

**SHADOW REPORT TO CEDAW COMMITTEE**

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## 1. Introduction

- 1.1. The Country Paper provides an overview of the status and socio economic conditions in which women survive and operate in Grenada; assessment of Implementation of CEDAW by the State and the quality of such implementation; a brief review of some available data, a brief review of the legislative framework with respect to equality, prevention of discrimination and protection of women.
- 1.2. The assessment of the level of implementation by the Government and the prevailing conditions affecting women were gleaned and/or determined by meetings held with representatives of NGOs directly concerned with women's and girls' equality in Grenada, which organizations belong to the umbrella organizations including the Grenada Inter Agency Group of Development Organisations ("IAGDO") and the Grenada National Organisation of Women (GNOW), such as the Legal Aid Counselling Clinic, ("LACC") Agency for Rural Transformation (ART), Hope Help and Empowerment (HOPEPALS) "GRENCHAP", Pepole In Action (PIA), along with the Grenada National Coalition on the Rights of the Child.
- 1.3. The Country Paper is submitted by the IAGDO the local sponsor of the preparation, with funding assistance received from UNWomen - United Nation Entity For Gender Equality and the Empowerment of Women.

## 2. ABOUT GRENADA – COUNTRY INFORMATION

- 2.1. The State of Grenada is a tri island state in the Caribbean Sea, along with the dependent Grenadine islands Carriacou and Petit Martinique; it is the most southerly of the Windward Islands, located about one hundred miles from the Venezuelan coast. The islands cover total land mass of 345 square kilometers. Grenada's topography is largely hilly and mountainous in parts.
- 2.2. Grenada was discovered by Columbus in 1498. The first effort to colonise the island was by Britain in 1609 but was settled by the French in 1650 until ceded to the British by the Treaty of Versailles. The inhabitants of Grenada are now called Grenadians and are English speaking.
- 2.3. The constitutional governance of Grenada is by a "modified" Westminster styled constitution, with the Parliamentary system based on the British model, characterised by the Queen of England being represented by the Governor General as head of State; a Prime Minister as head of Government, a bicameral parliamentary system comprised of a nominated Senate and an elected House of Representatives. There are parishes, which are administered by central government.
- 2.4. According to excerpted data from **the World Fact book**, the population of Grenada is approximately 108,419 people.

- 2.5. The Birth Rate 17.0 /1000 population; Fertility rate: 218 children born/woman; Population growth rate: 0.551%; Life Expectancy at birth- approximately 73.04; the median age is approximately 28.6.
- 2.6. The infant mortality rate: 11.43 /1000 live births estimate and maternal mortality rate; the total fertility rate- 2.18.
- 2.7. The age structure is **0-14**: 25.4%- (male14,152 /female 13,390); **15-64**: (male-65.7%-36,245/female 36,950); and **65 years and over** – 8.9% (male 4372/female 5,300).
- 2.8. Literacy: Total population 96%; and Health expenditure: 7.1% of GDP.
- 2.9. Grenada is a member of the United Nations(“UN”), which it joined in1974,the Commonwealth of Nations, the OAS, CARICOM, the sub regional Organisation of Eastern Caribbean States, the World Bank, the International Monetary Fund and the Caribbean Development Bank.

### **3. Relevant Human Rights Treaties, Conventions, Resolutions, Plans of Action etc ratified/ adopted by Grenada.**

- 3.1. Grenada is a signatory to several International human rights treaties and conventions including the following:
  - 3.1.1. The Universal Declaration on Human Rights (1948), the International Covenant of Economic Cultural and Social Rights 1966, the International Covenant of Civil and Political Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, The Convention on the Elimination of Discrimination Against Women and it’s Optional Protocol and Resolutions, The Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the adoption of the Declaration on the Elimination of Violence against Women provides a framework for analysis and action at the national and international levels; along with the Declarations and Program of Action of International Conference on Population and Development 1995 and the Beijing Platform for Action 1998, the Security Council Resolution 1325 calling for special protective measures for women and girls in armed conflict and emphasized the responsibility of all States to put an end to impunity for perpetrators 2000, The UN Millennium Development Goals 2003; The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; 2008: The Security Council landmark Resolution 1820 devoted to addressing sexual violence in conflict and post-conflict situations, and the Human Rights Council adopted Resolution 14/12 on accelerating efforts to eliminate all forms of violence against women.
- 3.2. **Others include:** The Commonwealth Plan of Action 2005-2015; 2007- The Convention on the Rights of Persons with Disabilities.; 2011- The Declaration of

San Salvador- re citizen security; and **Regional treaties:** The American Convention on Human Rights, **Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Pará) on November**, The Caricom Charter of Civil Society and the Caricom Social Development Crime Prevention Plan of Action 2011.

#### **4. Status of Treaty Compliance**

- 4.1. Following the ratification of CEDAW, although Grenada officially still has no official gender policy, it has been carrying out its programmatic work further to the Women's Convention, its Resolutions and others referred to above.
- 4.2. Some UN reports for Grenada are outstanding and Grenada has never reported the UN Committee to CEDAW since the ratification of CEDAW, and therefore can only be guided by the "general recommendations" made by the Committee to Caribbean countries or others, with similar socio economic conditions.

