



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Fifty-first session

13 February – March 2012

Concluding observations of the Committee on the Elimination of Discrimination against Women

Grenada

1. The Committee considered the combined initial, second, third, fourth and fifth periodic report of Grenada (CEDAW/C/GRD/1-5) at its 1022nd and 1023rd meetings on 15 February 2012 (See CEDAW/C/SR.1022 and 1023). The Committee's list of issues and questions is contained in CEDAW/C/GRD/Q/1-5 and the responses of the Government of Grenada are contained in CEDAW/C/GRD/Q/1-5/Add.1.

A. Introduction

2. The Committee appreciates the State party for its combined initial, second, third, fourth and fifth periodic report, which generally followed the Committee's guidelines for the preparation of reports. However, it regrets that the report was long overdue and that the State party has not submitted a Common Core Document. The Committee also appreciates the written replies to the list of issues and questions raised by its pre-session working group, and the written submission by the State party following the dialogue.

3. The Committee notes that the delegation of the State party to this initial dialogue consisted of only one representative, H.E. Mr. Stephen Fletcher the Ambassador of Grenada based in Belgium, and regrets the absence of representatives from relevant ministries and institutions from Grenada, including women, with expertise in the areas covered by the Convention, which was particularly important given that it was the initial dialogue.

B. Positive aspects

4. The Committee appreciates the efforts being made by the State party for the empowerment of women and elimination of discrimination against women despite the fact that many of the problems faced by them originate from deeply rooted traditional and cultural norms as well as resulting from poverty and other economic challenges.

5. The Committee welcomes the adoption of legislative measures aimed at eliminating discrimination against women, including:
 - a) The Domestic Violence Act (2010) and the National Domestic Violence and Sexual Abuse Protocol (2011);
 - b) The Child (Protection and Adoption) Act (2010) which recognises sexual violence as a form of child abuse when committed against a child; and
 - c) The Employment Act (1999, section 26) and the Education Act (2002, Section III 27) which prohibit discrimination on the grounds of sex.
6. The Committee welcomes the accession by the State party to the following international human rights treaties since the entry into force of the Convention for the State party in 1990:
 - a) The International Covenant on Economic, Social and Cultural Rights, in 1991;
 - b) The International Covenant on Civil and Political Rights, in 1991;
 - c) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000 (Palermo Protocol), in 2004;
 - d) 1994 Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, "Convention of Belem do Para", in 2001; and
 - e) The Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, in 2012.

C. Principal areas of concern and recommendations

7. The Committee recalls the obligation of the State party to systematically and continuously implement all the provisions of the Convention and views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. The Committee calls upon the State party to submit the present concluding observations to all relevant ministries, to the Parliament, as well as to the judiciary, so as to ensure their full implementation.

Parliament

8. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of the State apparatus. It invites the State party to encourage its Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and the State party's next reporting process under the Convention.

Definition of discrimination against women

9. While noting that the Constitution and national legislation such as the Employment Act (1999) and the Education Act (2002) include provisions on non-discrimination on the basis of sex, the Committee is concerned that the definition of discrimination does not

encompass both direct and indirect discrimination and does not cover discrimination by public and private actors, in accordance with articles 1 and 2 of the Convention.

10. The Committee urges the State party to enact comprehensive national legislation to ensure the principle of equality between women and men with specific provisions prohibiting discrimination against women, in line with the definition contained in article 1 of the Convention, and a definition of discrimination that encompasses both direct and indirect discrimination and discrimination in the public and private spheres, in accordance with article 2 (e) of the Convention.

Legislative framework

11. The Committee welcomes the current Constitutional review process which will provide the State party with opportunities to incorporate principles of the Convention into the new Constitution. However, the Committee is concerned at the delay, since the ratification of the Convention in 1990, in incorporating the provisions of the Convention into the domestic law and also that the current review process is entirely male-driven.

12. The Committee urges the State party to proceed without delay with the incorporation of the Convention into its new Constitution and its domestic legal system in order to give direct effect to the Convention as the basis for the elimination of all forms of discrimination against women. The Committee recommends active participation of all stakeholders, including non-governmental organisations working on women's rights, in the Constitutional review process.

