

Universal Periodic Review
(25th session, April-May 2016)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Saint Vincent and the Grenadines

I. BACKGROUND AND FRAMEWORK

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

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</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)	State party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		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)	03/02/2003, ratification	N/A	N/A	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	25/09/2009 ratification	N/A	N/A	Right to take part in cultural life
Convention on the Protection and Promotion of the	25/09/2009 accession	N/A	N/A	Right to take part in cultural life

Diversity of Cultural Expressions (2005)				
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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

1. NORMATIVE FRAMEWORK

1.1. Constitutional Framework

1. The **1979 Constitution of Saint Vincent and the Grenadines**¹ does not enshrine the right to education.
2. However, with regard to religion, **Article 9** states that
 - “ (1) Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.
 - (2) Except with his own consent (or, if he is a person under the age of eighteen years, the consent of his guardian) a person attending any place of education, detained in any prison or corrective institution or serving in a naval, military or air force shall not be required to received religions instructions or to taken part in or attend any religious ceremony or observance if that instruction ceremony or observance relates to a religion that is not his own.
 - (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 maintains; as no such community shall be prevented from providing religious instruction for persons of that community whether or not it is in receipt of a government subsidy or other form of financial assistance designed to meet in whole or in part the cost of such course of education. [...]”
3. In addition, **Article 13** recognizes the principle of non-discrimination and provides that

¹ <http://www.unesco.org/education/edurights/media/docs/10c5f60433595ab9e1284198fe86124b9a4bcea4.pdf>, http://www.wipo.int/wipolex/en/text.jsp?file_id=234369, Accessed on 22/04/2015

- "(1) [...] no law shall make any provision that is discriminatory either of itself or in its effect.
- (2) [...] no persons shall be treated in a discriminatory manner by any persons acting by virtue of any written law or in the performance of the functions of any public office or any public authority.
- (3) In this section, the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by sex, race, place of origin, political opinions, color or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such descriptions are not made subject or are recorded privileges or advantages which are not accorded to persons of another such description. [...]"

1.2. Legislative Framework

4. "The formal system of education is stipulated under the **Education Act of 2005**² [...]. This Act is the main instrument that governs, organizes, administers and regulates education in the state. Under this new act, provision for compulsory education both at primary and secondary and education for children with special needs was made for the first time.
5. The aim of the act is: **To make provision for the delivery of educational services in St Vincent and the Grenadines by both the public and the private sectors and for matters connected therewith and incidental thereto.**
6. The Act states that the Minister shall be solely responsible for the management of the education sector within the state.
7. Its goals and objectives are to:
 - Establish a varied, adequate and comprehensive education system that is characterised by excellence;
 - Promote the education of the people of St Vincent and the Grenadines by establishing educational institutions which will foster the spiritual, cultural, moral, intellectual, physical, social and economic development of the community;
 - Frame all educational policy so as to provide a more valid, comprehensive and relevant educational service directly related to the changing needs of St Vincent and the Grenadines;

² <http://www.unesco.org/education/edurights/media/docs/e2babe492ac1f9ef9a46416b9259863dc74b994d.pdf>, Accessed on 22/04/2015

- Effect the execution of the educational policy of the Government; and establish a co-ordinated education system organised in accordance with this Act.”³
8. **Section 14** states “Subject to available resources and to this Act, all persons in Saint Vincent and the Grenadines are entitled to receive an education appropriate to their needs.”
 9. According to **Section 15**, “(1) The Chief Education Officer shall provide for every person of compulsory school age who resides in Saint Vincent and the Grenadines, in this section called “the student”, an educational programme consistent with the requirements of this Act. [...]”
 10. **Section 16** provides
 - “ (1) Neither a student nor his parents may be charged tuition fees or other costs for attendance at a public school except that
 - o a student who is not a citizen of a Member State of the Caribbean Community or of a Commonwealth country may be charged tuition fees and other costs as the Minister may by an order prescribe;
 - o students at a public school or an assisted private school 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 eighteen years of age, fees and charges payable at an educational institution are payable by the student or by his sponsors, but otherwise are payable by the parents of the student.”
 11. **Section 20** states “(1) A student may express any religious, political, moral, or other belief or opinion so long as the expression does not adversely affect the rights or education of other students, or the rights of other persons in the school. [...]”
 12. **Section 21** provides “Subject to this Act, parents of children of compulsory school age may chose for their children education in a public school, a private school or an assisted private school, or home education in accordance with section 112.” and **Section 41 on Compulsory attendance adds:** “(1) Subject to subsection (2), it shall be the duty of the parent of every child of compulsory school age to cause the child to attend regularly at school. [...]”
 13. **Article 53** of the Education Act of 2005 states that:

