands namely Grenada, Carriacou and Petit-Martinique is the most southernly of the Caribbean islands chain. With a population of approximately 100,000 persons its land space amounts to approximately 88,000 acres. The country attained independence on February 7, 1974 from the United Kingdom and operates a parliamentary democracy with a bicameral legislature.
7. Independence was obtained amidst great unrest among the population as a result of gross violations of human rights which included physical abuse of the citizenry, unsolved murders, suppression and violence against members of Her Majesty's Opposition. This situation resulted in the rise of a populist movement which placed many national issues on the forefront with the intention of bringing change to the existing social conditions. Much of the efforts resulted in crack downs by government sponsored gangs that routinely violated rights of citizens.
8. The emergence of a revolution in 1979 with the tacit consent and later real popular support which existed up to October 1983, allowed some major achievements to be realized. However, while there were major strides in economic and social development of the country it must be stated some major violations of personal rights took place.
9. Intervention in October 1983 by a major power and regional allies gave way to restoration of the democratic process and the reintroduction of the Constitution which was suspended under the revolutionary government. This laid the basis for general elections to be held in 1986. That election resulted in a new political party which emerged from the amalgamation of three separate parties forming the government. During this period of time there was increased public awareness of the value and importance of human rights, and the

necessity of having these rights protected and guaranteed. Subsequent to the 1986 elections, there were five general elections.

10. In July, 2008, Honourable Tillman Thomas led the National Democratic Congress and won eleven (11) of the fifteen seats in a generally free and fair election and was consequently appointed as the Prime Minister. The new administration's message is good governance, accountability and the rule of law.

III. Grenada's constitution

11. The Grenada Constitution which came into force in 1974 is the supreme law of Grenada and subject to the provisions of this Constitution, if any other law is found to be inconsistent with this Constitution, the provision of the Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void.

12. The guiding principles underlying the Grenadian Constitution is found in its preamble which includes among other things:

(i) That Grenada firmly believes in the dignity of human values and that all men are endowed by the Creator with equal and inalienable rights, reason, and conscience, that rights and duties are correlatives in every social and political activity of man, and that while rights exalt individual freedom, duties express the dignity of that freedom.

(ii) That the people of Grenada express their respect for the rule of law: and since moral conduct constitutes the noblest flowering of their culture and their plural heritage, regard it as the duty of every man always to hold it in high respect.

(iii) That the people also reiterate that the ideal of free men enjoying freedom from fear and what can be best achieved if conditions are created whereby everyone may enjoy his economic, social and political, civil and cultural rights.

13. Against the above background, the Constitution makes adequate provisions for the fundamental rights and freedoms, protection of right to life, protection of right to personal liberty, protection from slavery and forced labour, protection from inhumane treatment, protection from deprivation of property, protection from arbitrary search or entry, protection of freedom of conscience, protection of freedom of expression, protection of freedom of assembly and association, protection of freedom of movement, protection from discrimination on the grounds of race, place of origin, political opinions, colour or creed etc, right to fair hearing and presumption of innocence.

14. Apart from making provisions for the aforementioned rights, the Constitution also provides that any person alleging that any provision of this Constitution has been breached, may apply to High Court for the enforcement of his right.

15. Further, the Constitution also makes provision for other aspects of the Government and entities such as Judicial and Legal Service Commission, Public Service Commission, Public Service Board of Appeal and empowers these entities to oversee the functioning, recruitment, appointment, promotion and discipline of public servants thereby ensuring that citizen human rights are enhanced.

IV. Legislation

16. The Grenada Parliament is the body that is responsible for making laws for the peace, order, safety and good government of the Country. Grenada's Parliament consists of Her Majesty-Queen of England represented by the Governor-General, a Senate and a House

of Representatives. The Senate consists of thirteen members appointed by the Governor-General. Seven shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister, three shall be appointed by the Governor General, acting in accordance with the advice of the Leader of the Opposition and three shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister after the Prime Minister has consulted the organizations or interests groups which the Prime Minister considers should be represented in the Senate.

17. The House of Representatives consists of the fifteen elected members as corresponds with the number of constituencies being established for Grenada.