Discriminatory laws

13. The Committee is concerned that certain legal provisions and procedures in the State party discriminate against women or reflect negative gender-stereotypes, including in the forms for registration of birth and issuing of birth certificate; the application for citizenship by Commonwealth citizens; the registration of marriage; the priority of parental consent of marriage for persons under 18 years; and the procedure to apply for a passport for a child. The Committee is also concerned at the absence of relevant legislation and delay in enacting legislation against sexual harassment, legislation on trafficking in persons and in the amendment of the sexual offences provisions in the Criminal Code.

14. The Committee calls on the State party to:

a) Systematically review its laws and regulations in order to amend gender-based discriminatory provisions in its legislation and administrative regulations, including those mentioned in paragraph 13, with the aim of ensuring full compliance with the provisions of the Convention, in accordance with its article 2; and

b) Enact, without delay, legislation on sexual harassment at work, trafficking in persons and amend the sexual offences provisions in the Criminal Code.

Legal complaint mechanisms

15. The Committee is concerned at the absence of a complaints mechanism for women to report cases of discrimination, the high costs of filing complaints under Chapter 1 of the Constitution and about the fact that women victims of gender based violence, particularly of sexual assaults, usually face juries with stereotypical attitudes towards women which may lead to undue acquittals of perpetrators.

16. The Committee recommends that the State party:

a) Establish a complaints mechanism and ensure that women have easy and affordable access to such complaints mechanism to report discrimination and violations of their rights;

b) **Ensure that women have effective access to justice, including through provision of legal aid where relevant; and**

c) **Ensure that women victims as well as the witnesses in cases of gender based violence, are not negatively affected by the functioning of the legal system or stereotypical attitudes of jury members.**

National machinery for the advancement of women

17. While welcoming the functional review of the Division of Gender and Family Affairs of the Ministry of Social Development in 2009 and subsequent improvements in terms of restructuring and increase in posts, the Committee is concerned about the limited financial and human resources allocated to the Division of Gender and Family Affairs and the Domestic Violence Unit in the Ministry as well as insufficient training of new staff. The Committee is further concerned over the delays in developing the comprehensive National Gender Equality Policy and Action Plan. The Committee is also concerned about the absence of an independent national human rights institution in the State party.

18. **Recalling its general recommendation No. 6 (1988) on effective national machinery and publicity, and the guidance provided in the Beijing Platform for Action on the necessary conditions for the effective functioning of national mechanisms, the Committee recommends that the State party:**

a) **Strengthen the capacity of the Division of Gender and Family Affairs and the Domestic Violence Unit, including through providing adequate human, technical and financial resources, with clear and well-defined responsibilities, to formulate, implement, provide advice on and coordinate and oversee the preparation and implementation of legislation and policy measures in the field of gender equality;**

b) **Urgently finalize and adopt a comprehensive, result-oriented National Gender Equality Policy and its Action Plan with specific indicators and targets, which should include an effective strategy on gender equality based on the Convention, the Committee's general recommendations, the Beijing Declaration and Platform for Action with the involvement of all relevant bodies of the State apparatus and in consultation with relevant non-governmental organizations; and**

c) **Consider establishing an independent national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134 of 20 December 1993, annex), a women's ombudsman or another specialized body with authority to consider, issue opinions and make recommendations on complaints submitted by women alleging violations of their human rights.**

Stereotypes and discriminatory practices

19. The Committee is deeply concerned at the persistence of stereotypes and adverse cultural norms and traditional practices concerning the roles and identities of women and men in the family and society, which undermine women's social status and hamper their equal participation in all avenues of life. It also notes with concern that such negative beliefs and harmful practices have an adverse effect on the full realisation of women's human rights and contribute to the persistence of discrimination and violence against women.

20. **The Committee calls on the State party to adopt a comprehensive strategy and to take sustained measures to address and eliminate the negative stereotypes and adverse traditional beliefs and practices that discriminate against women, in conformity with articles 2(f) and 5(a) of the Convention. Such measures should include awareness-raising and public educational campaigns on the subject, targeting**

both men and women, and political and community leaders, government officials and practitioners, including through the use of school curricula and the media.

Temporary special measures

21. While noting that temporary special measures will be discussed during the consultations on the National Gender Equality Policy, the Committee is concerned about the position of the State party that it does not envision applying such measures but rather opts for gradual recognition of equal opportunities through the elimination of stereotypes over time.

