

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)

Antigua and Barbuda

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)	Not 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)	01/11/1983, acceptance	N/A	N/A	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	25/04/2013, ratification	N/A	N/A	Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural	25/04/2013, acceptance	N/A	N/A	Right to take part in cultural life

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 **Constitution adopted on 31 October 1981**¹ includes human rights guarantees, but not the right to education. Nevertheless, Chapter II states, in its **Articles 5** (Protection of Right to Personal Liberty) and **11** (Protection of fundamental rights and freedoms of the individual):

1. **Article 5:** “(1) No person shall be deprived of his personal liberty save as may be authorized by law in any of the following cases, that is to say: [...] g - under the order of a court or with the consent of his parent or guardian, for his education or welfare during any period ending not later than the date when he attains the age of eighteen years; [...]”.
2. **Article 11** “(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and [...] the said freedom includes [...] freedom, either alone or in community with others, and both in public and private, to manifest and propagate his religion or belief in [...] teaching, [...]. (2) Except with his own consent [...], no person attending any place of education shall be required to receive religious instruction [...] if that instruction [...] relates to a religion other than his own.”

1.2. Legislative Framework

2. The **Education Act of 2008**² establishes that:

- **14. Right to education**

¹ <http://www.unesco.org/education/edurights/media/docs/04b12c39804b580823c03f255e0199defc0bc0be.pdf>, Accessed on 08/04/2015

² <http://laws.gov.ag/acts/2008/a2008-21.pdf>, <http://planipolis.iiep.unesco.org/upload/Antigua%20and%20Barbuda/Antigua-Ed-Act-2008.pdf>, <http://www.unesco.org/education/edurights/media/docs/b2ad2917e01e51c377fb22f3007c14b522bb04b5.pdf>, Accessed on 14/04/2015

- “Subject to available resources, all persons are entitled to receive an educational programme appropriate to their needs in accordance with the provisions of this Act.”
- **16. Free tuition**
 - “(1) No tuition fees consequent to the student’s attendance in an educational programme at a public school under section 27 shall be charged to the student or the parents of the student.
 - (2) Notwithstanding subsection (1)—
 - tuition fees may be payable in such amounts, for such purposes and by such persons or classes of persons who are not citizens of any Member State or Associated Member State of the Organization of the Eastern Caribbean States as the Minister may prescribe by order published in the Gazette;
 - other charges may be imposed at a public school or assisted private school with the approval of the Minister.”
- **27. Compulsory school attendance**
 - “(1) Every child shall attend school from the beginning of the school calendar in the school year following that in which the child attains the age prescribed in an order made by the Minister until the last of the school calendar in the school year in which the child attains sixteen years of age or at the end of which the child obtains a certificate or diploma awarded by the Minister, whichever occurs first.
 - (2) Notwithstanding subsection (1), if the Minister is satisfied that it has become necessary or expedient to raise or lower the compulsory school age, the Minister may, by order, subject to affirmative resolution of the Parliament within sixty days of the making of the order, direct that subsection
 - have effect as if for references therein there were substituted a reference to any age prescribed in the order.”
- **29. Prohibition of discrimination**
 - “Subject to the provisions of this Act, no person who is eligible for admission to a public educational institution or an assisted private school as a student shall be refused admission on any discriminatory grounds including race, place or origin, political opinions, colour, creed, sex, or subject to the provisions of this Act, mental or physical handicap.”
- **50. Corporal punishment**
 - “(1) In the enforcement of discipline in public schools, assisted private schools and private educational institutions degrading or injurious punishment shall not be administered.

