



# General Assembly

Distr.: Limited  
6 October 2011

Original: English

## UNEDITED VERSION

### Human Rights Council

Working group on the universal periodic review

Twelfth session

Geneva, 3-14 October 2011

### Draft report of the Working Group on the Universal Periodic Review<sup>1</sup>

Antigua and Barbuda

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<sup>1</sup> The final document will be issued under the symbol A/HRC/19/5. The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twelfth session from 3 to 14 October 2011. The review of Antigua and Barbuda was held at the 3rd meeting on 4 October 2011. The delegation of Antigua and Barbuda was headed by Justin Simon, Attorney General and Minister of Legal Affairs. At its 7th meeting held on 6 October 2011, the Working Group adopted the report on Antigua and Barbuda.
2. On 20 June 2011, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Antigua and Barbuda: Ecuador, India and Mauritania.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Antigua and Barbuda:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/12/ATG/1);
  - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/12/ATG/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/ATG/3).
4. A list of questions prepared in advance by the Czech Republic, the Netherlands, Slovenia and the United Kingdom of Great Britain and Northern Ireland was transmitted to Antigua and Barbuda through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Antigua and Barbuda welcomed the opportunity to participate in the Universal Periodic Review, and to engage in a dialogue with members of the international community on its human rights record and accomplishments. Antigua and Barbuda was taking the necessary steps within available means and resources towards fulfilling its commitments to enhance and reinforce the promotion and protection of the human rights of its citizens and residents. It remained committed to the review process and confident that, with the support and encouragement of the international community, it would be able to further honour its international obligations and continue to contribute to the strengthening of human rights as a global aim.
6. The delegation indicated that the interactive dialogue had a two-fold importance as it provided an opportunity to identify the critical areas for improvement while simultaneously allowing the Human Rights Council to learn about and understand its approach, as a developing third world state, to human rights.
7. Antigua and Barbuda is a twin island state, with a population of about 80,000. The human rights provisions enshrined in the Universal Declaration of Human Rights were entrenched in the Constitution of Antigua and Barbuda which became effective on 1 November 1981 on its attainment of independence from Great Britain. The Constitution as the Supreme Law was the foundation for the rule of law and safeguards the protection and promotion of human rights in Antigua and Barbuda. Among the fundamental freedoms of

the individual protected by the Constitution were freedom of movement, conscience, expression, assembly and association irrespective of race, place of origin, political opinions, colour, creed or sex. Subject to respect for the rights and freedoms of others and for the public interest, the Constitution safeguarded the right to life and personal liberty, and secured protection from slavery and forced labour, inhuman treatment and deprivation of property. Any person who alleged a breach of any of these rights might apply for redress in the High Court which had original jurisdiction in all constitutional human rights matters with a right of appeal firstly to its regional Court of Appeal of the Organization of Eastern Caribbean States and finally to the Judicial Committee of the Privy Council in Great Britain. The delegation added that the Court of Appeal of the Organization of Eastern Caribbean States sat in each of the territories of the member states of the organization and visited Antigua and Barbuda three times a year.

8. Antigua and Barbuda had received a number of questions from various States and that it would take some of these advanced questions into consideration in its statement.

9. Antigua and Barbuda was a party to various core international human rights treaties and was giving consideration to other conventions to which it was not yet a party; however, it was faced with many development challenges like many of its sister Caribbean islands, with respect to resources, both human and financial, which also adversely affected its timely presentation of reports to treaties to which it was a party. It, however, reiterated that it was committed to meeting all its treaty commitments and would seek to do so on the basis of practical priorities and good old common sense.

10. Although there was no full participation of state functionaries during the preparation of the report, it provided a comprehensive view of the human rights situation. The Ministry of Foreign Affairs and the Ministry of Legal Affairs did organize and coordinate consultations with groups and organizations within civil society in preparing the national report. The former President of the Inter- American Institute of Human Rights, Sir Clare Roberts, Q.C., and other human rights activists such as a former State Ombudsman, had established a human rights group in Antigua and Barbuda to monitor reports of abuses and complaints from members of the public, highlighting societal expectations with a view to making recommendations to government, where deemed necessary. Antigua and Barbuda welcomed such an initiative and should provide the group with all necessary support.

