



**Grenada**

**Stakeholder Report for the United Nations Universal Periodic Review: LGBTIQ+ Rights**

**Submitted by The Advocates for Human Rights,**

a non-governmental organization in special consultative status

**Khaleem Ali,**

and

**GrenCHAP**

**for the 49th Session of the Working Group on the Universal Periodic Review**

**April – May 2025**

**Submitted 11 October 2024**

**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States, including LGBTIQ+ individuals who have experienced discrimination and violence based on sexual orientation, gender identity and expression, and sex characteristics.

**Khaleem Ali** is a youth human rights defender based in Trinidad and Tobago with more than a decade of experience in activism. He attended the 137th session of the United Nations Human Rights Council in Geneva and the 52nd meeting of the UN Human Rights Committee (ICCPR) as an expert on human rights issues in the Caribbean Region. He has subsequently been appointed to working groups at the World Coalition Against the Death Penalty in France and as a consultant on Youth, Peace, and Security for the UNESCO Support Group (Eastern Caribbean). Khaleem currently serves on the board of the Greater Caribbean for Life, a regional entity focused on the abolition of the Death Penalty.

**GrenCHAP** is a sexual and reproductive health and human rights NGO with a focus on the following marginalized communities: LGBT+, PLHIV, Sex Workers, Vulnerable Youth, Women and Girls. Our mission is to empower these groups through rights based advocacy and increase access to information and sexual reproductive health care services. GrenCHAP has been serving marginalized groups for over 15 years, creating safe spaces for expression, facilitating linkages to social safety net services and other kinds of care, providing sensitization training, psycho-

educational training and even the provision of basic needs to individuals within our clientele. We work with line ministries and other CSOs to ensure our populations' needs are considered when programmes and policies are designed, implemented and monitored.

## EXECUTIVE SUMMARY

1. Since its Third-Cycle Universal Periodic Review (UPR) conducted in 2020, Grenada continues to criminalize consensual same-sex sexual activity between adults under Sections 430 and 431 of Grenada’s Criminal Code. While the language of the Criminal Code is gender-neutral, the statute has historically been used to specifically and disproportionately targets consensual same-sex sexual activity between adult men.
2. Grenada does not adequately prevent violence, harassment, and discrimination by State and non-State actors against people based on their perceived and actual status as members of the lesbian, gay, bisexual, transgender, queer, intersex and other sexual and gender minority (“LGBTIQ+”) community. Grenadian law does not prohibit discrimination based on sexual orientation, and/or gender identity or expression and such discrimination continues in matters of housing, education, employment. Although Chapter I, Section 13(3) prohibits discrimination on the basis of sex, sex has been judicially interpreted to mean biological male and biological female and does not consider intersex conditions and, thus, does not prohibit discrimination against intersex people.<sup>1</sup>
3. Openly LGBTIQ+ people often experience negative social stigma from other people in the community. The continued criminalization of consensual same-sex sexual activity between adult men, combined with the lack of legal or institutional protections, and the public animus towards sexual and gender minorities, fosters a hostile and dangerous environment for members of the LGBTIQ+ community in Grenada. There have been reports of deaths, threats, and verbal abuse against LGBTIQ+ individuals in Grenada.
4. In this report, we use the acronym LGBTIQ+ to refer to individuals who self-identify as lesbian, gay, bisexual, transgender, intersex, queer, and/or other sexual or gender minorities. These terms necessarily do not include everyone who may experience violations of their human rights on the basis of their real or perceived sexual orientation, gender identity, gender expression, and/or sex characteristic (SOGIESC) status, which is why we also include a “+” with the acronym. Any use of a modified acronym is intentional in that we are speaking only about certain members of the LGBTIQ+ population.

