



JUST ATONEMENT INC.

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Just Atonement Inc.

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Just Atonement Inc. (JAI) is global community of lawyers who have joined forces to address imminent threats to democracy, human rights and a livable planet.

JAI was established in 2017 in the United States of America.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of Grenada.

Summary of Conclusions

1. Discriminatory laws in Grenada have created an unsafe and repressive atmosphere for the country's LGBT community.
2. The prison system in Grenada is under resourced. Limitations on its funding and staffing lead to backlogs in the courts that violate detainees right to due process and an adequate living environment.
3. While progress has been made in the realms of women and children's rights, as well as human trafficking, institutional follow-through and monitoring are necessary.



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Analysis

LGBT Rights

4. In Grenada, the national law forbids “gross indecency” and “unnatural connections.” These prohibitions cover all types of homosexual activity. Discriminatory laws empower regular citizens to harass, threaten, and physically harm members of the LGBT community who then often do not to report these incidents for fear of legal prosecution. Furthermore, by failing to support those diagnosed with HIV/AIDS in tracking their sexual partners, the Government of Grenada places the LGBT community, as well as its entire population, at risk of contracting the disease.
5. In 2016, attempts by the Government of Grenada to pass a Rights and Freedoms Bill, which called for gender equality, were blocked by religious organizations that feared the law was a step towards legalizing same-sex marriage. No other significant gender or sexual orientation legislation has been seriously considered since.

Recommendations:

6. International human rights law customarily protects the right to privacy and the right to be protected against arbitrary and unlawful interference with, or attacks on, one’s private and family life, as well as one’s reputation or dignity. Grenada is also a party to the American Convention, which prohibits laws discriminating against the LGBT community. In 2018, the Inter-American Court of Human Rights reaffirmed the Convention’s dedication to LGBT rights in an advisory opinion stating that all twenty-three party states must legalize same-sex marriage and allow citizens to change their name and gender marker in official government documents. This advisory opinion builds upon past cases condemning violation of LGBT rights, including the decision in *Atala Riffo and Daughters v. Chile*.
7. As a party to the Convention, the Government of Grenada must honor these rulings and overturn old, discriminatory laws and pass new laws promoting gender equality and banning discrimination based on sexual orientation.



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Overcrowding in Prisons

8. Grenada's constitution promises due process, including the right to a speedy trial and representation, for all detainees and defendants in criminal and civil matters. However, limited resources within the judiciary and prison systems leads to overcrowding in prisons and delays in trials. Poor prison conditions in Grenada stem from a lack of resources. As of 2013, there is only one prison in Grenada. Half of the inmate population at the prison are detainees awaiting trial. Furthermore, due to understaffing, not all detainees who cannot afford counsel are provided with one as the Grenada constitution promises. Inhumanely, flogging remains a punishment for petty crimes.

Recommendations:

9. Article 25 of the Universal Declaration of Human Rights guarantees everyone the right to a standard of living adequate for their health and well-being. Article 14 of the International Convention on Civil and Political Rights promises the right "to be tried without delay." Article 7 also prohibits torture and cruel, inhumane, or degrading treatment. Grenada has ratified both documents and should be held to their obligations.
10. The Government of Grenada should consider switching to a mediation-based system for handling petty crimes. This would alleviate stress placed on the criminal justice system and foster community development by allowing citizens to resolve their own disputes without court sentencing. Grenada already uses ombudsman to receive complaints against government departments or authorities. Mediation between private citizens should be a logical next step.



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Climate Change

11. Like many other small island countries, Grenada is feeling the effects of climate change more immediately than other large countries. The geography of the island makes it susceptible to hurricanes, tropical storms, and flooding that is likely to become worse with the effects of climate change.
12. Last year, the Government of Grenada finalized its NAP. The plan emphasized investment in emergency preparedness and response systems to meet the challenge of inevitable storms. The plan also calls for improvement of physical and social infrastructure, as well as the enforcement of zoning and land use laws so that structures will be able to withstand the effects of storms. (The importance of strong infrastructure and response systems in moments of natural disaster was demonstrated in Haiti in 2010, when a 7.0 magnitude earthquake nearly destroyed the country.) The Government of Grenada has also proposed installing drains on private property to combat flooding.

Recommendations:

13. In recent years the international legal community has moved towards recognizing the right to a healthy environment. This right is rooted in the aforementioned Article 25 of the UDHR, as well as the Inter-American Court of Human Rights' Advisory Opinion on the Environment and Human Rights.
14. The Government of Grenada should follow-through with its NAP, and the international community should support its efforts and make its own contributions. The main obstacle to this plan is financing, and the international community should provide monetary support, either through loans or direct funding. In further preparation for the catastrophic effects of climate change, such as food shortages and the destruction of climate-based industries, the Government of Grenada should incentivize "climate-smart" activities, such as aeroponic farms. Finally, the international community must also pressure larger, developed countries, such as the United States, to address climate change.



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Violence Against Women and Children

15. Both women and children in Grenada are frequently subjected to physical and sexual violence. Recently, Grenada passed new legislation criminalizing rape and spousal rape. Furthermore, in September 2017, the Government of Grenada appointed a committee to address child sexual abuse, and in November the Prime Minister announced that a special victims' unit would be established to help victims of sexual abuse.

Recommendations:

16. Article 3 of the Convention on the Elimination of All Forms of Discrimination Against Women requires state parties to take all reasonable measures to provide women the “exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.” The Universal Declaration of Human Rights guarantees all persons, regardless of gender, the right to “security of person.” Under Article 19 of the Convention on the Rights of the Child, state parties must “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or . . . maltreatment or exploitation, including sexual abuse. . . .”
17. The Government of Grenada should continue honoring its commitments under international law by passing more legislation empowering women and children to report abuse, as well as investigate the need for and effectiveness of shelters for abused women and children in the country.

Human Trafficking

18. The Government of Grenada has only recently begun to address human trafficking as a national issue. The Government of Grenada suspects that most victims of human trafficking in the region are refugees from Latin America, primarily Venezuela.



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However, a lack of empirical data or laws addressing human trafficking makes it difficult to evaluate or address the problem.

Recommendations:

19. As a party to the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of Grenada has committed to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women (Article 6).”

20. Grenada passed the Prevention of Trafficking of Persons Act in 2014, but the legal framework that will allow for its enforcement is still in development. The Government of Grenada must follow through with this plan and, additionally, train local law enforcement in carrying out its policies. European countries have offered to assist training law enforcement, and the Government of Grenada should accept their offer while maintaining control of the program. The Government of Grenada should also commission studies to determine the extent and nature of human trafficking in the country.

Respectfully submitted,

/s/ Inder Comar and Brynna Bolt

of Just Atonement Inc.