However, in recent years, Grenada has reported to the CRC after a hiatus and Human Rights Committees in Geneva during 2010 and will now enter reporting compliance with respect to CEDAW.

- 4.3. This now indicates the political will towards treaty compliance in the area of Grenada's reporting obligations, and will create awareness for the observance of rights, which should be demanded and encouraged by all stakeholders including NGOs.
- 4.4. UNWOMEN ,UNECLAC, UNDP, UNICEF,UNESCO the Commonwealth Secretariat, CIDA and the ILO, have been agencies which have provided donor and technical assistance to Grenada, in the areas of financial support, training, legislative drafting and educational programs, the implementation of women's rights and support for preparation for reporting to the UN.

#### **5. Current Economic Situation**

- 5.1. The national Economy is largely dependent on tourism, spices and cocoa cultivation, agriculture and fishery
- 5.2. The effects of Hurricanes Ivan and Emily which devastated Grenada in 2004 and 2005 respectively has contributed to a damaged tourism plant and coupled with the global economic downturn, has resulted in challenging times. Many males especially in the construction industry are unemployed.

#### **6. Brief Overview of the Status of Women**

- 6.1. On the face of it, Grenadian women have done well for themselves. There are existing national laws, which address some of their basic legal protections and legal needs. Women in the professions have done well in traditional male dominated professions in both the public and private sectors. At present, the

President of the Senate is a woman, the Hon. Joan Purcell. In addition, many of Grenada's top diplomats are female.

- 6.2. Most high-level public officers are also women including the Cabinet Secretary, Gemma Bain Thomas, Permanent Secretaries and Chairpersons of some National Commissions such as the Public Services Commission headed by Gloria Payne-Banfield, and National Board and Commission members, are women.
- 6.4. Generally elderly women who are an indicative vulnerable group are reportedly well treated in their communities, thought to be neglected in terms of health care and social security and health care by the State, especially given their statistical longevity.
- 6.5. Women **do not** generally experience issues such as forced mass rapes and sterilizations, forced marriages, genital mutilations, or the imposition of national religious and customary practices as a matter of government policy. Sex trafficking, torture, pornography and mass rapes are not their reality in the public sphere.
- 6.6. Social norms are largely shaped by the norms inherited from British and French colonizers, African, East Indian, which influence attendant religious practices and cultural traditions. The "carnival" culture sees the party continuing in some parishes on the Western and Eastern sides of Grenada, long after the carnival is over. This contributes to alcohol and drug use, and infidelity, increasing the difficulty in breaking the cyclical conditions, which contribute to gender based violence. Additionally, cultural penetration is largely North American and Jamaican. Cultural penetration by Jamaican dancehall, local calypsos and North American hip-hop musical genres and videos, degrading to women, are believed to perpetuate gender stereotyping and encourage gender-based violence.
- 6.7. Existing social norms are also being further challenged by an increase of open lesbian and homosexual relations. This is met by social stigma, negative responses from the religious communities, taboos, and parents and the individuals often focus on the shame. However, the women in particular are not coalescing around equality issues, which have implications for self-identity and self-esteem issues and are already social, inclined to be secretive about abuses. Many stay in relationships with men and have children whilst continuing simultaneous relationships with women. Efforts made to reach them by such organizations as HOPE PALS and GRENCHAP are not very successful, and therefore their issues are not well documented.

## **7. Social challenges**

- 7.1. Many of the problems faced by women in Grenada have their genesis in socio economic challenges. The social issues of women cannot be divorced from the family structure and social norms as these predispose women and girls especially to vulnerabilities including gender based violence.

- 7.2. There is a high prevalence of visiting relationships by successive males, who financially contribute to homes and successive children. The decline nuclear family model even as an ideal is exacerbated by divorce and separations. There is reportedly a changing concept of family and persons are less likely to enter into formal unions of marriage. Even in nuclear families, many of them forged through common law relationships there are many reported cases of domestic violence and incest. There is much secrecy around the problem of sexual violence in communities.
- 7.3. Further, a high incidence of single parenting has begun to spin cycles of the feminisation of poverty, resulting poor parental control, and child sexual abuse. As a result of this, many grown young women are desensitised about the sexual and other violence that they encounter as adults and this may also impact their parenting of children in this regard. There is also a perception that there are different standards for the socialisation and upbringing of boys and girls.
- 7.4. **Teenage Pregnancy** and sexual behaviour is a worrying issue for society at large and does require the utilisation of state resources and energies of Responders in the child protection, social work, policing and medical fields.
- 7.5. Available data from the Registrar General's Department of the Ministry of Health revealed that there were 46 reported births to persons 16 and under in 2004; 43 in 2005, 42 in 2006, 43 in 2007, 42 in 2008 and 42 in 2009. Consequently, there is reportedly a high incidence of teenage sexual involvement, pregnancies and reportedly abortions being performed on women and girls, although this is illegal in Grenada.
- 7.6. Public opinion vacillates between holding men responsible and ensuring that they are prosecuted and jailed, and that teenage girls have a mind of their own, are out of control and under influence of the era of the computer age and a licentious culture. A Program for Adolescent Mothers is discussed below.
- 7.7. Some responders have reportedly turned a blind eye to illegalities related to sexual violence against women and girls, or assume helplessness.
- 7.8. Further, Transactional sex is reportedly prevalent and sex has become a way of life for some women and girls, which further devalues their self-esteem and moral values in the society.
- 7.9. There are reported incidences of women being sexually harassed by landlords, and employers in business places and offended by men making lewd remarks and catcalling of women in public places. Sexual harassment is reportedly endemic in the workplace of both the public and private sectors.
- 7.10. There is little available information about the extent or prevalence of gender based violence in closed communities. Therefore, in one such community on the

Eastern side, although women may speak to law enforcement officers informally about abuse, they do not wish to proceed with prosecution against their spouses.