11. With regards to discrimination against women, Antigua and Barbuda ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1989, and acceded to its Optional Protocol in June 2006. It presented its combined initial and second report in 1997 and was working to complete its combined third and fourth report.

12. The Directorate of Gender Affairs (DOGA) continued to work in partnership with other governmental social agencies and non-governmental organisations to provide the necessary support to build and strengthen the capacity of these various groups as they confronted the issue of violence against women, while sharing knowledge and information with the general public. Public awareness and education formed part of the programme of action by the Directorate and in commemorating annual events such as 16 Days of Activism from 25 November to 10 December. These opportunities were used to increase public awareness of the real facts and figures of the incidents of domestic violence within Antigua and Barbuda and to agitate for legislative reform, particularly in judicial procedure.

13. The Directorate had been seeking closer collaboration with the Royal Police Force of Antigua and Barbuda under the project, Strengthening State Accountability, which continued to be supported by UN Women. The capacities of key stakeholders such as the police, the health care providers, and specially-trained counsellors had been effectively strengthened, and continuous training and education was being provided to other key groups, equipping them with the necessary tools to effectively work towards the elimination

of gender-based violence, violence against children, and the reduction of HIV contraction and transmission among those who had been affected from unwanted sexual encounters. The Childcare and Protection Act and the Maintenance of and Access to Children Act both addressed the issues of child abuse and neglect and made provision for the removal and placement of child victims and the prosecution of parents and care-givers who failed in their duties.

14. Through new initiatives, victims of rape and other sexual offences would benefit from a one-stop approach to treatment and response in a designated support location. Key stakeholders in the health, legal, judicial and social services sectors would work together to address the incidence of sexual offences and would incorporate all aspects of prevention, response, treatment, and social support. The establishment of a Sexual Assault Referral Centre with trained nurses as forensic examiners, and the 24 Hour Crisis Hotline in collaboration with 911 Emergency Services would provide necessary and effective assistance to victims of rape, domestic violence, child abuse and neglect. Additionally, the training of male gender advocates continued to be part of the Directorate's activities, and would continue through partnerships formed with a number of concerned men who had committed themselves to being pro-active in the fight to end gender-based violence in all forms.

15. As to clarification on the lack of information on prostitution and trafficking of women, Antigua and Barbuda had enacted legislation in 2010 for the Prevention of Trafficking in Persons which provided, among other things, for compensation and medical expenses to be paid to sexually exploited victims. A national coalition for the prevention of trafficking in persons had been established in 2008. Training and education had been provided with the assistance of the International Organization for Migration to key stakeholders such as immigration officers, customs officers, the coast guard, and the police.

16. As part of the initiative and programme for the prevention of Trafficking in Persons (TIP) within Antigua, the International Organization for Migration in collaboration with the London School of Hygiene and Tropical Medicine, had also pilot-tested a manual "Caring for Trafficked Persons," which had been incorporated as a development tool.

17. Antigua and Barbuda had continuously voted against United Nations resolutions calling for a moratorium on the death penalty as such resolutions were inconsistent with existing national legislation. Since 1873, capital punishment had been the automatic penalty for anyone guilty of murder – that was until April 2001, when the Eastern Caribbean Court of Appeal held in a landmark decision that the mandatory death sentence contravened the constitutional provision which prohibited cruel and inhuman punishment. The judicial directive which was being followed was that, after a conviction of murder by a jury, the judge must hold a further inquiry and hearing to determine the appropriate sentence to be imposed. There were seven inmates at Her Majesty's Prison who were sentenced to hanging between 1996 and 2000, and who would be serving life sentences. The last three executions occurred in 1988, 1989, and 1991.

18. Antigua and Barbuda was conscious of overcrowding in its only prison facility. Crown lands had been earmarked for the construction of a proper and multi-faceted correction facility, but funds had not been forthcoming for that project. The delegation stated that Antigua and Barbuda must be forgiven for viewing its education, health, social protection, judicial, and infrastructure needs as priorities for its scarce budgetary allocations, particularly so in the economic downturn.