18. Over the years, domestic legislations have been enacted by the Parliament to regulate the affairs of the people and strengthen the overall socio-economic wellbeing of the people. Such domestic legislations include but not limited to the following:

- (a) Adoption Act Cap 3;
- (b) Agricultural Crops (Compensation) Act Cap 5;
- (c) Agricultural Industries Protection Act Cap 7;
- (d) Aliens (Land-Holding Regulation) Act Cap 13;
- (e) Audit Act 2007;
- (f) Banking Act 2005;
- (g) Bills of Sale Act Cap 32;
- (h) Citizenship Act Cap 54;
- (i) Child Protection Act 1998;
- (j) Companies Act 1994;
- (k) Criminal Procedure Code 77;
- (l) Crown Proceedings Act Cap 74;
- (m) Custom Act 1960;
- (n) Deeds & Land Registry Act Cap 79;
- (o) Domestic Violence Act 2001;
- (p) Domestic Violence Summary Procedure Rules;
- (q) Education Act 2002;
- (r) Employment Act 1999;
- (s) Evidence Act Cap 92;
- (t) Exchange of Information Act 2003;
- (u) Financial Intelligence Unit Act 2003;
- (v) Food and Drug Act Cap 110;
- (w) Grenada Food and Nutritional Council Act 1980;
- (x) Land Acquisition Act Cap 159;
- (y) Limitation of Action Act Cap 173;
- (z) Magistrate Act Cap 177;
- (aa) Money Laundering (Prevention) Act 1999;

- (bb) Mutual Legal Assistance in Criminal Matters Act 2001;
- (cc) Ombudsman Act 2007;
- (dd) Physical Planning & Development Act 2002;
- (ee) Prevention of Corruption Act 2007;
- (ff) Representation of the People Act 1993;
- (gg) Status of Children Act 1991;
- (hh) Terrorism Act 2003;
- (ii) Workmen's Compensation Act Cap 343.

V. Multilateral treaties

19. Apart from local legislations which are available to regulate and enhance the human rights of the citizens, multilateral legislations, which include treaties, conventions and instruments ratified by the Government of Grenada are in place. Examples of such are as follows:

- (a) International Convention on the elimination of all forms of Racial discrimination;
- (b) International Convention on economic, social and cultural rights;
- (c) International Convention on Civil and Political Rights;
- (d) Conventions on the Rights of the Child;
- (e) United Nations Conventions Against Illicit Traffic in Narcotics Drugs and Psychotropic Substances;
- (f) United Nations Convention on the Law of the Sea;
- (g) Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction;
- (h) International Convention Against the Taking of Hostages;
- (i) Comprehensive Nuclear-Test Ban Treaty;
- (j) Convention of the Prohibition of The Use, Stockpiling, Production and Transfer of Anti-personnel, Mines and on their Destruction;
- (k) Convention on Biological Diversity;
- (l) Vienna Convention for the Protection of the Ozone Layer;
- (m) Montreal Protocol on Substance that Deplete the Ozone Layer;
- (n) Inter-American Convention on Mutual Assistance in Criminal Matters;
- (o) Charter of the Organization of American States;
- (p) Inter-American Conventions against Terrorism
- (q) International Humanitarian Law (IHL) instruments;
- (r) Convention on Political Rights for Women;
- (s) Convention on the Elimination of all forms of Discrimination against Women;

- (t) International Labour Conventions.

VI. Executive

20. The executive authority of Grenada is vested in Her Majesty. The Governor-General on behalf of her Majesty may exercise the executive authority either directly or through officers subordinate to him. In this regard, the Prime Minister is appointed by the Governor-General having regard to the House of Representatives who appears to him likely to command the support of the majority of the members of the House while other Ministers are appointed by the Governor-General acting in accordance with the advice of the Prime-Minister.

21. Overall, the general direction and control of the Government of Grenada is vested in the Executive arm of the Government which is collectively responsible to the Parliament.

22. The executive is headed by the Prime Minister, and steered by the cabinet appointed by the Governor General on the advice of the Prime Minister. The Cabinet is the principal executive instrument of policy with general direction and control of the government.

VII. Judiciary

23. The judiciary in Grenada is part of the Eastern Caribbean Legal System. The Grenadian Constitution and laws provide for an independent judiciary and the government respects the judicial independence in practice.

24. The Eastern Caribbean legal system, consists of three resident Judges who hear cases in the High Court and the Court of Appeal headed by a Chief Justice along with two other judges. These legal luminaries who are members of the Court of Appeal travel amongst the Member States of the Eastern Caribbean to hear appeals from citizenry who are not satisfied with the decisions of the High Courts in their respective territory. In addition, there are magistrates Courts in each of the Districts making up the Country hearing matters on a daily basis.