³ National Report submitted for the 48th session of the International Conference on Education, 2008, p. 17, accessible at: http://www.ibe.unesco.org/National_Reports/ICE_2008/stvincentgren_NR08.pdf, Accessed on 22/04/2015

- “ (1) Subject to subsections (7) and (8), corporal punishment may be administered to a student at a school but only –
 - in accordance with section (2); and
 - if no other punishment is considered suitable or effective in the particular case.
- (2) Corporal punishment shall only be administered -
 - by the principal or deputy principal or a teacher specifically designated by the principal for the purpose;
 - in the principal’s office or other private room in the school;
 - using an instrument prescribed by the regulations; and
 - in conformity with any written guidelines issued by the Chief Education Officer.
- (3) Where corporal punishment is administered an entry shall be made in a punishment book which is to be kept in each school for the purpose of indicating the nature and extent of the punishment and the reasons for administering it.
- (4) A person other than one mentioned in subsection (2) (a) who administers corporal punishment to a pupil on school premises commits an offence and is liable on summary conviction to a fine of two thousand dollars.
- (5) A person who administers corporal punishment to a student on school premises contrary to paragraphs (b), (c) or (d) of subsection (2) commits an offence and is liable on summary conviction to a fine of two thousand dollars.
- (6) A person other than a female who administers corporal punishment to a girl commits an offence and is liable on summary conviction to a fine of two thousand dollars.
- (7) The parent or guardian of a student at a school may in writing to the principal of the school state that he objects to corporal punishment being administered to the student by the school and a person who knowingly administers corporal punishment contrary to such a written objection commits an offence and is liable on summary conviction to a fine of two thousand dollars.
- (8) The Minister may by an order published in the Gazette suspend or abolish corporal punishment in any type of school or in all types of schools and a person who administers corporal punishment contrary to such order commits an offence and is liable on summary conviction to a fine of two thousand dollars.
- (9) An order made under subsection (8) shall be laid before Parliament within three months of the date of its making and is subject to annulment by a resolution of Parliament supported by the votes of a majority of the members present and voting.”

1.3. Policy Framework

i) Other (as appropriate)

14. Saint Vincent and the Grenadines operates a **Supplementary Feeding Programme** “with particular emphasis on **promoting food security and good nutrition** in the nutritionally vulnerable groups of the population, namely the disadvantaged pre and primary students and those at risk of malnutrition and other related nutrition deficiencies.
15. It is envisaged that a continued timely supply of nutritional supplements amounting to 1/3 of the beneficiaries’ daily requirement will result in the prevention and or reduction of nutritional diseases and lead to improved health and a better quality of life.
16. Initially the programme targeted students of a low socio-economic background and those who are nutritionally vulnerable. However, any student can be enrolled in the programme.
17. The main Programme Objectives are:
 - To provide a nutritional supplement to children attending Primary and Pre-Schools.
 - To prevent malnutrition in children of disadvantaged, indigent and poor parents enrolled in a primary school or pre-school.”⁴

2. COOPERATION:

18. Saint Vincent and the Grenadines is **party** to the 1960 UNESCO Convention against Discrimination in Education since 22/01/1985.
19. Saint Vincent and the Grenadines did **not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:
 - **Sixth Consultation** of Member States (covering the period 1994-1999),
 - **Seventh Consultation** of Member States (covering the period 2000-2005),
 - **Eighth Consultation** of Member States (covering the period 2006-2011).
20. Saint Vincent and the Grenadines 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:
 - **Fourth Consultation** of Member States (covering the period 2005-2008),
 - **Fifth Consultation** of Member States (covering the period 2009-2012).