19. On the issue of corporal punishment, the Education Act 2008 provided for it to be administered only by the School Principal or the Deputy or their delegate in the enforcement of discipline at schools, provided that it was not degrading or injurious, and conformed to guidelines issued by the Director of Education with particulars thereof to be recorded in

writing. The Minister might by order abolish the use thereof altogether, but such an order was to be laid before Parliament for adoption or revocation – this provision clearly indicated expressed societal concerns over the total abolition of corporal punishment in schools. However, the Corporal Punishment Act which allowed for whipping and flogging of males in prison should be repealed; in any event, no such punishment had been ordered by the courts in a long time.

20. Antigua and Barbuda believed that national development in all its aspects was, in a real sense, a fundamental human right. It recognized the relationship between development rights and human rights, and accepted that the advancement of these rights was inextricably linked to human development. It also believed that the establishment and advancement of all universal human rights could only be seen through this developmental prism. Significant investments and marked improvements had been achieved in the areas of education, housing, health, economic development, social protection, poverty reduction, and assistance to the elderly and disadvantaged in its society - all of which came at great financial cost to the Government and the constant re-mobilization of its limited human resources.

21. The delegation stated that, undoubtedly, one of the major challenges which Antigua and Barbuda, as a small developing state, faced was that of institutional capacity. It had established an International Treaties Unit within the Ministry of Legal Affairs to work closely with the Ministry of Foreign Affairs to compile and keep a data bank of its international treaty obligations. This Unit would be tasked with the responsibility of overseeing compliance with the various human rights obligations of the State and disseminating relevant information to the public to sensitize and shape public opinion. The data bank would also inform Government of the various international human rights instruments which should be adopted and enforced as part of its domestic law, given the dualist legal system under which it operated.

## **B. Interactive dialogue and responses by the State under review**

22. During the interactive dialogue, 29 delegations made statements. A number of delegations welcomed the participation of Antigua and Barbuda in the Universal Periodic Review and thanked the Government for its national report. Delegations also welcomed the frank presentation delivered by Antigua and Barbuda. They acknowledged its commitment to human rights despite the many challenges faced by small island states. Recommendations made during the dialogue are to be found in section II of the present report.

23. Venezuela noted the commitment of Antigua and Barbuda to education as a significant tool for social transformation. Regardless of economic constraints, the island was taking steps to reach universal education by 2013. Moreover, free education was guaranteed at the primary and secondary levels, and it was compulsory between the ages of 5 and 16. It also commended on the school feeding program which operated in 19 primary schools located in the most disadvantaged areas as well as on the grants provided for uniforms and the free access to books. Venezuela made a recommendation.

24. Cuba reminded that Antigua and Barbuda was part of the Bolivarian Alliance for the Peoples of Our America. Cuba had contributed to its development of health, education, and infrastructure. Antigua and Barbuda had suffered from an unjust international economic order, world crises and other challenges faced by humanity. However, the island had taken action to combat poverty and achieved universal education. The Government had also advanced in healthcare, in particular in the prevention of HIV/AIDS. Cuba made recommendations.

25. Algeria mentioned the high level of poverty in Antigua and Barbuda and the importance of poverty reduction programs for the implementation of economic and social

rights. It praised the adoption of the Trafficking in Persons (Prevention) Act 2010. Algeria stated that it followed with interest the efforts undertaken to combat corruption and all forms of inequalities. It shared its satisfaction with the non-implementation of death penalty since 1989 and hoped that Antigua and Barbuda support the General Assembly resolutions on the Moratorium on the application of death penalty. Algeria made recommendations.

26. France welcomed the fact that the Universal Declaration of Human Rights was reflected in the Constitution of Antigua and Barbuda but noted the State was not a party to the whole set of international human rights instruments. It praised a *de facto* moratorium on the death penalty since 1991. France referred to the Criminal Code and the sentencing of homosexual relationships up to 15 years. It also raised its concern with regard to the lack of investigation and prosecution in cases of human trafficking. France made recommendations.

27. China appreciated the accession by the Government to the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child. It welcomed the measures taken to guarantee the rights of vulnerable groups such as the elderly, children and persons with disabilities. It praised Antigua and Barbuda's efforts to promote gender equality. It mentioned its progress in health care, education and poverty reduction, including the establishment of a social security system. It hoped that it would ratify the Convention on the Rights of Persons with Disabilities and other international instrument.

