

Criminalisation of Homosexuality

Updated 25 October 2015

 Grenada		
<p>National Law:</p> <p><i>Criminal Code 1987</i>¹</p> <ul style="list-style-type: none"> - S430: Committing Grossly Indecent Act² - S431: Unnatural connexion³ 	<p>Maximum Penalties:</p> <ul style="list-style-type: none"> - A misdemeanor offence - 10 years' imprisonment 	<p><u>Treaty Ratification</u></p> <p>ACHR</p> <p>CEDAW</p> <p>CRC</p> <p>ICCPR</p> <p>ICESCR</p>
<p>The Law is applicable to men only.</p>		
<p>Enforcement</p>	<ul style="list-style-type: none"> - The law is rarely enforced in Grenada. - 25 May 2011: A 41-year-old man was arrested under the country's anti-gay laws. The case was dismissed but the dismissal challenged by the director of public prosecutions. The case was eventually dismissed again. No other recent examples of prosecutions could be found.⁴ 	
<p>Statements by Public Figures</p>	<ul style="list-style-type: none"> - 29 May 2013: Grenadian Senate President, Lawrence Joseph, called for Caribbean countries to repeal their anti-homosexuality laws. In June, he clarified his position – stating that whilst he personally thought that being gay was immoral, there is a difference between immorality and illegality.⁵ 	
<p>Persecution and Discrimination</p>	<ul style="list-style-type: none"> - 2014: The US Department of State human rights report for Grenada found '<i>society generally was intolerant of same-sex sexual conduct, and many churches condemned it. Most LGBT persons were not open about their sexual orientation or gender identity.</i>⁶ There were no reports of violence linked to real or perceived sexual orientation. Persons who were subjected to rumours regarding their sexual orientation complained their livelihoods were affected. - 2009: The director of Grencap, as reported by the Immigration and Refugee Board of Canada, said that police officers would sometimes target and 'taunt' gay men. Moreover, the report claims that violent attacks, where gay men '<i>were stabbed, had bottles thrown at them, or faced threats and verbal harassment</i>', had occurred. Reports of violence and persecution were otherwise low.⁷ 	

<p>Legislative News</p>	<ul style="list-style-type: none"> - 2015: (UPR) Grenada stated it ‘cannot accept’ recommendations to repeal legislation criminalising consensual same-sex practices between adults as <i>‘this is an offence under domestic legislation. Government would however continue to raise awareness on the issue and encourage tolerance.’</i>⁸ - 2015: (UPR) During its presentation to the Working Group, the Delegation from Grenada reported that: <p style="margin-left: 40px;"><i>the issue of discrimination against LGBTI persons was being considered within the context of the ongoing process of constitutional reform and the general view [presented in public consultations] was that the Constitution should not be amended to give protection to LGBTI persons... [however] the Constitutional Reform Advisory Committee had recommended that ordinary legislation be passed with regard to “protection against discrimination at workplaces based only on sexual orientation”.</i>⁹</p> - 2010: (UPR) Grenada rejected recommendations to eliminate discrimination on the basis of sexuality; the country also refused to amend laws which may discriminate on that basis and refused to decriminalise consensual same-sex sexual relations.¹⁰ - 2010: Whilst ultimately rejecting the UPR recommendations to decriminalise, in the Working Group Review it was acknowledged that: <i>‘With the passage of time, growing tolerance on the part of the people would help in addressing this issue. It was a policy issue on which the Cabinet would have to deliberate.’</i>¹¹
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¹ Text of the law is : <http://laws.gov.gd/>

² *Criminal Code 1987, s.430: “Whoever publicly and wilfully commits any grossly indecent act is guilty of a misdemeanour.”*

³ *Criminal Code 1987, s.431: “If any two persons are guilty of unnatural connexion, or if any person is guilty of unnatural connexion with any animal, every such person shall be liable to imprisonment for ten years.”*

⁴ ‘Man Arrested for Gay Sex in Grenada’, *Advocate*, 26 May 2011, <<http://www.advocate.com/news/daily-news/2011/05/26/man-arrested-gay-sex-grenada>> accessed on 19 July 2014

⁵ ‘Moves to Improve Gay Rights in Caribbean’, *Mamba Online*, 29 May 2013 <<http://www.mambaonline.com/article.asp?artid=8193>> accessed on 19 July 2014

⁶ US Department of State, Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2014: Grenada*, June 2015

- See more at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

⁷ Canada: Immigration and Refugee Board of Canada, Grenada: Situation and treatment of homosexuals; state protection and support services (2006-2009), 17 September 2009, GRD103262.E, <<http://www.refworld.org/docid/4b20f03dc.html>> accessed on 19 July 2014

⁸ UNHRC, *Report of the Working Group on the Universal Periodic Review: addendum*, 5 June 2015, UN Doc A/HRC/29/14/Add.1

⁹ UNHRC, *Report of the Working Group on the Universal Periodic Review*, 5 June 2015, UN Doc A/HRC/29/14

¹⁰ UNHRC, *Report of the Working Group on the Universal Periodic Review*, 16 June 2010, UN Doc A/HRC/15/12

¹¹ *Ibid* at para 26