22. The Committee urges the State party to take steps to achieve substantive equality between men and women, including through the adoption of temporary special measures, in public and private sectors, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004).

Violence against women

23. While welcoming the adoption of the Domestic Violence Act (2010), the National Domestic Violence and Sexual Abuse Protocol (2011), and the drafting of a National Strategic Action Plan for the Prevention, Protection and Punishment of Gender-Based Violence, the Committee notes with concern the high incidence of violence against women, including domestic violence, sexual abuse and incest. The Committee is further concerned about the limited enforcement of the Domestic Violence Act; gaps in legislation on violence against women, in particular that marital rape is not criminalised and the restrictive definition of rape; the lack of sufficient awareness and training on violence against women amongst judges, prosecutors and police officers and health professionals; that the domestic violence hotline is not operational, the limited disaggregated data available on violence against women and that cases of gender-based violence are underreported due to prevalent social and cultural factors. The Committee is also concerned at the high prevalence of sexual harassment in the workplace and in the society at large and the absence of legislation in this regard.

24. Recalling its general recommendation No. 19 (1992) on violence against women, the Committee urges the State party to:

a) Urgently finalise the development of the National Strategic Action Plan for the Prevention, Protection and Punishment of Gender-Based Violence for its early adoption;

b) Ensure the strict enforcement of the Domestic Violence Act and the National Domestic Violence and Sexual Abuse Protocol;

c) Review and amend the Criminal Code's section on Sexual Offences and the procedures that accompany them to fully address all forms of violence against women, including sexual violence, criminalization of marital rape with no preconditions, within a clear timeframe;

d) Collect and compile comprehensive data on violence against women, disaggregated by sex, age and relationship between the victim and perpetrator and carry out an in-depth analysis of the findings and utilize them to design policies and measures to combat violence against women;

e) Encourage reporting of domestic and sexual violence against women and girls and ensure that all such reports are effectively investigated and that perpetrators are prosecuted and sentenced;

f) **Strengthen victim assistance and support programmes through measures to provide them with legal aid, medical support, including mental health services, and shelters as well as rehabilitation services, as appropriate;**

g) **Provide comprehensive training on combatting violence against women including domestic and sexual violence to relevant professionals, including targeted training to judges, prosecutors, lawyers and police officers on the application of protection orders under the Domestic Violence Act and training for health professionals on standardized procedures for dealing with victims in a gender-sensitive manner;**

h) **Operationalize the domestic violence hotline; and**

i) **Urgently adopt a comprehensive legislation to combat sexual harassment.**

Trafficking and sexual exploitation

25. The Committee welcomes the ratification of the Palermo Protocol by the State party, but is concerned at the absence of specific policies and a comprehensive legislation on human trafficking, including criminalization of the offence. The Committee is also concerned at the reports of high levels of sexual abuse and exploitation, in particular of the girl child and young women, including through incest, child prostitution and transactional sex. The Committee is concerned about inadequate legislation and policy in this regard. The Committee regrets the limited data on trafficking and sexual exploitation as well as information on efforts to address the social and economic factors and measures to support victims of such violations.

26. **The Committee recommends that the State party:**

a) **Adopt comprehensive legislation and policies to address trafficking in persons and sexual exploitation, in line with the Convention and the Palermo Protocol, to strengthen mechanisms for the prevention, prosecution and punishment of offenders and specific support programmes for victims;**

b) **Gather and analyse sex-disaggregated data and information on trafficking and sexual exploitation, including prostitution; and**

c) **Strengthen measures aimed at addressing the conditions e.g. poverty and high unemployment, which makes women and girls more vulnerable to trafficking and may also drive them into prostitution; enhance support services for the victims as well as for the reintegration into society of women and girls who wish to leave prostitution.**

Participation in political and public life

27. While noting improvement in participation of women in political and public life over time as well as the formation in 2010 of the Women's Parliamentary Caucus, the Committee is concerned about the decline in the number of women being elected to Parliament in the last elections and in the present Cabinet, a reduction of visible women leaders in political parties and that politics remains a male dominated arena where women appear hesitant to participate due to cultural barriers. The Committee is concerned about the reluctance of the State party to use temporary special measures that would speed up this process.