- (2) Corporal punishment may be administered where no other punishment is considered suitable or effective, and only by the principal, deputy principal or any teacher appointed by the principal for that purpose, in a manner which is in conformity with the guidelines issued in writing by the Director of Education.
 - (3) Whenever corporal punishment is administered an entry shall be made in a punishment book which shall be kept in each school for such purpose indicating the nature and extent of the punishment and the reasons for administering it.
 - (4) A person other than those mentioned in subsection (2) who administers corporal punishment to a student on school premises commits an offence and liable on summary conviction to a fine not exceeding one thousand dollars.”
- **51. Abolition of corporal punishment**
- “(1) Notwithstanding section 50 the Minister may by order suspend or abolish corporal punishment in public schools, assisted private schools and private schools.
 - (2) An order made under subsection (1) shall be laid before Parliament, within three months of the date of the issue of such order and shall cease to have effect, without prejudice to the making of a further order, on its annulment by a resolution of Parliament supported by the votes of a majority of the members present and voting.”
- **75. Stages of public education**
- “(1) Subject to subsection (2) below, the system of public education shall be in the following stages—
 - primary education;
 - secondary education; and
 - tertiary education.
 - (2) The Minister may, as resources permit, include as part of the system of public education—
 - early childhood education;
 - education to meet the requirements of pupils who are gifted or have exceptional ability;
 - special education in accordance with the provisions of this Act;
 - adult education; and
 - distance education.”
- **83. Special education**
- “(1) The Director of Education shall provide special education programmes for students of compulsory school age who by virtue of intellectual, communicative, behavioural, physical or multiple exceptionalities are in need of special education.

- (2) A student who is entitled to a special education programme shall have the programme delivered in the least restrictive and most enabling environment to the extent that resources permit and it is considered practicable by the Director of Education in consultation with professional staff of the school and the Ministry of Education and the parents, having due regard for the educational needs and rights of all students.
 - (3) A special education programme may take the form of an individual education plan in that the plan is tailored to the specific or individual needs of the student.
 - (4) Where it has been determined that a student will require an individual education plan, the costs of developing, providing and maintaining that plan shall be apportioned between the student if over 18 years of age, or the parent of the student as the case may be and the Ministry of Education in such manner as may be prescribed by regulations made under this Act.”
- **87. Organisation of schools**
- “For the purposes of this Act, the school system shall be organised in the following categories—
 - public schools;
 - private educational institutions;
 - denominational schools; and
 - assisted private schools.”
- **136. Qualifications of teachers**
- “No person shall be employed as a teacher, principal or deputy principal in a public or assisted private school unless that person holds a valid qualification as established in regulations made by the Minister.”
- **142. National curriculum**
- “(1) The Minister shall establish a national curriculum for public schools and assisted private schools.
 - (2) A curriculum established under subsection (1) shall be balanced and broadly based and shall, in addition to the goals and objectives specified in section 3(3) above—
 - promote the spiritual, moral, cultural, intellectual and physical development of students and of society; and
 - prepare students for the opportunities, responsibilities and experiences of adult life.
 - (3) The Minister may revise the national curriculum whenever the Minister considers it necessary and expedient to do so.”

3. **The Act 11 of 1994**³ establishes a “Board of Education for the execution of certain education policies of the Government.” “205. The aims and objectives of the Board of Education (under the Board of Education Act, 1994) remain the same. These include the award of bursaries, financial assistance and scholarships to deserving citizens of Antigua and Barbuda (including naturalized citizens) to study and train at local, regional and international institutions of higher learning. The Board is also responsible for the management and administration of the free textbook assistance scheme.”⁴

1.3. Institutional Framework

4. **The Antigua and Barbuda Institute of Continuing Education Act (2008)**⁵ establishes “an educational institution to be known as the Antigua and Barbuda Institute of Continuing Education”. **Article 5** of the Law states the functions of the Institute, which “shall be to:

- a) administer an educational institution for the purpose of fostering the achievement of excellence in study in the fields of adult and continuing education, particularly technical and vocational education;
- b) provide courses and programmes for education and training and to use the facilities and resources of the institute to advance and develop knowledge and skill in the fields of technical and vocational education;
- c) support industry and commerce, and assist the development of industry and commerce and the community, in the Act;
- d) promote the development of community awareness and appreciation of technical and further education; [...].”