28. Trinidad and Tobago mentioned the public programs to enhance support to increase access by the differently-abled persons to amenities and services, thereby empowering them. It welcomed the provision of financial assistance to vulnerable groups, including the disadvantaged and senior citizens. It referred to the problems posed by the HIV/AIDS and praised the strategic decision taken by the Government to provide, free of charge, anti-retroviral drugs and establish a human rights desk to deal with complaints of stigma and discrimination experienced by those infected with the HIV virus. It highlighted also the passage of the Trafficking in Persons (Prevention) Act 2010. It made recommendations.

29. Nicaragua stressed the efforts of the Government to meet the Millennium Development Goals, despite economic constraints faced by small economies which had been worsened by the international financial crisis. In this context, international solidarity constituted a tool that should be pursued in the multilateral fora. With the Universal Periodic Review, Antigua and Barbuda had an opportunity to assess those areas in the field of human rights that could be reinforced and to find spaces for technical cooperation. Nicaragua made recommendations.

30. Canada addressed the human rights challenges that remained in certain areas such as protection of juveniles in the legal system, sanctions on private behaviour between consenting adults and ensuring the rights of minorities, the lack of detention facilities for those under 18 and the overcrowding. It welcomed the *de facto* moratorium on the death penalty since 1989 but noted that the penalty itself remained. Canada referred also to the persistence of discrimination and legal sanctions based on sexual orientation and gender identity. It inquired about the State's commitment to establish a human rights body. Canada made recommendations.

31. Hungary hoped that Antigua and Barbuda's Universal Periodic Review would strengthen the promotion of human rights in the ground. It welcomed the priority given to the implementation of the provisions of the Convention on the Rights of the Child. It expressed concern on the legality of corporal punishment for children, the low age of criminal responsibility and the fact that no separate detention facilities for persons under 18 existed. It praised the establishment of a human rights desk to combat discrimination

against HIV infected persons but regretted that homosexual acts between consenting adults continued to be illegal. Hungary made recommendations.

32. Slovakia commended the adoption of the Trafficking in Persons (Prevention) Act and the country's efforts to address this negative phenomenon. It referred to the absence of an adequate complaint mechanism for child victims of abuse and the very low minimum age of criminal responsibility set at 8 years as indicated by the Committee on the Rights of the Child and UNICEF. It raised concern at the poor conditions in prisons and detention centres due to overcrowding and lack of necessary infrastructure. Slovakia made recommendations.

33. The delegation thanked the recommendations made by various speakers and stated that it would certainly be looking into their adoption. It also indicated its appreciation to the assistance given by Cuba and Venezuela in respect of poverty alleviation as well as university education.

34. With regard to the concerns expressed for the mandatory death sentence and corporal punishment, the delegation reiterated that corporal punishment in schools was rather limited. As for mandatory death sentence, Antigua and Barbuda did not have a political mandate for its abolition, however, that it was concerned and would certainly educate the public towards the realization of its abolition. It was acting in concert with various territories of the Organization of Eastern Caribbean States, as it had a common judiciary with them and its positions and situations in terms of judicial directions were similar to theirs. The fact that it had exercised a moratorium on the execution clearly indicated the direction to which Antigua and Barbuda was leaning, particularly as it had considered making life sentences in respect of those persons who were convicted and sentenced to death.

35. The delegation also noted the concerns expressed for criminalization under the Sexual Offences Act, which it recognized that the international community was actually moving away from. It stated that there was no discrimination based on sexual orientation. Nor were there any particular acts of discrimination against these persons. Antigua and Barbuda had to be aware and concerned of the society's leanings and where it stood. However, it did not have a political mandate to decriminalize those acts. Criminalization was on the books as far as the law was concerned, however, it was only in the very rare instances that the law had actually been enforced. Antigua and Barbuda was, nevertheless, guided by the public opinion and was not in a position to clearly decriminalize these acts.

36. Concerning juveniles, Antigua and Barbuda was introducing a family court which would specialize in criminal behaviour and punishment of juveniles and also address all other family matters so that more speedy, more interactive and mediative resolutions of family matters and offences against children would be expected.