⁴ School Feeding Programme, Official website of the Ministry of Education, accessible at: http://www.education.gov.vc/index.php?option=com_content&view=article&id=62&Itemid=81, Accessed on 22/04/2015

21. Saint Vincent and the Grenadines **reported** 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:
- **First Consultation** of Member States (1993),
 - **Second Consultation** of Member States (2011).
22. Saint Vincent and the Grenadines is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

1. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

23. Freedom of conscience, expression, assembly and association are considered as fundamental rights in Saint Vincent and the Grenadines.⁵ Freedom of expression has constitutional protection (Article 10), and includes the freedom to receive and communicate information.
24. Defamation constitutes a crime in Saint Vincent and the Grenadines, mentioned in the Criminal Code (Chapter XVII, Article 274-281). The penalty for defamation can go up to two years imprisonment.⁶
25. A Freedom of Information Act was adopted in 2003, recognizing the right to access information in the possession by public authorities.⁷

2. MEDIA SELF-REGULATION

26. There is no national association of journalists in Saint Vincent and the Grenadines, though up to 2002 there existed the Media Workers Association of Saint Vincent and the Grenadines. There is no industry-wide code of conduct and most media workers do not enjoy trade union membership.⁸
27. The Association of Caribbean Media Workers (ACM) acts as a body of which Saint Vincent and the Grenadines is a member-country; it promotes press freedom, professional

⁵ <http://pdba.georgetown.edu/Constitutions/Vincent/stvincent79.html>

⁶ http://www.oas.org/juridico/english/mesicic3_svg_criminal.pdf

⁷ <http://www.rti-rating.org/wp-content/uploads/Saint-Vincent-and-the-Grenadines.pdf>

⁸ UNESCO field office Kingston, Jamaica.

ethics and professional development.⁹ It has its Code of Ethics, which aims to promote professional and ethical standards among media professionals in the region.¹⁰

3. SAFETY OF JOURNALISTS

28. UNESCO recorded no killing of journalists in Saint Vincent and the Grenadines so far. Journalists operate in a safe environment.

29. RECOMMENDATIONS

Right to education

30. **Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following web site: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)**

31. 76. The recommendations formulated during the interactive dialogue and listed below have been examined by Saint Vincent and the Grenadines and enjoy its support:

- i. 76.10. Conduct a study concerning how the education of disabled students can be implemented through mainstream educational settings (United States);
- ii. 76.11. Implement inclusive education programming for students with disabilities in the general education system (United States);
- iii. 76.16. Ensure comprehensive human rights training for law enforcement personnel with a view to prevent any excessive use of force (Slovakia);
- iv. 76.18. Take legal, educational (Norway) and necessary measures in order to effectively combat violence against women and domestic violence (France);
- v. 76.20. Intensify the efforts to eradicate domestic violence, through education and legal measures and the implementation of a plan of action (Spain);

⁹ <http://acmpress.org/>

¹⁰ http://acmediaworkers.caribonix.com/files/2014/12/ACM_Constitution.pdf

- vi. 76.26. Consider including a module on human rights education and training in the education system and also in the training programmes of the members of the police force and the administrators of justice (Costa Rica);
 - vii. 76.31. Continue implementing programmes and measures aimed at guaranteeing universal health and education services of quality to the entire population (Cuba);
 - viii. 76.33. With international cooperation and technical assistance, continue strengthening its education policy with a view to provide a comprehensive education that responds to the needs of its people, as the only means to advance towards full development, in conditions that guarantee full equality and the inclusion of the most vulnerable sectors of the population (Bolivarian Republic of Venezuela).
32. 77. The following recommendations enjoy the support of Saint Vincent and the Grenadines, which considers that they are already implemented or in the process of implementation:
- i. 77.9. Take further measures to improve the living conditions in the prison system, in particular to reduce overcrowding and to improve prisoners' access to health and education services (Austria);
 - ii. 77.12. Finalize the child protection protocol and establish the "Approved Schools" for juveniles as provided for by Government in the Juvenile Act (Barbados);
 - iii. 77.15. Ensure adequate health and counselling support for adolescent mothers and take further steps to encourage the girls' return to school upon delivering their child (Norway);
 - iv. 77.16. Redouble efforts to prevent school dropout and promote school enrolment in the rural areas (Mexico).
 - v. 78.20. Raise the minimum age for employment from 14 to 16, so that it conforms with the age of completion of compulsory education (Trinidad and Tobago);
 - vi. "19. Saint Vincent and the Grenadines ever cognizant of the emotional, mental and intellectual maturity of a juvenile continues to give active consideration to this recommendation to increase the legal minimum age for criminal responsibility in line with internationally acceptable standards. Moreover, the State takes this