- 7.11. Public awareness campaigns run in particular by GNOW reveal that although the male opinion leaders are generally sympathetic to the issue of child sexual abuse, they are not as sympathetic to gender based violence against women. Facilitators are often attacked as being manly, and scriptural passages and purported theology about the place of women relative to the man as the head of the household were advocated. This was during programs to mark International Women's Day for example and was marked during the campaign to raise awareness to identify and stem sexual harassment.
- 7.12. In the private sphere of life, the social and sexual norms do sustain the dominance of men, submissiveness of females and the taboos and secrecy around the problem of sexual violence, including sexual harassment. This attitude is culturally and socially accepted behavior, even by women themselves. So much so, that an advertisement by a regional furniture firm depicting a man forcefully dropping his wife who he was carrying in his arms onto the ground, in preference for the lure of an exchange of furniture which was being advertised on television, did not even raise a murmur by society. There is no public outrage at such a depiction.

## **8. Some Relevant Data**

- 8.1. Data collection on gender information is generally collected in an ad hoc manner. Notwithstanding data is collected from varying sources which can be analysed. The Royal Grenada Police Force ("RGPF") transmits data on crime to the Statistics Department, by identifying the sex of the offender, type of crime/offence occupation. Data is collected by the central statistics Department of the Ministry of Finance, from both the criminal records office of the RGPF and the prisons.
- 8.2. The prevalence of domestic and partner violence resulting in murder, has directly impacted women with no reports of female murders of males during domestic disputes. During the years 2005-2008, eight (8) women were reported to have been murdered as a result of gender-based violence. However, the lull in fatalities was shattered by the reported murder of a 53 year old woman in July 2011, by a younger man with whom she was believed to "have had an intimate relationship".
- 8.3. Crime statistics on Sexual Offences for the period 2000-2011 released by the RGPF determined that the composite sexual offences of indecent assault, rape, incest, unlawful carnal knowledge and defilement of a female amounted to 1585 were reported to the Police, and 1192 were detected.
- 8.4. Data currently available for 2009 only, from the Accident and Emergency Department of the General Hospital, reveals that for that year, there were 78 victims of alleged sexual abuse.

- 8.5. For the year 2011, it was reported that there had been 30 reported cases of sexual offences. Also more than 28-30% of the High Court's time during repeated criminal assizes is spent addressing the hearing of the cases of alleged sexual crimes committed by sex offenders. In the most recent sitting of the criminal assizes, 115 cases were listed for hearing by the Criminal Assizes, 32 of which were matters concerning sexual offenses.
- 8.6. There have been 454 reported cases of HIV positive women since 1984.

### **9. Women and poverty and women in rural communities:**

- 9.1. Based on the two most recent country poverty reports, it is established that there is a high rate of poverty among women, more so, households headed by single headed household. There is a higher rate of unemployment of women in rural communities. Additionally they have less skill training opportunities and access to adequate independent housing services including transportation to easily access training and services including legal aid services. They are also hard hit by the rapidly increasing cost of living impacted by rising global food prices and a recently introduced Value added tax.
- 9.2. Gender-based violence remains reportedly more prevalent in economically depressed communities, with overt linkages to poverty and female single headed household as enabling factors.
- 9.4. Women's low wages in the provision of unskilled labour is evidence of the "under evaluation" of women's work in society, a segregated labour market and the division of public and private sector approaches to wage. New minimum wage regulations have been declared in 2011 but are yet to be promulgated, amidst strident objections from the private sector including firms from the security sector.
- 9.5. There are no micro financing projects available specifically for women and insufficient programs, which invest in the development of human and social capital.
- 9.6. Poverty, illiteracy, unemployment, non-livable wages and underemployment, lack of knowledge and skills with respect to negotiating safe sex and exercising good judgment in selection of intimate and long-term partners are thought to be contributing directly to incidences of transactional sex, and sex work in Grenada. There is also a higher prevalence of teenage pregnancies in rural communities.
- 9.7. Based on reports of social workers and law enforcement officers, gender-based violence is used to control female sexual and social behaviour, and to negative their attempts at equality to males, especially in rural communities. Poverty and changing or deteriorating societal norms are contributors to gender based violence. Physical and sexual abuse of children who experience and witness gender based violence including domestic violence, perpetuate the cycle of gender based violence.

