

Universal Periodic Review

(21st session)

Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

Grenada

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this convention			Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance 13/08/1998			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification 15/01/2009			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratification 15/01/2009			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. A new Constitution is being (re-)drafted by a designated committee since January 2014.¹
3. **The Constitution of Grenada of 1973**² does not enshrine the right to education. However, *Chapter I* recognizes the protection of fundamental rights and freedoms. With regard to Education and Religion:
 - a) it establishes in **Article 9**: "(2) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, including (...) freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in (...) teaching... (3) Every religious community shall be entitled, at its own expense, to establish and maintain places of education and to manage any place of education which it wholly maintains; and no such community shall be prevented from providing religious instruction for persons of that community in the course of any education provided at any places of education which it wholly maintains or in the course of any education which it otherwise provides."
 - b) **Article 13** enshrines the principle of non-discrimination. In this section, the expression "discriminatory" "means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by 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 are accorded privileges or advantages which are not accorded to persons of another such description."

Legislative Framework:

4. The **Education Act of 1976**³ was revised in 2002 by **Act 21**.⁴
5. This Act establishes the **right to education** in **Article 14** which states that "Subject to available resources and to this Act, all persons in Grenada are entitled to receive an education appropriate to their needs."
6. **Article 15** provides for **compulsory education** and states that "(1) The Chief Education Officer must provide for every person of compulsory school age who resides in Grenada (in this

¹ http://www.gov.gd/egov/docs/legislations/constitution/re-drafting_grenada_constitution.pdf

² <http://www.unesco.org/education/edurights/media/docs/f21b525f480859932ec405d4933b9ceb78ee0af3.pdf>, Accessed on 29/10/2013

³ IBE, World Data on Education, 7th Ed., 2010-2011, Grenada, p. 2, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Grenada.pdf, Accessed on 30/10/2013

⁴ Grenada Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2006, p. 1

section called “the student”) an educational programme consistent with the requirements of this Act. (2) For the purpose of meeting the obligations under subsection (1), the Chief Education Officer must (a) enrol the student in an educational programme offered by a public school or assisted private school; (b) direct the student to enrol in an educational programme offered by a private school; (c) provide a special education for the student; or (d) permit the student to undertake a home education programme."

6. **Free tuition at public schools** is granted in **Article 16**, which provides that "(1) Neither a student nor his or her parents may be charged tuition fees or other costs for attendance at a public school except that (a) a student who is not a citizen of a Member State or Associated Member State of the Organisation of Eastern Caribbean States nor of a Commonwealth country may be charged tuition fees and other costs as prescribed by the Minister by order; (b) students at public schools may be charged for books, specialised services and other items listed in a notice signed by the Minister and published in the Gazette. (2) If a student is over 18 years of age, fees and charges payable at an educational institution are payable by the student or by his or her sponsors, but otherwise are payable by the parents of the student."

6. **Article 21** adds that "Subject to this Act, parents of children of compulsory school age may choose for their children education in a public school, a **private school** or an assisted private school, or **home education** in accordance with section."

7. **Article 26** enshrines **the principle of Non-discrimination** based on race, place of origin, political opinion, colour, creed, sex or physical handicap.

8. In *Part X* on **Scholarships** and other Financial Assistance, **Article 167** provides that "A scholarship must be of sufficient value to cover all reasonable expenses associated with the course of studies approved for the scholarship".

Policy Framework:

9. Through the **Strategic Plan for Educational Enhancement and Development 2006-2015**,⁵ some objectives and strategies were identified to “address several issues within the education sector. Obstacles and challenges lie in the following areas:

- Capacity at the Ministry of Education;
- Professional training for teachers at Secondary and Tertiary Level;
- Lifelong learning – TVET for children who should continue their education;
- Rehabilitation of schools after the two hurricanes of 2004 and 2005;
- The procurement of learning materials due to financial constraints.”⁶

10. According to the Ministry of Education's statement of mission, “the Ministry of Education is mindful that the provision of the necessary support services including **school-feeding, books and**

⁵ Strategic Plan for Educational Enhancement and Development 2006-2015, <http://www.unesco.org/education/edurights/media/docs/b0d42bca36756824312a731510a4de0922485b4e.pdf>, Accessed on 30/10/2013

⁶ Grenada Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2006, p. 6

uniforms, the refurbishment, upgrading and expansion of educational facilities and the training of personnel are paramount for the enhancement of education.”