28. **The Committee recommends that the State party:**

a) **Remove discriminatory practices and address cultural barriers that prevent women from moving into decision-making and management positions and ensure proportionate representation of women and men in principal positions;**

- b) **Encourage political parties to nominate higher numbers of women as candidates;**
- c) **Create an enabling environment for political participation of women, by educating young women leaders, and strengthening women's wings of political parties; and**
- d) **Consider the adoption of temporary special measures, including quotas, which guarantee women's equal representation in the Parliament and Government.**

Education

29. The Committee appreciates that primary education is free and compulsory in the State party without any discrimination on grounds of gender. However, it is concerned at the persistence of structural and other barriers to quality education for girls and young women, including early pregnancy and teenage motherhood and societal attitudes resulting in a higher drop-out rate for girls in the secondary education. The Committee also notes with concern that women and girls are underrepresented in technical disciplines and traditionally male-dominated fields of study.

30. **The Committee recommends that the State party:**

- a) **Ensure de facto equal access of girls and young women to all levels of education, prevent dropouts of girls from schools and strengthen its efforts to encourage young women to return to school after pregnancy; and**
- b) **Intensify efforts aimed at diversifying academic and vocational choices for women and take further measures to encourage them to choose non-traditional fields of education and careers, including by providing public scholarships and stipends.**

Employment

31. The Committee notes that the overall unemployment rate is high in the State party with strong gender disparities, especially in rural areas where the unemployment rate for women is double the rate for men. While welcoming the revision of the Minimum Wage Order, the Committee notes with concern the persistence of wage gaps between women and men, the horizontal and vertical segregation of women and men in the labour market and the concentration of women in low-skilled jobs with low pay. The Committee is further concerned about the lack of paid maternity leave for all female workers in the State party, and that maternity leave in the public sector may only be claimed after 18 months of continuous service with the same employer. The Committee notes that while the State party has ratified the fundamental conventions of the International Labour Organisation (ILO), it has not yet ratified Convention 189 on domestic workers.

32. **The Committee recommends that the State party:**

- a) **Develop policies with time-bound targets and indicators to eliminate occupational segregation and achieve substantive equality of men and women in the labour market, including in traditionally male dominated fields through intensified technical and vocational training; promote overall employment of women; expand women's access to micro-credit at low interest rates for self-employment and income generating activities;**
- b) **Conduct an assessment of any remaining gender based inequalities in the Minimum Wage Order and other relevant legislation and policy in order to close the gender wage gap;**

- c) **Revise legislation and policy to ensure that all women employees in the public and private sectors are guaranteed paid maternity leave, including by eliminating restrictions to maternity leave based on duration of employment; and**
- d) **Ratify the ILO Convention 189 on domestic workers.**

Health

33. The Committee welcomes the low maternal mortality rate in the State party.. However, it is concerned about the limited access to sexual and reproductive health and family planning services, resulting in reportedly high incidences of teenage and unwanted pregnancies. The Committee is further concerned at the high rate of unsafe abortion and subsequent complications which may be explained by the restrictive abortion law which leads women to seek unsafe and illegal abortions, and possibly to infanticides in certain cases. The Committee also notes a growing tendency of feminization of HIV with a disproportional high number of young women infected by HIV.

34. **In line with Article 12 of the Convention and general recommendation No. 24 (1999) on women and health, the Committee calls on the State party to:**

- a) **Improve sexual and reproductive health services for women and girls, including through ensuring free and adequate access to contraceptives;**
- b) **Promote education on sexual and reproductive health, in particular by undertaking large-scale awareness raising campaigns, especially for prevention of unwanted pregnancy and sexually transmitted infections and diseases including HIV/AIDS, and by integrating age-appropriate sex education at all school levels;**
- c) **Ensure provision of health facilities to women and girls suffering from complications due to unsafe abortions; and**
- d) **Consider reviewing the law relating to abortion for unwanted pregnancies with a view to removing punitive provisions imposed on women who undergo abortion, in line with the Committee's general recommendation 24 (1999) on women and health.**

Rural women

35. While welcoming the efforts of the State party to reduce rural poverty, the Committee notes with concern that rural women are disproportionately affected by poverty, unemployment and gender based violence. Rural women of all ages, including women with disabilities who are doubly disadvantaged, have limited access to health and social services; skill-development and training opportunities; access to justice and legal aid and low participation in decision making. The Committee is also concerned about the high prevalence of female-headed households who also suffer from undue disadvantage.. The Committee is further concerned that rural women are particularly vulnerable to the effects of natural disasters as like in the cases of Hurricane Ivan and Hurricane Emily.