- 9.8. The migration of mothers in search of economic opportunities overseas, leaving children with grandparents and relatives, the decline of traditional extended family support and an increase in single headed households, have also brought myriad problems of violence and abuse including sexual abuse of minors. There is also no state organized day care system so to allow women in rural and depressed communities to be able to go out to work and leave their young children.
- 9.9. Transactional sex and sex work are also reportedly prevalent as a response to economic hardships. It has been determined that in some rural communities this is perpetuated through lack of literacy, poverty, low self esteem and self worth issues, societal attitudes and discrimination. However, it is found that transactional sex has become learned and even inculcated behavior from one generation to the next.
- 9.10. With respect to sex work, it is found that professional and businessmen prey on women who are economically struggling, more so in rural and depressed communities.

#### 10. Recent Government Initiatives

- 10.1. Although there is presently no available national gender policy, one is in the pipeline and there is a presently a national focus on ending Gender Based Violence. There is also a developing culture of gender inclusion in national policies. For example a national policy of the aged which is due to be launched, contains a gender component.
- 10.2. UNIFEM, now UNWOMEN, has played a meaningful role in funding to the public and NGO sectors in Grenada, providing consultants and support and training on women's and gender rights and relations.
- 10.3. The Ministry of Social Development ("MoSD") has implemented a Domestic Violence Unit ("DVU"), and established the Cedars Home for Abused Women and children.
- 10.4. The Minister for Social Development Sylvester Quarless, recently revealed that the three year United Nations Trust Fund to Eliminate Violence approved funding approximately \$1.8 million EC for the Ministry of Social Development to implement a project entitled "**State Response to End violence Against Women**", **Legislative Policy Reform Implementation Program**. The project is expected to advance the mechanisms, services and the social climate needed to effectively implement the laws addressing violence against women, strengthen the multi-disciplinary response to violence against women, encourage victims, their families and provide the public access to services based on awareness of the laws etc. In addition, the project would promote cultural intolerance for violence against women and girls.

- 10.5. The “SEED” program geared at human capital investment which is expected to come on stream in January 2012 is expected to assist with the alleviation of the vulnerabilities of persons at risk as a result of poverty.
- 10.6. Wider Government projects such as the Grenville Market Development, Agricultural Feeder Roads and the Market Access and Rural Enterprise Projects propose to provide employment to specific parishes and communities, and the World Bank Social Safety Nets and Assistance Programme for public assistance, necessitous fund and transportation allowances for students and benefit the most vulnerable; are expected to come on stream. These projects are expected to help the economic empowerment of communities and vulnerable groups including women.
- 10.7. The Minister has also reiterated Government’s commitment to eradicate gender-based violence and plans to revise the Sexual Offences Provisions of the Criminal Code and consideration of a Sexual Harassment Bill which had been presented by GNOW.
- 10.8. Human rights training and programming is also being implemented by the Ministries of Education and Health, which address the issue of stigma and discrimination with respect to persons living with HIV Aids and mental illness.

## **11. NGO Responses**

- 11.1. GNOW is the lead NGO that works with women empowerment; it is comprised of a network of 14 organisational members and several individual members, which receives a small subvention from Government. It is an affiliate of another umbrella organization, the Inter Agency Group of Development Organisation (“IAGDO”). Its main thrusts include lobbying, advocacy, training and capacity building and direct interventions. Much of its projects are funded by UNWOMEN. Its existing advocacy programs and campaigns, literature and curriculum include: Drawing the Line against Sexual Harassment, the Community Support Network Volunteers for Women Experiencing Gender Based Violence program; and the collaborative National Domestic Violence and Sexual Abuse Protocol for Grenada in collaboration with the Ministry of Social Development. The Organisation teams up annually, with other NGO partners for a period of 16 days of activism commencing from International Day for the Elimination of Violence against Women through to Universal Human Rights Day. Culminating from these recent activities, GNOW launched a multi sector Task Force to implement the Domestic Violence Act and Domestic Violence and Sexual Abuse Protocol, in addition to devise strategies to combat gender-based violence.
- 11.2. GNOW has also worked on projects with the Caribbean Institute for Women in Leadership (“CIWIL”) aimed at politically educating, training, mentoring and empowering regional and local women in politics and public life.
- 11.3. Gender based violence is seen as a serious problem in Grenada given its prevalence. As a result, advocacy and lobbying campaigns focus on this area

and are often reactive to events that occur. In addition, UNWOMEN has also focused considerable funding to projects concerned directly or indirectly with this problem.

- 11.4. Similarly, the Legal Aid and Counseling Clinic's ("LACC"), Man to Man, program involved men who were ordered by the Magistrate's court to attend the 16-week program, when attending court for Domestic Violence cases, to register. This program has been recognized as a best practice and has now been piloted in 6 other regional countries and has had reasonable success in assisting the participants to overcome their problems with violence in particular partner violence.
- 11.5. LACC has also developed and run a 10 –week "Changes" program targeted at women who have been victims of gender based violence.
- 11.6. GNCRC which is primarily an advocacy and lobby coalition for the rights of the child has identified that greater emphasis could be placed on the girl child and female adolescents primarily given the prevalence of child sexual abuse and its consequences for them. GNCRC has inter alia, consistently lobbied around constitutional reform and gender equity, the requirement of mandatory reporting with respect to sexual abuse and law reforms relative to discrimination issues.
- 11.7. NGOs working with sex workers and LGBT persons are more challenged to receive funding with HOPE PALS whose programs focus on women who are infected, affected and at risk of HIV infection, reduction of stigma and discrimination, advocacy, treatment adherence and compliance and treatment preparedness presently receiving none. However, the organisation continues to bid to access HIV Aids Alliance, and regional sources such as CARICOM's PANCAP and CRN plus.
- 11.8. GRECHAP works with LGBT persons and sex workers. It focuses similarly on advocacy, lobbying reducing stigma and discrimination, It receives funding from the Caribbean Vulnerable Coalition, UNFPA, AMPHA which is an agency dedicated to International Aids research funded by Sir Elton John.
- 11.9. Although most NGOs receive Government subventions, representatives feel that the subventions are wholly inadequate for the realization of their work and sustainability of projects. However, they attract some funding mainly from the UN Agencies, the OAS and CIDA from time to time where the programming by those organizations, coincide with the NGO activities.