37. The delegation also pointed out that, although Antigua and Barbuda passed the Anti-Trafficking Act, it did not have problems of trafficking in persons. It passed that legislation in light of its obligations towards the international community. After the Data Unit had been established within the Ministry of Legal Affairs, it would be more responsive to the adoption of various Conventions and would ensure that they were part of its domestic legislation and that they could clearly be enforced in its local courts.

38. Australia acknowledged the participation of Antigua and Barbuda, a Small Island State, in the Universal Periodic Review process, which required considerable efforts, given limited resources. Australia welcomed the establishment of the National Committee on Social Indicators. It was concerned by reports of the use of excessive force by the police and welcomed action taken to introduce training for the police on international conventions. It noted reports on the declining situation of prison conditions and was concerned that the island retained the death penalty. Australia made recommendations.



39. Germany inquired about the steps undertaken to reduce overcrowding in the prisons and guarantee an overall more humane prison regime. It referred to the vote against the General Assembly resolution on the “Moratorium on the use of the death penalty”. Germany raised concern with the very low minimum age of criminal responsibility mentioning the Committee on the Rights of the Child and UNICEF. Finally, it requested information on the evaluation made by Antigua and Barbuda and the measures taken to countervail children’s sexual exploitation. Germany made recommendations.

40. Slovenia praised the Government for the improvement of the human rights situation and asked three questions. It inquired about the guarantee to enshrine the rights mentioned in the Universal Declaration of Human Rights and other major instruments since the island had a dualist legal system. It also requested information about the strategy undertaken by the Government to cope with child labour and violence against children. It asked about the intentions of the Government to overcome under-resourced education. Slovenia made recommendations.

41. Brazil was pleased to learn that substantive progress had been made to the achievement of the Millennium Development Goals. It welcomed initiatives undertaken to guarantee the permanence of children in school but noted that additional efforts were required to integrate children with disabilities into the regular education system. It commended Antigua and Barbuda for the establishment of an AIDS secretariat and for providing free anti-retroviral drugs. It noted the lack of measures to increase women’s participation in political and public life, despite legal steps to prohibit gender discrimination. Brazil made recommendations.

42. The United States of America commended the passage of the Trafficking in Persons (Prevention) Act of 2010. It remained concerned, however about the continued criminalization of homosexual conduct and the pervasive societal discrimination against LGBT persons. It stressed that the criminalization of homosexual conduct exacerbated homophobic attitudes and prevented LGBT persons from fully participating in society. It made recommendations.

43. Spain recognized the efforts of Antigua and Barbuda in harmonizing its domestic legislation with its international commitments, as was the case of the ad hoc procedure for asylum requests. Spain made recommendations.

44. Indonesia commended the efforts of the Government to fulfil many aspects of the human rights of its citizens, including the rights of persons with disabilities, and freedom of assembly and association, as well as through poverty alleviation. It also noted the positive efforts of the Government to ensure compliance of national legislation with that of the international human rights instruments it had ratified. Indonesia made recommendations.

45. Maldives praised Antigua and Barbuda’s commitment to the protection and promotion of human rights. It inquired whether the Government would consider establishing a UPR Standing Committee chaired by the Prime Minister’s office that would facilitate better coordination and cooperation between the State functionaries in the follow up to the Universal Periodic Review. It also inquired about the adverse effects posed by climate change on the enjoyment of human rights. In addition, Maldives mentioned combating domestic violence and asked about the temporary special measures to encourage greater appreciation of women in political life. Maldives made recommendations.

46. Uruguay commended the efforts of the Government in the fields of education, health, security, development and cultural recreation. It was concerned by the use of corporal punishment in the legal system as a penalty for certain crimes, in the home and in schools. It was also concerned by the absence of mechanisms and policies to prevent child abuse and neglect. It noted that several Treaty Bodies had advised the Government to request

technical assistance to the United Nations in order to implement their recommendations. Uruguay made recommendations.

47. The delegation once again thanked States for their complementary remarks and recommendations that they had made. Concerning specialized schools for persons with disabilities, Antigua and Barbuda did have such schools established, fully funded by the Government, ensuring that various persons who taught there were fully trained. As regards the greater participation of women in political life, the speaker of the House of Representatives and President of the Senate were women, and there were two women Ministers. Additionally, there was a very proactive women's group called POWA, Professional Organization of the Advancement of Women. The issue of women being part and parcel of the political process was a live debate. The political climate sometimes seemed to adversely affect the continued participation of women in the political process. The issue was, however, something very open, and Antigua and Barbuda would encourage and seek to ensure that more women were part and parcel of the process.

