



PERMANENT MISSION OF GRENADA TO THE UNITED NATIONS

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Note No. 012/13

The Permanent Mission of Grenada to the United Nations presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR), and has the honour to refer to the latter's correspondence, Ref. No. YB/GN/IT dated 3 December 2012, transmitting a Questionnaire in regard to paragraph 4 of resolution A/HRC/21/30.

In this regard, the Permanent Mission of Grenada has the further honour to forward, on behalf of the Government of Grenada, the completed Questionnaire under reference.

The Permanent Mission of Grenada to the United Nations avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights (OHCHR) the assurances of its highest consideration.

New York, 15 January 2013



Office of the High Commissioner
for Human Rights (OHCHR)
Geneva, Switzerland

QUESTIONNAIRE ON INTERNATIONAL CONVENTION ON THE ELIMINATION
OF ALL FORMS OF RACIAL DISCRIMINATION

1. Kindly provide information on the phenomena of xenophobia in your national context, including any general trends.

Response: Xenophobia, which is a dislike or fear of people from other Country or that which is perceived to be foreign or strange to one's culture, is practically unknown in Grenada, though no research has been conducted to support this proposition. Grenada, being a small Island State, welcomes people all over the world to the Country, in as much as people coming into the Country abide by the laws of the land. The phenomenon of xenophobia, though not common in Grenada, is not encouraged by Government and the people of Grenada, bearing in mind that the Country places much emphasis on Tourism.

2. How is xenophobia addressed in your Country (include any legal and judicial frameworks and practices, substantive and procedural measures)?

Response: The phenomena of xenophobia though relatively unknown in Grenada, the Government, Non-Governmental Organization and various religious bodies frown and preach against any traces of xenophobic behavior. Xenophobia and racism often overlap but are distinct phenomena. The Constitution of Grenada addresses or makes adequate provision against discrimination in any form and in fact provided for means of redressing any form of discriminations. This provision can be employed for xenophobia. Apart from this constitutional provision, the Ombudsman is also empowered to investigate any administrative actions taken by or on behalf of the Government and other authorities and for other purposes connected therewith.

It is safe, at this junction, to state that the effort of the Government, people of Grenada, Non-Governmental Organization and various religious bodies, in promoting the peaceful co-existence with each other, has contributed immensely to the relatively uncommon status of xenophobia in Grenada.

3. Which national mechanism(s) with competences to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance does your Country have in place/. Kindly indicate the (ir) mandate(s) and powers, including any proposals for improvement on the basis of national experience.

Response: Arising from zero tolerance to xenophobic behavior and racism in Grenada, the existing mechanism to deal with discrimination in any form may be employed to deal with xenophobia and other forms and manifestations of racism and related intolerance. Aside from the roles being played by the Law Courts and the Public Complaints Commission, the Human Right Bodies and other Non-Governmental organizations, from time to time, have engaged in awareness programme to protect and prevent any forms and manifestation of racism and xenophobic behaviour. It is conceded that, when and if incident of xenophobia or racism arises, only the Law Court and the Office of the Ombudsman have formal procedure and mandate to deal with such manifestation of racism and other related intolerance.

In the Ombudsman Law Act 24 of 2007 Section 20 (1) "The functions of the Ombudsman are as follows:a) subject to subsection (2) to investigate any administrative action of a public authority for the purpose of deciding whether there is evidence of mal-administration on the part of the public authority; or whether any person or body of persons has or may have sustained injustice , injury or abuse as a result of any action taken by public authority or an officer or a member of such public authority;"

Subsection 2 stipulates" Subject to the provisions of this Act, the Ombudsman may investigate any administrative action taken by or on behalf of a public authority-(a)where a complaint is made to him or her by a person who claims to have been treated unjustly as a result of mal-administration arising from or in connection with the administrative action taken by the public authority;

In sub-section 5 of the same section 20 postulates "The expression "abuse" as used in subsection (1) above shall include any act of dishonesty or refusal to act and any act motivated by discrimination based on religion, language, race, sex , colour, creed disability or infirmity

Section 13 of the Constitution of Grenada provides for the protection from discrimination on the grounds of race, place of origin, political opinions,

colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or accorded privileges or advantages which are not accorded to persons of another such description.

In addition to the above, Section 16 of the same Constitution provides for the enforcement of protective provisions. It provides that if any person alleges that any of the provisions of sections 2 to 15 (inclusive) of this Constitution has been, is being or is likely to be contravened in relation to him (or, in the case of a person who is detained, if any other person alleges such a contravention in relation to the detained person), then, without prejudice to any other action with respect to same matter which is lawfully available, that person (or that other person) may apply to the High Court for redress.

4. Kindly provide information or any comments your Country might have on the issue of procedural gaps to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), including any legal and judicial frameworks and practices, substantive and procedural measures.

Response: No comment at the moment. The Country is undertaking a review of all Treaties, Conventions and other Human Right Instruments with a view of taking complete position on various treaties and conventions and the ICERD is inclusive.

5. Would your Country have any comments on the issue of the impact of reservations on the implementation to the ICERD? Is there a need for reservation and why?

Response: Ratification with reservation may have impact on universal implementation or full compliance with the Convention in question. Although, Grenada only signed the ICERD in 1981, there has been no ratification of the Convention; nonetheless there is no activity that might defeat the purpose of this Convention. As for the question of whether there is a need for reservation, there is no policy decision on this at the moment.

6. Would your Country have any comments concerning Article 14 of the ICERD (declaration by State Party recognizing the competency of the Committee to receive/consider individual complaints)?

Response: No comment at this stage as Grenada is undertaking a review of all treaties, conventions and other Human Right Instruments with a view of taking appropriate position on them. The ICERD also form part of the Convention to be reviewed.

7. Which ICERD recommendations has your Country implemented with regard to national mechanisms and xenophobia, including any legal and judicial frameworks and practices, substantive and procedural measures? What has been your national experience (including challenges) in this regard?

Response: No recommendation. Xenophobia is uncommon.

8. How is assistance provided to victims and/or affected communities of racism, racial discrimination, xenophobia and related intolerance at the domestic level? How do victims and/or affected communities participate fully and effectively in relevant processes and national mechanisms?

Response: As indicated before, the incidence of xenophobia, racism and other related intolerance are relatively unknown in Grenada and as such, there has not been much emphasis on the phenomenon. It is however expected that when there are traces of xenophobia and other related intolerance, the existing mechanisms employed to deal with discriminations, as enshrined in the Constitution of Grenada and other applicable law, coupled with the effort of Non-Governmental Organization, Human Right Bodies and Religious Bodies, in promoting and preaching peaceful co-existence, will be utilized.

9. With regard to the topics of this questionnaire:
- a. Kindly indicate any possible recommendation your Country would wish to provide and
 - b. Are there any additional comments or information your Country wishes to provide in relation to xenophobia, national mechanisms or procedural gaps.

Response: None. Save and except the position indicated above.