## **12. Specific Comments on Grenada's Compliance with CEDAW**

- 12.1. Grenada Ratified CEDAW on August 30, 1990 with no reservations.

### **13. Convention Articles**

#### **Article 2**

In accordance with this obligation, more will have to be done in this regard to ensure that State organs and public authorities such as the judiciary, police and medical responders for example are well trained, educated and mandated to ensuring that discrimination against women is eliminated through law enforcement, implementation and the adoption of protocols and policies which ensure the elimination of such discrimination.

GNOW recently addressed the issue/ problem of Sexual harassment which is reportedly common in Grenada, where it has been viewed as “accepted behavior”, with sometimes unabashed public harassment of women in public spaces and cultural expressions particularly through calypsos (songs) which glamourise this form of gender based violence. It was concluded that a culture of sexual harassment leads to disrespect, violence against women and gender inequity.

#### **Article 3**

There is no domestic legislation or policy which establishes an official funded national machinery which effectively monitors such as a National Commission for Gender and Women Affairs tasked with establishing human rights machinery, to monitor the implementation of legislation relative to women’s rights, to give effect to law or policy prevent discrimination.

The Employment Act 1999; The Child Protection and Adoption Act 2010 came into force on May 16, 2011;

National Domestic Violence and Sexual Abuse Protocol was signed May 17, 2011 and is in force.

The Domestic Violence Act 2010 replaces an earlier one. The Domestic Violence Act is well utilized in Grenada. However, its provisions can also be effectively utilized in the protection of children of the family.

Gender equality is not specifically defined in domestic law.

**The Criminal Code** Cap 1 (1990 Continuous Revised Edition): After much lobby by NGO groups particularly the GNCRC, the Legal Aid and Counseling Clinic and GNOW, amendments have been proposed with respect to the provisions related to sexual offences contained in the present Criminal Code of the Laws of Grenada.

Laws, which would holistically prevent discrimination against women in every aspect of social and public life, and which discrimination creates an enabling environment for gender-based violence.

## **Law Reform**

GNOW proposed Sexual Harassment Bill for which they received funding assistance from UNTF to end violence against women. After holding national consultations it was determined that sexual harassment” would be defined as:

“the unwanted or unwelcome physical, verbal and non-verbal conduct of a sexual nature or based on sex, which is offensive to the person being harassed;

Conduct is offensive where such conduct is intended to, or results in, a person being disadvantaged, deterred or prevented from:

- (a) employment, becoming employed or working in a decent environment; or
- (b) the pursuit of worship, tenancy, education, training, medical attention, legal protection, recreation, free public access, public transportation, access to any place or the provision or receipt of any service.”

*It is therefore generally recommended that the Government should urgently pass a Sexual Harassment Act along anti discrimination legislation. The NGO community will sustain the lobby for this.*

## **Termination of Pregnancy**

The absence of a mechanism to automatically adopt the states’ international obligations into national law and for express application by the courts is stark.

There needs to be an audit of existing laws to ensure compliance with international

Gender-neutral language is absent in proposed amendments to existing legislation and should be used in amended and new legislation.

Legal Aid and counseling services are centralized and are not usually available for witnesses and require payment for services provided.

Extra-legal rather than legal measures to deal with reports and actions, arising out of gender-based violence, are most prevalent among victims, families and some responders.

## **Proposed Sexual Offences Amendments**

The failure of existing criminal laws and law on evidence, or a Sexual Offences Act to deal with the timelines prosecution for children under 13 who are victims of sexual offences.

Victims reportedly cannot afford legal counsel to watch their interests, and do not get assistance to fill up domestic violence forms at magistrates’ courts in outer parishes, or even have the money to go from the rural areas to the LACC in St George’s, for legal or psychological counsel.

Conversely, many matters against offenders are resolved in favour of them due to the adversarial court system, which is unfriendly to victims and a reportedly unsympathetic jury system especially with respect to adult victims of sexual assaults.

The legal system, including laws, the jury system and evidentiary rules, need to be re-examined with a view of ensuring that there is effective justice afforded and dispensed to victims. It must also be assured by the State that there is available affordable access to free legal aid services provided or funded. There are no Tribunals which can provide redress for women outside of the formal legal system.

The Constitution of Grenada does provide for enshrining international human rights norms predating 1973 when it was adopted in 1973. Therefore, the principal Conventions were generally enshrined in the constitution.