48. In terms of homosexual conduct, there was a certain amount of public acceptance, though in a rather silent way. Antigua and Barbuda, however, did not have a political mandate with respect to changing the law, notwithstanding the fact that enforcement of those laws was not actually sought. The Government would continue its efforts on education and information to ensure that the public opinion would in time adopt the international standards.

49. Excessive use of force and threats of violence by the police force was a very rare occurrence. Within the police force and also within civil society, bodies that monitored the complaints of that nature were established.

50. The delegation thanked Maldives for its willingness to share its experience in conducting consultative processes in the run-up to the Universal Periodic Review. Antigua and Barbuda expected to have more active consultation, after its review, both with the public and stakeholders and various members of the Government under the directive of the Ministry of Legal Affairs, particularly a specially appointed Unit. The delegation noted the suggestion that such a body or a committee should be headed or chaired by the Prime Minister's Office to give it the necessary impetus and importance.

51. The United Kingdom of Great Britain and Northern Ireland acknowledged the challenges faced in implementing Antigua and Barbuda's human rights obligations. It welcomed the steps taken to address the issue of sexual violence such as training for police officers and Nurse Forensic Examiners and encouraged the Government to seek ways to increase the number of cases that were successfully prosecuted. It raised concerns with the overcrowding in the prisons and encouraged to consider replacing the current prison facility with a new prison that would meet the United Nations standards. It promoted the culture of tolerance and inquired about the actions taken to put an end to discrimination against LGBT. The United Kingdom made recommendations.

52. Morocco welcomed the progress made in achieving the Millennium Development Goals and particularly on the implementation of the National Social Transformation Plan. It praised the establishment of the office of the Mediator in 1995, the laws on the fight against corruption and the freedom of the press, programmes for the protection of the child, assistance to the elderly, and combat against poverty. Morocco made recommendations.

53. Chile recognized that the country faced complex issues such as vulnerability to natural disasters and poverty. Thus, it valued the Government's efforts to promote democracy with social justice, good governance, social protection and education. It commended the law to prevent human trafficking. Chile noted the admission of the authorities of Antigua and Barbuda with regard to the impossibility of complying with the

national report's guidelines due to the lack of cooperation of public officers and was confident that a solution was on the way. It made recommendations.

54. Latvia stressed that accommodation of special procedures mandate holders did not place significant burden on a country, even small ones, as exemplified by the number of small states that had issued a standing invitation. It highlighted that special procedures mandate holders were sensitive to the resource constraints of smaller states in the preparation of their visits. Latvia made a recommendation.

55. Israel acknowledged that Antigua and Barbuda faced challenges, including debt burden and vulnerability to natural disasters. It applauded the efforts to implement the practice of good governance by enacting legislation to address public corruption. It also commended the integration of HIV/AIDS care in the public health infrastructure and initiatives to raise awareness of HIV/AIDS and chronic diseases on a regional level. Israel encouraged Antigua and Barbuda to continue such efforts in the future. Israel made recommendations.

56. Mexico commended Antigua and Barbuda's legislation in the areas of human trafficking and migrants smuggling. It also valued the programs aimed at the social rehabilitation of prisoners and the prevention of juvenile delinquency. Mexico noted the persistence of some challenges. Mexico made recommendations.

57. Ecuador highlighted the efforts of Antigua and Barbuda in the fields of food security, sanitation, access to water, fight against poverty and education. It also commended the progress in the attention given to persons with disabilities and the development of awareness campaigns to end stigmatization and discrimination against this vulnerable group. Ecuador noted the commitment of the Government to comply with its international obligations through the harmonization of its domestic legislation. Ecuador made recommendations.

58. Barbados commended Antigua and Barbuda's sustained engagement in the Universal Periodic Review process. It viewed positively the creation of a National Poverty Reduction Strategy and the Social Transformation Plan. Barbados praised the steps taken to improve labour standards, promote gender equality, the rights of child, the elderly, persons with disabilities and those living and working with HIV/AIDS. It noted the legislative efforts made by the Government to combat public corruption and enhance access to information. It referred to the capacity constraints faced by the Government for the signature, ratification and reporting to the Treaty Bodies.