25. Final Appeal from Courts in Grenada lies with the Privy Council in United Kingdom.

26. On September 5, 2009 the government released the remaining seven of the original "Grenada 17" imprisoned for the 1983 murders of then Prime Minister Maurice Bishop and ten other citizens. The release was based on 2007 ruling in a resentencing hearing ordered by the Privy Council.

VIII. Promotion and protection of human rights

27. Various domestic legislations such as those highlighted in paragraph 17 above have been enacted to regulate and deal with various aspect of citizen life, thus enhancing and guaranteeing individual human rights. Where those laws are inadequate, amendments have also been made to reflect the inadequacy and reformation in the society.

28. Apart from these domestic legislations, some international treaties, conventions and instruments ratified by the Government of Grenada have also been given effect to. It must be noted, however, that international human rights instruments cannot generally be invoked directly before local Courts but rather domestic legislation must be first enacted by the Parliament of Grenada in order to incorporate these international instruments into the legal system.

29. The activities of Non-governmental organization have also contributed to the upliftment and enforcement of human rights in Grenada. In Grenada, non-governmental organizations and Civil Societies such as Grenada Citizen Advise and Small Business Agency, Grenada National Organization for Women, Grenada National Coalition on the Rights of a Child, Grenada Save the Children Development Agency. The Trade Union Council and others, play an active role in enlightening citizens of their human rights and advocating for the enforcement of such rights.

IX. Social and economic rights

30. The Government of Grenada is committed to the provision of services geared towards the alleviation of poverty, improving the standard of living of the disabled, indigent and disadvantaged members of society thus enhancing their socio-economic rights. Tremendous focus is placed on creating employment.

31. Additionally, a number of safety net programmes are in place. These include:

- (a) The necessitous Fund: To assist children in school;
- (b) Burial of the Poor: To assist the disadvantaged in burial of their loved ones;
- (c) Water Support Programme: To ensure that each household has access to clean potable water;
- (d) Day Care Services: To ensure that children between the ages of six months to three years are cared for while their parents are at work;
- (e) Elder care in the form of institutional and community care services are provided for the elderly;
- (f) Public Assistance Programme: Cash transfers are made to the elderly, disabled and underprivileged on a monthly basis;
- (g) Roving Care Givers Programme: provides home care for the elderly and disabled;
- (h) Home for the Aged: A network of institutional care for the elderly.

A. Families and children

32. Besides providing support for families and children through safety net programmes, government has taken steps to ensure that families and children are protected from all forms of abuse. In 1998, the Child Protection Act was enacted. This Act seeks to protect children from all forms of abuse. A recent review of the Act revealed the need for provisions for mandatory reporting of all forms of abuse and the removal of a statutory limitation for sexual offences.

B. Persons with disability

33. Government provides support to the Grenada Council for the Disabled, the vanguard organization for persons living with disabilities. A monthly subvention is provided to assist in the operations of a secretariat. Additionally, financial support, free medical care, and housing are provided. These services vary according to individual needs and recommendations from the Council for the Disabled and the Social Workers in the Ministry of Social Development.

C. Women

34. The Domestic Violence Act protects the right of women against all forms of abuse. A half-way home for battered women has been established where victims of domestic violence and their children are provided with temporary accommodation. Through the relevant Government institution assistance is provided for victims to secure more long term housing for their families.

35. To achieve its goal, Government works in partnership with several local institutions. These include Homes for the Aged, Grenada Adoption Board, National Children's Home, The Child's Welfare Authority, Legal Aid Clinic, Grenada National Council for the Disabled, other non-governmental Organizations, The Police Force and the various arms of the Judiciary.

D. Education

36. The Government of Grenada through the Ministry of Education is committed and endeavors to ensure equitable access to quality and relevant education to all citizens regardless of sex, race, colour, creed, or socio-economic status. It is mandatory for all children between the ages of five to sixteen to have formal education. Formal education is free of cost up to secondary level, and is provided through a network of seventy-four (74) pre-primary fifty-eight (58) primary and twenty-two (22) secondary schools. At the tertiary, the T.A. Marryshow National College offers advanced academic and skills training to high schools graduates. This college is being expanded to provide additional programmes at its canters in two rural parishes.

37. Additionally, a community based Adult Continuing Education Programme which teaches basic literacy and numeracy is in place. A national school textbook program ensures that all children are provided with the basic text books required to enhance their educational opportunities. Through the Necessitous Fund administered by the Ministry of Social Services additional support is provided to needy persons to ensure that students remain in school.