### I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

#### **Theme: Equality & non-discrimination**

#### **Status of Implementation: Not Accepted, Not Implemented**

5. Grenada received 23 recommendations relating to LGBTIQ+ issues in its Third-Cycle review.<sup>2</sup> These recommendations included calls to adopt anti-discrimination legislation that would protect people from discrimination on the basis of sexual orientation and/or gender identity; decriminalize consensual same-sex sexual activity between adult men; to protect LGBTIQ+ people from violence; and raise awareness about LGBTIQ+ people’s human rights.
6. Grenada noted all 23 recommendations.<sup>3</sup> In noting these recommendations, the Government of Grenada reported that the recommendations would be “a significant

deviation from current legislation and would as a result require extensive public consultation to garner the necessary support for policy change.”<sup>4</sup> The Foreign Affairs Minister also told the media that the Government noted the recommendations on LGBTIQ+ issues because “quite frankly countries can only do what countries can do, and all of the human rights recommendations, those that we have accepted have to first be accepted by our people,” further implying that social stigma prevents the Government from accepting recommendations on LGBTIQ+ issues.<sup>5</sup>

7. Sections 430 and 431 of Grenada’s Criminal Code criminalize same-sex sexual activity between consenting adults.<sup>6</sup> Specifically, Section 430 provides that anyone who “publicly and wilfully commits any grossly indecent act is guilty of a misdemeanour”<sup>7</sup> and Section 431 provides that if “any two persons are guilty of unnatural connexion, or if any one person is guilty of unnatural connexion with any animal, every such person shall be liable to imprisonment for 10 years.”<sup>8</sup>
8. While the language of the Criminal Code set forth above is gender-neutral and ambiguous, it is generally understood to apply to sex between men.<sup>9</sup>
9. Due to a lack of laws permitting transgender individuals to change their legal gender, the Government also prosecutes transgender women – who are considered legal men under Grenadian law – if they engage in consensual sex with cisgender men.
10. Despite the existence of laws criminalizing consensual same-sex sexual activity, law enforcement and government prosecutors rarely enforce them.<sup>10</sup> In 2020, the director of public prosecutions “declined to pursue charges against two men who were engaged in sex in a video that was circulated online.”<sup>11</sup> In choosing not to prosecute the men, the director called Sections 430 and 431 of Grenada’s Criminal Code “obsolete.”<sup>12</sup> Without a *de jure* moratorium on the enforcement of these laws, however, it remains up to law enforcement and prosecutors’ discretion as to whether they wish to prosecute individuals they suspect to have engaged in consensual same-sex sexual activity.
11. Currently, there are no laws that prohibit discrimination on the basis of sexual orientation, gender identity, gender expression, and/or sex characteristics in employment, housing, education, or health care.<sup>13</sup>

**Theme: Lesbian, gay, bisexual and transgender and intersex persons (LGBTI)**

12. Despite the lack of enforcement of the law criminalizing consensual same-sex sexual activity between adult men, “LGBT+ [*sic*] people face significant societal discrimination, including threats of violence and public hostility.”<sup>14</sup>
13. While there does not appear to be issues of systemic violence on the part of State actors against the LGBTIQ+ community, there is also limited information and a lack of official reporting on LGBTIQ+ people’s interactions with State actors. There appear to be no formal training programs for law enforcement, judges, or other members of the criminal justice profession on how to respect the rights of LGBTIQ+ people or their specific needs. There also appears to be no national human rights institution or department that provides oversight and handles complaints filed against State actors.
14. In contrast to State actors, there are reports of non-State actors having killed, threatened, and verbally abused LGBTIQ+ individuals.