Divorce and related Matrimonial Property legislation still follows the old UK Act and has not been made autochthonous through revisions of passage of new legislation and are outdated having been adopted.

There need for clarity of the law with respect to realizing to the non-discrimination of persons and children cohabiting or born out of Common Law Unions, the realization of a Family court or the establishment of a Family Division.

## **Legal Aid**

### **Judicial Support**

The Judicial Education Institute of the OECS Supreme Court recently on its own initiative in collaboration with UNWOMEN held a conference in November 2011 aimed at sensitising and training regional judicial officers on the issues of gender. It was reportedly a very successful exercise. Another such session is planned for the first quarter of 2012 to target the region's serving Magistrates.

### **Convention Article 4**

The Convention has not been integrated into the **Constitution of Grenada** (1973), nor domesticated by the passage of an Equal Rights Act, or an Anti Discrimination Act.

There are no special provisions, which provide for temporary measures, "affirmative action" or special provisions as contemplated by this Article or any proposed for amendment in the near future.

However, there is presently a current ongoing constitution review, but the State's methodology has so far not focused on human rights inclusions and the GNOW has indicated dissatisfaction with the reception with which its proposals on affirmative action and women's equality were met by the Government appointed Consultant/ facilitator of the process and has lodged complaints to the State that it is hoped that these issues would be taken seriously. Opportunities still exist for this focus of rights, affirmative action and non-discrimination provisions to be realized with consistent lobby by civil society activists.

## **Convention Article 5**

This Article generally obligates the Government to do more in terms of determining appropriate measures. Given the prevalence of gender-based violence in the society and the related causes and indicators require the Government of Grenada to go further and ensure that social and cultural equality and equal enjoyment by Grenadian women is actually achieved.

## **Convention Article 6**

Proposed Sexual Offences Amendments are expected to be shortly tabled in Parliament to provide for appropriate measures with respect to trafficking and prostitution, which are hereunder excerpted:

Section 188 of the principal Code is repealed and the following section is substituted-

### **“Procuration**

188. (1) A person who-
- (a) procures any male or female under twenty-one years of age to have sexual intercourse or sexual connection with any other person within or outside this State;
  - (b) procures any male or female to become, either within or outside this State, a common prostitute;
  - (c) procures any male or female to leave this State, with intent that she may for the purposes of prostitution, become an inmate of or frequent, a brothel elsewhere; or
  - (d) procures any male or female to leave her usual place of abode in this State with intent that she may for the purposes of prostitutions, become an inmate or frequent a brothel, in any country,

commits an offence and is liable on conviction on indictment to a term of imprisonment not exceeding ten years.

### **Insertion of new sections in principal Code**

The principal Code is amended by inserting immediately after section 188, the following new sections-

### **“Trading in prostitution**

- 188A. A person who for the purposes of gain, exercises control, direction or influence over the movements of a prostitute in such manner as to show that the person is aiding and abetting or compelling the prostitution commits an offence and is liable on conviction on indictment to a term of imprisonment not exceeding ten years.”

### **Living on earnings of prostitution**

188B. A person who-

- (a) knowingly lives wholly or in part on the earnings of prostitution; or
- (b) in any place persistently loiters about or solicits for the purpose of prostitution,

commits an offence and is liable on conviction on indictment to a term of imprisonment not exceeding ten years.

However, it is felt by stakeholders that such provisions with respect to criminalising prostitution and the related penalties, may serve to push sex workers further underground. The new proposed increased penalty for prostitution may be defeating of the goal to end violence against women with respect to trafficking and prostitution.

### **Convention Article 7**

There are no impediments with respect to the participation by women in political and public life although there may be some social, funding and self esteem barriers, which result in their reluctance to enter front line politics.

### **Political and Parliamentary Achievements**

Women have achieved positions of prominence in parliamentary life, as several women have been the President of the Senate in the Upper House/Senate of Parliament. However, there seems to be a favouring of male candidates by the electorate and the last general elections saw the decline of women being elected to parliament. However, there has been a marked decline of visible women leaders who are active in political parties, and political life remains more male dominated as women appear reluctant to step into the firing line of politics. There are presently only two elected female representatives in the 15 seat elected House of Representatives. There are only three female Ministers of Government at present two of who are nominated Senators in the parliamentary Senate.

The establishment of a Women's Parliamentary Caucus is a highlight of the realization of the goals of CEDAW and the Commonwealth Goals. This has been supported in its initial stages by the Center for Women in Leadership, which has been working with women leaders in politics funded by UNWOMEN, OAS and the Commonwealth Secretariat.

Moving to parity political representation, will therefore remain an unrealized dream unless special measures as purported by Article 4. This requires efforts from within the party structure as well as the continued external lobby by NGOs promoting gender equality and parity at the parliamentary level.

However, it is clear that, women will need to have role models who will speak for them and represent them in the corridors of power and diplomacy a policy of parity is required.

With respect to women's advancement in public life, the Public Service has seen significant mobility for women with most Ministries being administered by female Permanent Secretaries except for three.