11. Within the Ministry of Education, there is an **Information Technology Unit** which “has a dual role to play. It is in charge of providing training and support (both technical and pedagogical) in the **school computerization programme**. It must also provide technical support to the staff of the Ministry of Education in the use of computer technology. More specifically, its tasks are as follows:

- a) To manage all computer labs used in the secondary school computerization program;
- b) To provide trainings for teachers, principals, secretaries and other users of IT;
- c) To develop policies in using computers for teaching and learning, including evaluation of existing software;
- d) To maintain and repair equipment in the Ministry of Education;
- e) To provide technical support to the staff in the Ministry of Education in the use of IT.”⁷

Cooperation:

12. Grenada is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

13. Grenada **did not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999),
- b) **Eighth Consultation** of Member States (covering the period 2006-2011).

14. However, Grenada **reported** to UNESCO within the framework of the **Seventh Consultation** of Member States (covering the period 2000-2005).

15. Grenada **did not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- a) **Fourth Consultation** of Member States (covering the period 2005-2008),
- b) **Fifth Consultation** of Member States (covering the period 2009-2012).

16. Grenada **did not report** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the:

- a) **First Consultation** of Member States (1993)
- b) **Second Consultation** of Member States (2011).

17. Grenada is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

⁷ <http://www.gov.gd/ministries/education.html> (Accessed 30/10/2013)

Freedom of opinion and expression

Constitutional and Legislative Framework:

18. Freedom of expression is guaranteed under Article 1 of the Constitution of Grenada (1973).⁸
19. In July 2012, Grenada became the first Caribbean state to decriminalize defamation, repealing Section 252 of the Penal Code (1987) that regulates "negligent" and "intentional" libel, and Section 253 that established the circumstances under which criminal defamation could be committed. However, seditious libel under Section 327 remains a criminal offence that carries a jail term of up to two years. Section 328 that makes insulting the Queen a crime also remains in force.⁹
20. A freedom of information law does not currently exist in the country. Nonetheless, the passage in Parliament of a Freedom of Information Act has been part of the government's legislative agenda since 2012¹⁰.

Media Self-Regulation:

21. Media self-regulatory mechanisms are not sufficiently developed yet in the country¹¹.

Safety of Journalists:

22. **UNESCO recorded no killing of journalists in Grenada between 2008 and 2012.**¹² Journalists work in a safe environment.

III. RECOMMENDATIONS

Right to education

23. **Recommendations made within the framework of the Working Group on the Universal Periodic Review in 2010**
 - i) 71.61. *Abolish provisions in its domestic legislation that authorize the **corporal punishment** of children in all places, in particular in detention facilities and in schools (France);*
 - ii) 71.64. *Amend the Criminal Code to ensure **equal protection of boys and girls** from all forms of sexual abuse and exploitation as well as to eliminate corporal punishment provisions from*

⁸ http://www.wipo.int/wipolex/en/text.jsp?file_id=235322

⁹ http://www.oas.org/juridico/spanish/mesicic2_grd_criminal_code.PDF

¹⁰ Government of Grenada, http://www.gov.gd/egov/news/2012/mar12/27_03_12/item_2/government_commits_freedom_media.html (accessed 17/01/2014).

¹¹ Organization for Security and Cooperation in Europe (OSCE), <http://www.osce.org/fom/31497> (accessed 17/01/2014).

¹² Unesco condemns killings of journalists <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/> (accessed 17/01/2014).

existing laws and to prohibit the use of corporal punishment in places of detention and in schools (Germany);

iii)R - 71.83. *Decriminalize sexual relations between consenting adults of the same sex, and carry out legislative and administrative measures prohibiting **discrimination based on sexual orientation**, especially with regard to access to employment, education and housing (Spain);*

iv)A - 71.87. *Strengthen ongoing programmes aimed at the achievement of **universal secondary education** (Cuba).*

24. **Analysis:** Grenada's Constitution and laws guarantee non-discrimination principle. Though Grenada has adopted a long-term plan to address several issues within the education sector and achieve universal secondary education, it does not include measures on corporal punishment

25. **Specific recommendations for the second UPR cycle on the right to education:**

25.1 Grenada should be encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.

25.2 Grenada should be encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.

25.3 Grenada could be encouraged to further ensure equal access to all levels of education for girls and boys.

25.4 Grenada could be encouraged to prohibit corporal punishment of children in schools.

25.5 Grenada could be encouraged to continue its efforts towards universal secondary education.

Freedom of opinion and expression

26. Grenada is encouraged to finalize the adoption of a freedom of information law that is in accordance with international standards.

27. Grenada is encouraged to decriminalize all defamation and insult laws, specifically in Article 327 and Article 378 and place them within the civil code that is in accordance with international standards.

28. UNESCO recommends to develop self-regulatory mechanisms of the media as well as to strengthen the professional standards of journalism in the country.

Cultural rights

29. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Grenada is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of

the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Grenada is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

30. With regard to contribution of science and technology to development, Grenada is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.