15. In June 2023, Josiah “Jonty” Robinson, was murdered, presumably because of his sexual orientation.<sup>15</sup> The Eastern Caribbean Alliance for Diversity and Equality (ECADE) reports that “[m]ore than a month after his death, there appears to be little progress on the case. The few updates that have been made available to the public have revealed little urgency in seeking a perpetrator or motive for his murder.”<sup>16</sup> Although police eventually arrested someone in connection with the murder, the courts have still not tried the alleged perpetrator.<sup>17</sup>
16. There have also been reports that LGBTIQ+ people receive threats, both online and in person, from non-State actors.<sup>18</sup>
17. Although the Domestic Violence Act in Grenada uses gender-neutral terms and could conceivably apply to LGBTIQ+ victims of domestic violence, the Act does not permit a person in a same-gender relationship to apply for a protective order from a violent partner. The Domestic Violence Act specifies that “[a]n application for a protection order referred to in subsection (1), may be made by... a person who was engaged, dating or has been in a visiting relationship with a person of the opposite sex, which includes, but is not limited, to an actual or perceived romantic, intimate or sexual relationship of any duration.”<sup>19</sup>
18. Instances of violence and the prevailing stigma by State and non-State actors against LGBTIQ+ individuals make it difficult to gain in-depth information about the situation in Grenada, as LGBTIQ+ individuals fear for their safety if their SOGIESC status is revealed.<sup>20</sup>
19. Further, a 2023 report by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) found that there are no laws protecting intersex people’s bodily integrity and autonomy, or equal enjoyment of human rights.<sup>21</sup>

## **II. RECOMMENDATIONS**

20. This co-authors of this stakeholder report suggest the following recommendations for the Government of Grenada:
  - Harmonize domestic legislation with international law and the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity.
  - In collaboration with LGBTIQ+ organizations, provide public education campaigns to address the specific issues LGBTIQ+ people experience, so as to address societal prejudice and discrimination by State and non-State actors.
  - Immediately repeal sections 430 and 431 of the Criminal Code which criminalize consensual same-sex sexual activity between adults.
  - Draft and adopt legislation in consultation with LGBTIQ+ organizations that permits transgender individuals to change their legal gender.
  - Permit and provide funding to civil society organizations to collect and publish annual data on human rights violations perpetrated by State and non-State actors against LGBTIQ+ people.

- Adopt a national human rights institution in line with the Paris Principles that provides independent oversight of and receives complaints about human rights violations perpetrated by State and non-State actors, including violations perpetrated on the basis of sexual orientation, gender identity, gender expression, and/or sex characteristics.
- Revise the Domestic Violence Act to permit individuals in LGBTIQ+ relationships to apply for a protective order.
- In consultation with civil society organization adopt legislation that addresses both physical, mental and emotional violence committed against a person on the basis of sexual orientation, gender identity, gender expression, and/or sex characteristics and addresses discrimination on the same bases.
- Devote resources to assessing and combatting the problems faced by LGBTIQ+ individuals, including discrimination, social stigma, and violence.
- Train judicial personnel on issues related to sexual orientation, and/or gender identity or expression.
- Take measures to prevent law enforcement from arbitrarily arresting individuals based on their sexual orientation, and train law enforcement on issues related to sexual orientation, and/or gender identity or expression and how to properly investigate allegations of abuse and violence directed at LGBTIQ+ individuals.
- Train medical, psychosocial, mental health, and legal resource providers on LGBTIQ+ issues, violence, and trauma to better respond to instances of harassment and violence on the basis of sexual orientation and/or gender identity or expression.

---

<sup>1</sup> Constitution of Grenada, 1973 (reinst. 1991, rev. 1992).