Banking and financial services Chamber of Commerce have seen women managing banks and the present President of the Chamber of Commerce is female. The legal and medical professions previously the domain of men are well populated by women. Madonna Harford heads one main trade Union the Public Workers Union, but by and large unions remain male dominated. The Royal Grenada Police Force also does not seem to enable the promotion of women and its upper echelons is marked by an absence of women Officers.

### **Convention Article 8**

The current UN representative is Dr Dessima Williams, the OAS representative- Gillian Bristol, High Commissioner to Great Britain and Ambassador to China- Ruth Rouse and Marcelle Gairy, all women.

### **Article 9**

There are no problems with respect to the implementation of this Article as this is foreseen by section 98 of the Constitution

### **Convention Article 10**

The Education Act enshrines the protection of girls and boys. As a matter of fact, girls are generally outperforming boys at school leaving exams. There should however be the continued emphasis with respect to the educational curricula on sex education, *including negotiating safe sex, which should be taught in a positive and appealing manner*, parenting, gender equality and mutual respect and roles.

Access to continuing education for teenage mothers is provided by the State funded the **Program for Adolescent Mothers (PAM)**. The program provides both educational and vocational skills for students and has been very successful.

There is subsidised tertiary education available to all at the national TA Marryshow Community College. There is an annex of the University of the West Indies located in Grenada, and plans to build out a regional campus as well. Scholarships are also available for Grenadian students from the American owned and operated St George's University, for a wide range of studies, including internationally recognized medical training. Further, scholarships are arranged through bilateral relations with nations friendly to Grenada such as Cuba, China, Mexico, Morocco, India etc.

### **Convention Article 11**

The right to work is hindered by high unemployment especially in rural communities. Efforts should be made by the State, to ensure job creation and skills training to ensure that the persons can make a reasonable living being self employed.

There are no known impediments with respect to express discriminatory practices with respect to employment opportunities, social security, working conditions and discrimination against women on the basis of marriage or maternity although this was a feature in the public service some time ago. However, there has been some concern with respect to equal pay for equal work especially for women at the lower levels of the employment scale. A new amendment to the Labour Code is expected to address this inequality once gazetted.

The Labour Code does provide for maternity leave with pay and this is supported in implementation, by the National Insurance Scheme.

### **Convention Article 12**

There are no known barriers to equal access to health care by the State.

There are available Family planning services, and advice is given to women at state clinics, which are located in each parish. However, this seems to be restricted to women who specifically seek out these clinics or who would have already had children. There is no known national awareness program being carried out by the Ministry of Health.

There is a local Family Planning Association of Grenada ("FPA"), which is not subsidized by the government. The FPA is funded by the IPPF, and from sales of contraceptives, which are supplied at a subsidized cost by the IPPF. The FPA has offices in two parishes only. The FPA is presently carrying out community awareness on contraceptive products in shops through advertisements and leaflet distribution. Free and/or appropriate services are available for pregnant women during delivery and post natal care.

Mental health and wellness programs need to be mainstreamed, especially given the known prevalence of child sexual abuse and gender based violence.

### **Convention Article 14**

Greater emphasis should be placed on the problems faced by rural women by the State and NGOs. Gender based violence for example most likely enabled in rural communities which are economically depressed. In some areas, there are "closed communities" and there is little formal information on the extent or prevalence of gender based violence and other problems faced by women there. In one such community on the Eastern side, it is reported that although women may speak to law enforcement officers informally about abuse, they do not wish to proceed with prosecution against their spouses.

Although there are assigned social workers in each parish, experienced social workers counselors and community workers should be deployed to rural communities to assist with the identification of whether women are at risk, and their socio economic needs and the prospects for their empowerment.

### **Convention Article 15**

There are no known legal barriers with respect to the realization of the provisions of this Article. The Constitution of Grenada does provide for this general equality as contained in its sections of Chapter 1; Protection of Fundamental Rights and Freedoms.

Not enough is known about the de facto practices of the immigration department with respect to its treatment of immigrant women, but the State is committed through its Treaty obligations under the Caricom Single Market and Economy ("CSME") to progressively encourage freedom of movement and has more recently agreed with its OECS partners for free movement within the sub region.

### **Convention Article 16**

There are no express legal barriers to legal capacity based on a person's sex with respect to marriage. In Grenada, the age of civil responsibility for the purposes of entering legal contracts and marriage has during 2011, been reduced from the age of 21 to 18. Any marriage of persons under the age of 18 would require the permission and corresponding order of the court.

With respect to this sub article, available family planning services is referred to above with reference to Article 12.

Article 16 presumes that the State is required to take all appropriate action to eliminate discrimination in all matters relating to marriage and family. The recent **Civil Responsibility Act 2010** removes any specter of discrimination faced as a result of the previous disparities with respect to the varying ages of majority, which for the purposes.

There is insufficient public sensitization/education on women's and children's rights, in the context of gender- violence, including their right to be heard and to report abuse. User-friendly booklets on the rights of women and children should be widely circulated.

The absence of national programs to effectively reduce feminized poverty and exclusion (see ART and GRENCODA and community based NGOS response)

## **14. Recommendations:**

### **Health Care Delivery Reproductive Health Services HIV/AIDS**

#### **Women With Disabilities**

**HEALTH** Although there is a high incidence of children born out of wedlock. There are no barriers to pre or postnatal care in this regard. **ENVIRONMENTAL HEALTH.** The effects of Climate change. There needs to be community interventions and Public

Service announcements and flyers/brochures written in simple format and language with health advice and prevention tips.