38. Counseling services are provided in most secondary schools to assist students with special needs.

E. Labour rights

39. Grenada is a member of International Labour Organization and fully committed to ensuring that the international labour standards are met, applied and promoted. To this extent, core ILO Conventions have been ratified by the Government of Grenada. International labour standards, such as, freedom of association, collective bargaining, equality of opportunity and treatment, maternity protection, elimination of child labour and protection of children and young persons are well recognized and properly enforced. Local legislation to protect the rights of workers such as the Employment Act, the Labour Code are in force.

40. A very active trade union movement exist which lobbies and advocates for the maintenance of works rights and privileges.

X. Key national priorities and commitments

41. Areas of priorities enunciated by Government include Good Governance, Crime Prevention, Education and Human Resource Development, Housing and Health Care.

A. Good Governance

42. The Government of Grenada is committed to good governance not only because it is the right way of governing but because it is universally accepted as a precondition for development. In this regard, principles underlying good governance, such as, accountability, transparency, people's participation, equity and fairness and the rule of law are of paramount importance to Government.

43. In pursuit of good governance, Government has undertaken the following:

(a) In 2007 the Government of Grenada enacted the country's first anticorruption law and a bill establishing an Integrity Commission. These pieces of legislation aimed to ensure integrity in public life. One requirement is for public officials and their immediate family members to declare their income, assets, and liabilities annually.

(b) A Public Procurement Act to establish a new Authority to regulate and harmonize public procurement practices in the public service was also enacted. This is expected to reduce the scope for corruption and ensure value for money of public expenditure.

(c) The establishment of an Investment Policy Review Committee to review all major investment proposals and make recommendations to Cabinet.

(d) The appointment of a National Economic Council to consider and advise Government on macro-economic policies and other major issues that are impacting or may impact the Grenadian economy.

(e) The establishment of an Ombudsman Office and the appointment of an Ombudsman to investigate complaints by members of society about Government's actions which they deem to be unfair, an abuse of power, contrary to law, discriminatory, or negligent.

B. Crime prevention and community policing

44. Grenada accepts that the primary responsibility of the security status of the country rest on the Government. Cognizant of this responsibility, government places significant importance on crime prevention and security. Government recognizes that the environment for economic and social development will be compromised if proper measures are not put in place and implemented to look after the security needs of citizens, businesses and investors.

45. In regard to the above, the capabilities of the Police Force to fulfill their primary function of maintaining law and order and crime prevention are always being strengthened. Training in individual human rights and their protection forms a key part of the police training agenda. In addition, the Police Force partners with the wider community, in its community policing thrust. This fosters greater relationships between the Police and members of its communities who work together not only in crime detection and prevention but also in community enhancement projects.

C. Education and human resource development

46. Government recognizes that its single most important investment must be its human resources. The major focus of this Sector is universal secondary education, curriculum reform aimed at refocusing the existing curriculum to respond to the needs, aptitude and interest of all learners and the job markets; ensuring that no child is left behind. The twinning of academics with skills development is a key component. Teacher education is also another vital part of the reform process.

47. Additionally, Government continues to provide opportunities for its citizenry to access tertiary education. Government has pledged to ensure that every household will have a university graduate.

D. Health

48. An efficient health care system has always been the aim of every Government in Grenada. Over the years successive governments have faced the challenge of adequately responding to the health care needs of the population. While a new hospital facility was opened in 2002, the health sector continues to provide a challenge to government.

49. Government has adopted a preventive health care strategy and great attention is paid to the chronic non-communicable diseases. The issue of HIV/AIDS Prevention is also an area of key focus. Government recognizes that HIV/AIDS is not only a health problem but a developmental problem that has social, economic and cultural implications. HIV/AIDS affects the most productive segment of the population and therefore can constitute a threat to the economic growth in Grenada if not managed effectively. The Ministry of Health plays a vanguard role in implementing programmes aimed at HIV/AIDS prevention. An early detection programme where free confidential testing is provided is in place. Provision of antiviral drugs for all infected persons free of cost along with free health care and counseling are also part of Grenada HIV/AIDS Prevention Strategy. Government partners with both local and hemispheric bodies in implementing its strategy.

50. Over the years, Grenada has committed resources and continues to advocate for the allocation of adequate human and financial resources by all sectors, including the government itself, to combat the spread of HIV/AIDS in Grenada.

E. Housing

51. Government accepts that access to proper housing is a basic human right. Government with assistance from various agencies has introduced programmes aimed at ensuring that the vulnerable have access to adequate housing. With the destruction of approximately ninety percent of the housing stock in 2004 by Hurricane Ivan, providing adequate housing continues to be difficult. Through low cost housing projects and housing repair loans at concessionary rates to low income families Government is attempting to address this issue. Special assistance is provided to the elderly, disabled, and other special cases such as single parents and HIV/AIDS infected persons.