1.4 Policy Framework

i) Inclusive Education

5. “In keeping with the requirements of the Education Act 2008, Division 4, Sections 83 – 86, the Ministry of Education has embarked on formal provision for special education programmes in schools in Antigua & Barbuda. In order to effect this recent focus and to formalize the process, a Special Education Council was set up in November 2011 to lead the process forward and an Education Officer (EO) employed with responsibilities for this area. As part of its mandate, the council established guidelines for the implementation of the special education processes in the

³ <http://www.laws.gov.ag/acts/1994/a1994-11.pdf>,
<http://www.unesco.org/education/edurights/media/docs/8ea0ad0312d076d4a58e814877e933266acde2a6.pdf> Accessed on 08/04/2015

⁴ State reports submitted to the Committee on the Rights of the Child, 2013, p. 69,
http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=ATG&Lang=EN, Accessed on 08/04/2015

⁵ <http://www.laws.gov.ag/bills/2008/The Antigua and Barbuda Institute of Continuing Education update .pdf>,
<http://www.unesco.org/education/edurights/media/docs/7b9fbd50e4d113cf2c73406f5530fe0c4879f7f5.pdf> Accessed on 08/04/2015

form of the **SEN [(Special Educational Needs)] Code of Practice** [(September 2013)]⁶; and in collaboration with the EO Special Education, a **Special Education Policy** [(December 2013)]⁷ has been created.”⁸

ii) Curriculum

6. In June 2013, Antigua and Barbuda adopted the **ICT in Education Policy for Antigua and Barbuda**.⁹ “[...], the government of Antigua and Barbuda recognizes that knowledge-based activities have become increasingly important. It is this recognition that has prompted Government to develop the use of Information and Communication Technology (ICT) in its daily activities. There has been a thrust in training citizens to use available technology and to become more effective and efficient. Through the introduction of a new ICT in Education Policy for Antigua and Barbuda, it is the Ministry’s hope to respond to the change which technology brings to the nature of work and the work place, the so-called ‘Knowledge Revolution’. This is paramount for the Ministry, charged with the responsibility to educate the labour force to harness the power of ICT for continued development. We are committed to improving the teaching, learning and administrative processes in the education system with effective use of ICT and to provide all students with the basic ICT skills that are necessary for the information age.”¹⁰

7. “212. A critical educational policy document which has recently been approved is that of the **National Policy on Health and Family Life (HFLE)**, 2010. Three of the stated aims of this policy are to:

- a. “To mainstream HFLE, making it an integral and compulsory part of the curriculum of pre-primary, primary and secondary schools by start of the academic year 2012;
- b. “To assist children and youths to attain high levels of educational achievement and productivity required for the 21st century and beyond by raising the status of HFLE and including it at the three earliest levels of education;”
- c. “To have HFLE as a compulsory component of the teacher training of all primary teachers, and for at least one-fifth of all secondary teachers in training to be encouraged to choose it as an elective;” (Ministry of Education, 2012: 20-21)

8. 213. The Policy also recognizes the urgent need to focus on adolescent sexual and reproductive health issues, a major concern that the UN Committee raised in its observations and

⁶ SEN Code of Practice, http://www.ab.gov.ag/pdf/sen_code_of_practice.pdf, Accessed on 08/04/2015

⁷ Special Education Policy, http://www.ab.gov.ag/pdf/special_needs_education_policy.pdf, Accessed on 08/04/2015

⁸ Government of Antigua and Barbuda, Special Educational Needs (SEN) Code of Practice and Policy, 2014, http://ab.gov.ag/article_details.php?id=4678&category=114, Accessed on 08/04/2015

⁹ ICT in Education Policy for Antigua and Barbuda, http://ab.gov.ag/pdf/ab_ict_education_policy_2013.pdf, Accessed on 08/04/2015

¹⁰ ICT in Education Policy for Antigua and Barbuda, http://ab.gov.ag/pdf/ab_ict_education_policy_2013.pdf, p. 6, Accessed on 08/04/2015

recommendations to the State Party. It stated: “The Committee is also concerned that reproductive health education is not part of the official curriculum of primary and secondary education.”(UNICEF, 2004:7).