## **15. Compliance with CEDAW**

Although a national **gender policy** approach being developed by the Ministry of Social Development, the requisite structures for implementation including the national machinery to promote the measures of the Beijing Platform for Action, the responding and ending inequalities perpetuated by patriarchal norms, discrimination, gender based violence and the monitoring of parity and continued realization of equality, are inadequate.

Criminal Code Reform Criminalizing sex work

Sexual Harassment

Required responses by the state

## **16. CONCLUSIONS**

The Ministry of Social Development needs to have a defined gender policy, which was not finalized up to the time of the writing of this Report.

It is generally assumed by NGO representatives, that although there are some stated policies and programs are being carried out, the government needs to do more with respect to effective poverty alleviation projects, which in fact focus on the economic empowerment of women. Further, more has to be done by the State to ensure the realization of the equality of women in law through its legislative agenda aimed at ending discrimination against women.

The de facto position of women needs to be addressed by a finalized gender policy, programs and plans to be implemented in the work to realizing women's equality, equal opportunities and the amelioration of conditions, which result in their vulnerability and breeds discriminatory environments. The extent of violence against women in the private sphere is yet to be assessed. There qualitative, but little official documented data about cultural and religious discrimination against females, more so in closed communities.

Likewise, there needs to be advances and continuous training in order to meet the concerns expressed with respect to the capacity of the MoSD to respond to of gender-based violence and other inhibitors of women's inequality. There needs to be sufficient follow up and supervision of social work professionals for the delivery of adequate and effective social work services, effective empowerment and mass education on gender rights.

There needs to be up to date administrative record keeping of data and statistics with respect to needs to upgrade its efforts at data collection on women including gender-based violence.

Therefore, the Government should commission a comprehensive scientific assessment of the status of women and in particular the identification of the indigenous traditions and culture prevalence that result in the violations of the rights of women resulting in discrimination and abuse, and the extent of discrimination in both the public and private spheres. This is required so that the GOG can strategically meet its legal obligations of deterrence, prevention and punishment of discrimination against women and gender violence, in accordance with the Convention in order to comply with treaty provisions. This requires a review of equality and anti discrimination legislation and policies. Such an assessment must have regard to the depth and contrasts of women's experiences to understand the perceptions, concerns, diversities, similarities and realities of women from all walks of life.

There needs to be stronger supervision of the implementation of human rights through follow up on meeting international reporting obligations and streamlining a holistic approach of government agencies with respect to realizing women's rights as human rights in the course of their programmatic work.

There is the need to encourage sustained positive cultural approaches towards women through the existing cultural programs sponsored by the Ministry of Culture. Likewise, the advocacy for youth representation, when that imbalances.

Much more is required by the State with respect to recognizing the importance of the encouragement and support for the family unit as the foundation of society and the role of parenting in the society.

There should be implemented a proliferation of sustained programs which work with vulnerable women's groups and in communities to empower them through education, with a view to their understanding of self, personhood, self respect and the realization that they can live fulfilling lives and achieve their personal goals.

There is the need for adequate support of families, by communities and social work professionals and responders, required for the victims to carry through with reporting and prosecution of perpetrators.

Victims seem primarily concerned with economic support and viability when they leave their abusive intimate partners and allocation of housing by the Government. Given that globally and nationally many will be pushed further into crisis given the energy and financial crises, the Government will be obliged and expected to stem the resulting human rights abuses including gender-based violence. These incidences would increase with deepening poverty lines, which would accentuate the vulnerability of women and their children at this time.

There should be a greater emphasis on projects aimed at removing obstacles faced by single mothers, improving self esteem, empower them by providing economic opportunities to improve their socio economic status in society and realize poverty reduction.

Poverty Alleviation and empowerment projects will also encourage women from pursuing sex work because of their perceived need to maintain families and homes on their own. Micro financing projects should be pursued in collaboration with Grenada Development Bank, Grenada Co-operative Bank Limited or other funding agencies and be a managed project- along with training programs before access to the loan, can lead to small business creation.

Although, elderly women are reportedly well treated it was suggested by stakeholders that there should be a functional law review commission and committee, which ensure that international and regional instruments signed by the Government relevant to gender-based violence, are implemented, though passed into domestic legislation as required as well as respond to local social conditions.

***It is therefore generally recommended that a Draft Sexual Harassment and anti discrimination legislation should be urgently passed by the Government.***

It is recognized by Grenadian NGOs their roles in supporting and monitoring state action and working independently to deepen public education on CEDAW. There is the need for their consistent and sustained public education and public service messages about CEDAW. They must positively impact negative traditional attitudes that result in discrimination against women and girls; and seek to realize the resulting.

There are unique challenges for realizing women's and girls' equality, equal opportunity rights and the prevention of gender-based violence in Grenadian society. Indeed transforming lives of women will not come merely through the adoption of CEDAW and laws and law reform alone, but through sensitisation, education on their rights, and meaningful interventions with women in order to raise their awareness and galvanise their own will to claim their rights as a vehicle to empowerment.