XI. Best practices and achievements

52. Apart from domestic legislations in support of human rights, Grenada has signed/acceded/ratified a number of international human rights conventions and treaties in support and protection of fundamental human rights.

53. The participation of Civil Society and Non-governmental organizations in the political and civil life of Grenadian cannot be over emphasized. Civil societies such as Grenada National Coalition on the Right of a Child, Grenada National Organization for Women, Grenada Community Development Agency, Agency for Rural Transformation, among others, have played significant role in raising awareness on the social and political issues affecting the citizens of Grenada. Put simply, a number of domestic human rights groups and Civil Society generally operates without any restriction, investigating and publishing their findings on human rights cases and government have been generally cooperative and responsive to their views.

54. Independent entities such as Public Service Commission, Public Service Appeal Board, and Tax Appeal Board, are empowered to deal with various aspects of issues that affect the citizenry and corporate entities. Entities such as Public Service Commission oversee the recruitment, appointment, promotion and discipline of public servants, thereby enhancing their rights. Additionally, the creation of the office of the Ombudsman ensures that the actions of these Independent or Statutory Bodies are well in line with the law of the land.

55. The Government of Grenada is always striving to provide and maintain at internationally acceptable standards, the provision of services for its citizens. To this end, a new hospital was constructed in St George's to address the shortcomings of the existing one. Health care services with an emphasis on preventive health care have been improved to accommodate the growing health demands.

56. Prison facilities have also been improved to internationally acceptable standards. Measures are being taken to address the growing concerns of over-crowding and other complaints at the Prisons. Independent human rights groups are permitted to monitor prison conditions and produce independent reports. At the prison, educational support programmes were developed to provide inmates with academic and vocational training, and employment skills to assist them in gaining suitable employment on release. This forms part of the general rehabilitative programme which includes in addition to education and skills training, counseling, sporting activities and fostering family involvement in the lives of the inmates.

57. The introduction and adoption of Domestic Violence Act 2001, the Domestic Violence Summary Procedure Rules as well as the Child Protection Act of 1998 are all clear signals of Grenada's commitment to many of the rights enunciated in the International Covenant on Civil and Political Rights.

58. There is a de facto moratorium on the death penalty in Grenada. The Death Penalty in Grenada is discretionary rather than mandatory as enunciated in the Privy Council's decision in the case of Bernard Coard et al v. A.G (Privy Council Appeal No. 10 of 2006)

XII. Challenges and constraints

59. Grenada continues to fulfill its obligations required through its voluntary pledges and commitments. Its support of activities that promote and protect human rights of all people without discrimination of any kind, and upholding the highest standard of human rights at home clearly demonstrates Government's philosophy. Grenada in supporting the fight for preservation of human rights internationally have ratified core United Nations human rights instruments. However, there is need for technical support in key areas to enhance our capabilities to continue to do so. Grenada believes that the maintenance of Human Rights contributes significantly to democracy, economic and social development, safety and peace in the world.

60. Our inability to fulfill some of our obligations in the signing and ratification of some international instruments are the consequence of inadequate technical capabilities. The Government will continue to promote its human rights agenda through the actions of all its public officials, improving our responses and instituting requisite legal reform.

XIII. Expectation of the State

61. The Government has recognized that there is an urgent need to address the overcrowding situation at the sole penitentiary. Additionally, the practice of housing young offenders in the same facilities with seasoned and convicted persons is of concern to Government. In 2002/4, Government constructed a separate facility for Young Offenders in the rural community of Bancelot, St. David's. However, Hurricane Ivan in 2004, destroyed most of the building. While rehabilitation of the building has commenced, financial constraints have negatively impacted its completion. Government will continue to work assiduously to raise the necessary finances to construct a new prison and complete the facility for young offenders.

62. Government commits itself to continue legislative reform to ensure that legislation will adequately protect the rights of its citizens.

63. The need to establish legislation for the protection of persons with disabilities and HIV/AIDS against all forms of discrimination must be addressed.

64. Work on the development of a youth policy and a national sports policy is in process. While the Constitution makes general provision for the protection of the rights of citizens it is important to ensure that special polices are in place to address the needs of special interest groups.

65. A new Social Protocol between Government, the Labour Movement and the Private Sector has been proposed. Consultation among the different interest groups is ongoing.