<sup>2</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Grenada*, (Mar. 19, 2020), U.N. Doc. A/HRC/44/13, ¶ 94.44 Implement additional measures in order to promote equal rights before the law for lesbian, gay, bisexual, transgender and intersex people (Dominican Republic); ¶ 94.46 Introduce legislation prohibiting discrimination on the grounds of sexual orientation and gender identity (Germany); ¶ 94.47 Decriminalize consensual relations among adults of the same sex and adopt policies against discrimination on the grounds of sexual orientation or gender identity and that promote respect for the rights of lesbian, gay, bisexual, transgender and intersex persons (Spain); ¶ 94.48 Repeal all legal provisions that discriminate against persons on the grounds of their sexual orientation and gender identity, including those in the Sexual Offences Act and the Criminal Code (United Kingdom of Great Britain and Northern Ireland); ¶ 94.49 Decriminalize lesbian, gay, bisexual, transgender and intersex status and conduct by repealing section 431 of the Criminal Code (United States of America); ¶ 94.50 Consider amending section 431 of the Criminal Code so that it complies with international human rights law (Brazil); ¶ 94.51 Repeal section 431 of the Criminal Code, which criminalizes consensual sexual relations between adults of the same sex (Chile); ¶ 94.52 Repeal section 431 of the Criminal Code to decriminalize consensual same-sex relations (Denmark); ¶ 94.53 Repeal or amend all discriminatory laws and policies that criminalize consensual sexual activity between adults of the same sex, including section 431 of the Criminal Code (Netherlands); ¶ 94.54 Repeal sections 430 and 431 of the Grenada Criminal Code criminalizing sexual relationship between consenting adults of the same sex (Luxembourg); ¶ 94.55 Adopt the necessary legal actions to decriminalize sexual relations between persons of the same sex and combat discrimination based on sexual orientation or gender identity (Uruguay); ¶ 94.56 Harmonize its domestic legislation with international law and the

---

Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity by decriminalizing consensual relations between adults whose gender expression does not conform to social norms and expectations (Panama); ¶ 94.57 Consider repealing legislation that criminalizes consensual sexual relations between adults of the same sex and take measures to combat discrimination based on sexual orientation and gender identity (Argentina); ¶ 94.58 Repeal all provisions of law criminalizing sexual activity between consenting adults, including those of the same sex, and take legislative and other measures to protect victims of violence based on their sexual orientation or gender identity (Australia); ¶ 94.59 Repeal the legislative provisions that criminalize homosexual practices between consenting adults (Canada); ¶ 94.60 Implement education and awareness-raising programmes on human rights and anti-discrimination, especially in order to end discrimination based on sexual orientation and gender identity (Canada); ¶ 94.61 Decriminalize sexual relations between consenting adults of the same sex (France); ¶ 94.62 Adopt legislation and public policies to prevent discrimination based on sexual orientation and gender identity (Honduras); ¶ 94.63 Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation to include a prohibition of discrimination on the basis of sexual orientation and gender identity (Iceland); ¶ 94.64 Decriminalize consensual same-sex conduct between adults and take all necessary steps to protect members of the lesbian, gay, bisexual, transgender and intersex community from all forms of discrimination on the basis of their sexual orientation and identity (Ireland); ¶ 94.65 Decriminalize consensual sexual conduct between persons of the same sex and combat discrimination on the basis of sexual orientation (Italy); ¶ 94.66 Adopt, in consultation with civil society, legislation that addresses physical, mental and emotional violence against a person on the basis of sexual orientation and gender identity, as well as discrimination against persons based on sexual orientation and gender identity (Luxembourg); ¶ 94.67 Remove from the national legislation the criminalization of sexual relations between adults of the same sex, incorporate the prohibition of discrimination on the grounds of sexual orientation and gender identity and adopt the necessary measures to guarantee for lesbian, gay, bisexual, transgender and intersex people full enjoyment of their human rights, with special emphasis on access to health and social security (Mexico).

<sup>3</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Grenada: Addendum*, (Sept. 16, 2020), U.N. Doc. A/HRC/44/13/Add. 1

<sup>4</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Grenada: Addendum*, (Sept. 16, 2020), U.N. Doc. A/HRC/44/13/Add. 1

<sup>5</sup> Linda Straker, *Grenada Classifies Death Penalty and LGBTQ Rights as “Noted” Concerns*, Now Grenada, Sept. 22, 2020, <https://nowgrenada.com/2020/09/grenada-classifies-death-penalty-and-lgbtq-rights-as-noted-concerns/>.