opportunity to inform that the Government established a Family Court which deals specially with matters related to juveniles under the age of 18 years.”¹¹

- vii. 78.22. Provide suitable, dedicated secure facilities for serious juvenile offenders, with greater training for personnel involved in their supervision, and meaningful alternatives to imprisonment for minor juvenile offenders (United Kingdom);

33. 78. The following recommendations will be examined by Saint Vincent and the Grenadines, which will provide responses in due time, but no later than the eighteenth session of the Human Rights Council in September 2011:

- i. 78.25. **In accordance with the observations of the International Labour Organization, raise to 16 the minimum age for employment, with a view to harmonizing it with the age of completion of compulsory school education, and thus combat both the phenomenon of children dropping out of school as well as child labour (Honduras);**

- ii. “22. The Government of Saint Vincent and the Grenadines continues to actively consider this recommendation, with a view to making a decision, however it should be duly noted that child labour is not a phenomenon which exist within the State. Moreover, given the society’s dependence over the years on the agriculture industry for its economic sustainability it should be noted that the Government has adopted a proactive approach to education and is taking all administrative measures necessary to address this concern as the country advances its education revolution policy. Additionally, Section 8 of Chapter 209 of the Revised Laws of SVG 2009 “Employment of Women, Young Person and Children Act”, states that a child is allowed to work in “agricultural or horticultural environment for his parents and guardian on the family land or garden outside of school hours and also to the participation of a child without fee or reward in an entertainment the net proceeds of which are devoted to any charitable or educational purpose.”¹²

34. 79. The recommendations below did not enjoy the support of Saint Vincent and the Grenadines:

¹¹ Report of the Working Group on the Universal Periodic Review, Ireland, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, 22 September 2011, p. 6, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/VCSession11.aspx>, Accessed on 26/03/2015

¹² Report of the Working Group on the Universal Periodic Review, Ireland, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, 22 September 2011, pp. 6-7, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/VCSession11.aspx>, Accessed on 26/03/2015

- i. 79.9. Prohibit corporal punishment at school, at home and in public institutions for children and in the context of the administration of justice (France);
- ii. 79.10. Adopt pertinent legislative measures to prohibit all forms of corporal punishment against children and adolescents in any situation (Uruguay);

35. Analysis:

The Education Act of 2005 has made education at primary and secondary education compulsory for children including with special needs and has ensured liberty of expression in school. One of the objectives of the Education Act is to frame all educational policy so as to improve the educational service and adapt it to the needs of the population. However, to the extent of available information, Saint Vincent and the Grenadines has not yet taken further policies toward human right education and the prohibition of corporal punishment in all settings.

36. Specific Recommendations:

1. Saint Vincent and the Grenadines should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
2. Saint Vincent and the Grenadine should be strongly encouraged to continue implementing programmes and measures aimed at guaranteeing an education of quality in accordance with the Education Act of 2005 and its objectives
3. Saint Vincent and the Grenadine should be encouraged to continue implementing measures for inclusive education programmes for students with disabilities in mainstream education.
4. Saint Vincent and the Grenadine should be encouraged to ensure comprehensive human rights training for teachers with a view to prevent any excessive use of force and consider prohibiting corporal punishment in all settings.

Cultural rights

37. 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) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Saint Vincent and the Grenadines 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, Saint Vincent and the Grenadines 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 opinion and expression

38. UNESCO recommends Saint Vincent and the Grenadines to decriminalize defamation and place it within a civil code that is in accordance with international standards.¹³

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

39. Saint Vincent and the Grenadines, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974.

¹³ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.