36. **The Committee recommends that the State party:**

- a) **Strengthen the programmes to address poverty and unemployment for rural women, in particular women heads of households and ensure that rural women have improved access to health care, social services and to the justice system with targeted programmes for women who suffer multiple discrimination due to old age and disabilities, including through greater access to social safety nets; and**
- b) **Ensure that the development and implementation of policies and programs on disaster preparedness, response to natural disasters and impacts of climate change as well as other emergencies are based on a comprehensive gender analysis and mainstream the concerns of women particularly those of rural women.**

Refugee women

37. While the State party currently hosts a very small number of refugees, the Committee however, notes that due to escalating extra-regional migratory movements and migrant trafficking in the Caribbean there is a high probability of an increase in the number of asylum-seekers. In this respect, the Committee is concerned that the State party has not acceded to the international conventions on refugees and statelessness, and has no national refugee legislation or national asylum procedure.

38. **The Committee recommends that the State party consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and develop national refugee legislation and a national asylum procedure.**

Marriage and family relations

39. The Committee notes with concern the prevalence of traditional stereotypes of women in relation to the role in the family and of certain legal provisions which reinforce this, such as the requirement of only the father's name in various administrative forms and certificates. The Committee also notes, in line with the State party report, the vulnerable situation of women in common law unions. It also notes that the Married Woman's Property Act (1896) and the Marriage Act (1903) are out-dated and in need of revisions to better suit the present context. The Committee further notes with concern that many fathers do not take on their parental responsibilities, and single mothers often face challenges in receiving child maintenance which as such is also a very small amount.

40. **The Committee, recalling Article 16 of the Convention as well as its general recommendation No. 21 (1994) on equality in marriage and family relations, recommends that the State party:**

a) **Strengthen its efforts to eliminate stereotypical attitudes regarding the roles of women and men in the family through awareness raising campaigns; amend the legal provisions and administrative forms which discriminate against women in relation to family life; and strengthen protection and support to women in common law unions;**

b) **Amend the Married Woman's Property Act (1896) and the Marriage Act (1903) to bring this legislation in line with the Convention and eliminate discriminatory provisions against women in family life;**

c) **Strengthen provision of parental education, with the aim of promoting the shared responsibility of both parents in relation to the care and maintenance of the child; and**

d) **Review legislation and procedures for child maintenance and urgently address challenges to ensure that single mothers are provided adequate and timely child maintenance.**

Optional Protocol of the Convention

41. **The Committee encourages the State party to ratify the Optional Protocol to the Convention as soon as possible in order to facilitate the full enjoyment of the rights guaranteed under the Convention.**

Beijing Declaration and Platform for Action

42. **The Committee urges the State party, in the implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action,**

which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

Dissemination

43. The Committee requests the wide dissemination in Grenada of the present concluding observations in order to make the people, including Government officials, politicians, Parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee recommends that dissemination should include dissemination at the local community level. The State party is encouraged to organize a series of meetings to discuss the progress achieved in the implementation of the present observations. The Committee requests the State party to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

Ratification of other treaties

44. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Elimination of all Forms of Racial Discrimination, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

Follow-up to concluding observations

45. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 18 and 24 (a), (c), (f), (h) and (i) above.

Technical assistance

46. The Committee encourages the State party to consider seeking cooperation and technical assistance, including from international sources, in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole. The Committee also calls upon the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the Statistics

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Division, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund, the World Health Organization, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights.

Preparation of the next report

47. **The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next periodic report and, at the same time, to consult a variety of women's and human rights organizations.**

48. **The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its next periodic report in February 2016.**

49. **The Committee invites the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents that were approved at the fifth inter-committee meeting of the human rights treaty bodies, in June 2006 (HRI/MC/2006/3 and Corr.1). The treaty-specific reporting guidelines adopted by the Committee at its fortieth session in January 2008 (A/63/38, part one, annex I) must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together, they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages, while the common core document should not exceed 80 pages.**