9. 214.This concern is addressed in the HFLE policy document which states unequivocally: “Changes in society have led to the reality that adolescents spend an increased amount of time alone or with peers, unsupervised by adults. Time for positive interaction and intimacy with caring adults – parents or other adults – has decreased, which is likely to have adverse consequences for adolescent behaviour. Adolescent health, therefore, must be addressed at several levels – policy, community, to include schools, family and the individual. Many health conditions which develop in adulthood have their roots in childhood and adolescent health behaviours. In order for any programme to be successful, there must be a commitment by all sectors that work with youth: health, education, vocational training, juvenile justice and the church, among others. The challenges are significant, but the benefits are many.” (Ministry of Education, 2012: 24).”¹¹

2. COOPERATION:

10. Antigua and Barbuda is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

11. Antigua and Barbuda 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:

- **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).

12. Antigua and Barbuda 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).

¹¹ State reports submitted to the Committee on the Rights of the Child, 2013, pp. 70-72, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=ATG&Lang=EN, Accessed on 08/04/2015

13. Antigua and Barbuda 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:

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

14. Antigua and Barbuda is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

1. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK:

15. Article 12 and the third clause of the second chapter of the Constitution of Antigua and Barbuda guarantees freedom of conscience and of expression, including the freedom of the press and the freedom to receive and disseminate information without interference.¹²

16. Antigua and Barbuda passed a Freedom of Information Act in 2004, which promotes “[...] the maximum disclosure of information in the public interest, to guarantee and facilitate the access to information and to provide for effective mechanisms to assure that right”.¹³ The Act states that it is the duty of public authorities to publish basic information (part II, article 10), and that it is the right of every person to access information upon request (part III, article 15).

17. Defamation constitutes a legal crime in Antigua and Barbuda, specified in The Libel and Slander Act¹⁴ and The Seditious and Undesirable Publications Act.¹⁵ The penalty for defamation is up to three years imprisonment.

2. MEDIA SELF-REGULATION:

18. The Association of Caribbean Media Workers (ACM) of which Antigua and Barbuda is a member country, acts to promote press freedom, professional ethics and professional

¹² http://www.ab.gov.ag/article_details.php?id=177

¹³ <http://laws.gov.ag/acts/2004/a2004-19.pdf>

¹⁴ <http://www.laws.gov.ag/acts/chapters/cap-248.pdf>

¹⁵ <http://www.laws.gov.ag/acts/chapters/cap-396.pdf>

development.¹⁶ It has its Code of Ethics, which aims to promote professional and ethical standards among media professionals in the region.¹⁷

19. There are current efforts to revive the Antigua and Barbuda Media Congress which is an association made up primarily of journalists. Its constitution adopts the code of conduct of the Association of Caribbean Media Workers (ACM). There is no Press Council.¹⁸

3. SAFETY OF JOURNALISTS:

20. UNESCO recorded no killing of journalists in Antigua and Barbuda so far. Journalists operate in a safe environment.

III. RECOMMENDATIONS

Right to education

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>)

21. 67. The following recommendations formulated during the interactive dialogue enjoy the support of Antigua and Barbuda:

- i. 67.8. Continue to implement programs and measures to ensure the enjoyment of health services and quality education for its entire people (Cuba);
- ii. 67.15. Fight against domestic violence and remedy the low representation of educated women in the technical and professional domains (Morocco);
- iii. 67.16. Integrate children with disabilities into the regular educational system and into society by special training for teachers and making the physical environment (schools, sports, leisure facilities and other public areas) accessible (Slovenia);

¹⁶ <http://acmpress.org/>

¹⁷ http://acmediaworkers.caribonix.com/files/2014/12/ACM_Constitution.pdf

¹⁸ UNESCO field office Kingston, Jamaica.