<sup>6</sup> Grenada Criminal Code, Title XXIX “Public Nuisances,” §§ 430-431, Also available online at <https://grenadaparliament.gd/wp-content/uploads/2021/08/Cap72A-CRIMINAL-CODE.pdf>

<sup>7</sup> Grenada Criminal Code, Title XXIX “Public Nuisances,” § 430. Also available online at <https://grenadaparliament.gd/wp-content/uploads/2021/08/Cap72A-CRIMINAL-CODE.pdf>.

<sup>8</sup> Grenada Criminal Code, Title XXIX “Public Nuisances,” § 431. Also available online at <https://grenadaparliament.gd/wp-content/uploads/2021/08/Cap72A-CRIMINAL-CODE.pdf>.

<sup>9</sup> Human Dignity Trust, “Grenada,” accessed June 4, 2024, <https://www.humandignitytrust.org/country-profile/grenada/#:~:text=Section%20430%20criminalises%20'grossly%20indecent,imprisonment%20and%2Ffor%20a%20fine.>

<sup>10</sup> *Grenada: Freedom in the World Report 2023*, Freedom House, accessed June 6, 2024, <https://freedomhouse.org/country/grenada/freedom-world/2023>

<sup>11</sup> *Grenada: Freedom in the World Report 2023*, Freedom House, accessed June 6, 2024, <https://freedomhouse.org/country/grenada/freedom-world/2023>

<sup>12</sup> *Gay Man Afraid for His Life*, The New Today, Oct. 23, 2020, <https://www.thenewtodaygrenada.com/local-news/gay-man-afraid-for-his-life/>.

<sup>13</sup> *Grenada: Freedom in the World Report 2023*, Freedom House, accessed June 6, 2024, <https://freedomhouse.org/country/grenada/freedom-world/2023>.

- 
- <sup>14</sup> *Grenada: Freedom in the World Report 2023*, Freedom House, accessed June 6, 2024, <https://freedomhouse.org/country/grenada/freedom-world/2023>
- <sup>15</sup> “*Jonty*” was Murdered, The New Today, June 25, 2023, <https://www.thenewtodaygrenada.com/local-news/jonty-was-murdered/>.
- <sup>16</sup> Loop News, “ECADE calls for action in Jonty Robinson murder case,” accessed Sept. 27, 2024, <https://caribbean.loopnews.com/content/ecade-calls-action-jonty-robinson-murder-case>.
- <sup>17</sup> Loop News, “Grenada: Accused in Jonty Robinson’s death released on bail,” accessed Sept. 27, 2024, <https://caribbean.loopnews.com/content/grenada-accused-jonty-robinsons-death-released-bail>.
- <sup>18</sup> *Gay Man Afraid for His Life*, The New Today, Oct. 23, 2020, <https://www.thenewtodaygrenada.com/local-news/gay-man-afraid-for-his-life/>.
- <sup>19</sup> Domestic Violence Act, Cap. 84, Part II.5(2)(g). Also available online at <https://grenadaparlament.gd/storage/2021/08/Cap84-DOMESTIC-VIOLENCE-ACT.pdf>.
- <sup>20</sup> Human Rights Watch, “‘I Have to Leave to Be Me:’ Discriminatory Laws against LGBT People in the Eastern Caribbean,” Mar. 21, 2018, <https://www.hrw.org/report/2018/03/21/i-have-leave-be-me/discriminatory-laws-against-lgbt-people-eastern-caribbean>.
- <sup>21</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *Intersex Legal Mapping Report: Global Survey on Legal Protections for People Born with Variations in Sex Characteristics*, 2023, Dec. 2023, [https://ilga.org/wp-content/uploads/2024/02/ILGA\\_World\\_Intersex\\_Legal\\_Mapping\\_Report\\_2023.pdf](https://ilga.org/wp-content/uploads/2024/02/ILGA_World_Intersex_Legal_Mapping_Report_2023.pdf)