- iv. 67.26. Provide for a child-sensitive, accessible complaint mechanism, ensuring a proper redress, rehabilitation and social reintegration for the child victims of abuse (Slovakia);
- v. 67.27. Implement measures to facilitate the handling and investigation of complaints in an understandable fashion for children; ensure the adequate prosecution of perpetrators of child abuse and neglect; and provide services for physical and psychological recovery as well as the social reintegration of victims of sexual abuse (Uruguay);
- vi. 67.30. Further strengthen its educational policy in order to provide an inclusive education that meets the needs of its people, ensuring their full and equal access with the necessary assistance and selfless cooperation of the international community (Venezuela);
- vii. 68.21. Ensure the implementation of existing laws guaranteeing non-discrimination and adopt appropriate legislation to ensure that all children enjoy all rights, as recommended by the Committee on the Rights of the Child (Israel);
- viii. 68.22. Establish a comprehensive policy for children with disabilities, as recommended by the Committee on the Rights of the Child (Israel);
- ix. 68.31. Implement public awareness campaigns on discrimination based on sexual preference (Spain);
- x. 68.33. Request technical assistance and technical cooperation to the United Nations in order to, among other objectives, develop a national action plan to implement the Convention on the Rights of the Child, establish an independent national human rights institution, carry out public policies that prevent abuse and neglect of children, and address the problems faced by children with disabilities (Uruguay).

22. 69. The recommendations below did not enjoy the support of Antigua and Barbuda:

- i. 69.9. Prohibit corporal punishment of children in all settings (Slovenia);
- ii. 69.10. Criminalize the corporal punishment of children in all circumstances and places (Uruguay);
- iii. 69.11. Prohibit all forms of corporal punishment of children in any setting including the home and as a sentence of the courts (Uruguay);
- iv. 69.12. Introduce a legal prohibition of corporal punishment as a punitive and corrective measure in the school system and in the family (Spain);

- v. 69.13. Consider taking necessary measures aimed at prohibiting all forms of corporal punishment (Brazil);
- vi. 69.14. Consider the elimination of corporal punishment of children under 18 and ensure the compliance of its legal system with the Convention on the Rights of the Child (Chile);
- vii. 69.15. Enact legislation, which prohibits all corporal punishment of children in all settings, including as a sentence in the courts and ensure that positive and non-violent forms of discipline are promoted through awareness raising campaigns about the impact of corporal punishment on children (Hungary);

23. Analysis:

Antigua and Barbuda has been taking specific measures on special education: Special Education Council (2011); Special Educational Needs Code of Practice (2013); and Special Education Policy (2013). It also adopted the ICT in Education Policy (2013) and included education in its National Policy on Health and Family Life (2010). However, although Antigua and Barbuda did not accept the related recommendations in 2011, corporal punishment is still lawful and regulated by Articles 50 and 51 of the Education Act of 2008. In addition, according to available information, no further measures have been taken to further address the issue of abuse and neglect of children and to further improve the complaint mechanism.

24. Specific Recommendations:

1. Antigua and Barbuda should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education.
2. Antigua and Barbuda should be strongly encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
3. Antigua and Barbuda should be encouraged to prohibit all form of corporal punishment in all setting.
4. Antigua and Barbuda could be encouraged to further address the issue of abuse and neglect of children.
5. Antigua and Barbuda might be encouraged to continue its important efforts regarding special education.

Cultural rights

25. 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), Antigua and Barbuda 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, Antigua and Barbuda 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

26. UNESCO recommends Antigua and Barbuda to decriminalize defamation and place it within a civil code that is in accordance with international standards.¹⁹

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

27. Antigua and Barbuda, 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.

¹⁹ 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.