59. Nigeria noted the passage of the Trafficking in Persons (Prevention) Act and the legislation for the prevention of the smuggling of migrants. It praised the special attention paid by the Government to the welfare of persons with disabilities through the establishment of special schools and the provision of financial assistance for their special devices. It commended the achievement of free education at the primary and secondary level. Nigeria requested clarifications on the incorporation of the international human rights instruments into domestic laws.

60. Argentina noted the efforts of Antigua and Barbuda to enhance the political participation of women and incorporate HIV/AIDS treatment in the National Strategic Plan in order to improve the quality of life of the persons affected by this disease. Argentina made recommendations.

61. The delegation thanked the States for their encouragement and recommendations they had made and assured that its children were its future leaders and that it was committed to ensuring that they would receive best education and health opportunities, which included equal opportunities and good quality of life for children with disabilities.

62. The Government was committed to protecting all members of the society from discrimination, harassment and violence, regardless of their sexual orientation. The Government's commitment to protecting all members of the society remained as strong as ever.

63. With respect to death penalty, the delegation stated that the Court of Appeal indicated the rules and regulations in that regard and read an extract from the judgment of the then Chief Justice Sir Dennis Byron: "Rational and humane sentencing in accordance with a requirement of due process requires individualized sentencing in imposing the death penalty. The sentencing discretion should be guided by legislative or judicially prescribed principles and standards and subject to an effective judicial review in order to ensure that the death penalty was imposed only in the most exceptional and appropriate circumstances. A procedure which provided no opportunity for personal mitigation of sentence before the imposition of a mandatory sentence was not reasonable or just or fair, and was therefore inconsistent with Antigua and Barbuda's constitutional provision." In light of that judgment, imposition of the death penalty would be guided by strict judicial directives and principles.

64. As to the criminal procedures, the delegation stated that it was endeavouring to ensure that persons in prison, waiting for trials, would not spend too long a time in there before the trials. Criminal trials had been earlier occurring three times a year. However, Antigua and Barbuda was introducing criminal trials throughout the whole year with one or two judges dedicated towards dealing with criminal trials. It had introduced legislation that abolished and replaced preliminary investigations in respect of indictable offences with paper committals to ensure speedy trials.

65. The delegation thanked Morocco for its assistance to educational opportunities and also Barbados for the statement calling on the Office of the High Commissioner for Human Rights to work with Antigua and Barbuda, taking into consideration its capacity constraints. Antigua and Barbuda would welcome that opportunity and certainly approach the High Commissioner in that regard.

66. The delegation thanked various delegations for constructive comments and expressions of support. It had taken careful note of all concerns and comments expressed. It reiterated that it had approached the review and recommendations in a very serious and realistic manner and considered that a number of short-term, medium-term, and long-term objectives would have to be undertaken. Antigua and Barbuda would take necessary steps within its available resources towards fulfilling its international commitments, which would further enhance and reinforce the promotion and protection of human rights of its citizens and residents.

## **II. Conclusions and/or recommendations**

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

67.1 Accede to the International Covenant on Civil and Political Rights (Trinidad and Tobago);

67.2 Ratify other major international human rights conventions such as the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; and the Convention on the Rights of Persons with Disabilities (Indonesia);

67.3 Ratify the Convention on the Rights of Persons with Disabilities (Morocco);

67.4 <http://www2.ohchr.org/english/bodies/hrcouncil/form.htm> Consider the possibility of acceding to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (Algeria);

67.5 Favourably consider ratifying the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities in order to improve compliance with human rights international norms and standards (Ecuador);

67.6 In order to further preserve and protect their local culture and national heritage, accede to the UNESCO Conventions on the Safeguarding of the Intangible Cultural Heritage and the Protection and Promotion of the Diversity of Cultural Expressions (Trinidad and Tobago);

67.7 Work with the Office of the High Commissioner for Human Rights to prepare a Common Core Document that would alleviate its treaty-reporting burden (Maldives);

67.8 Ensure the implementation of existing laws guaranteeing non-discrimination (Brazil);

67.9 Incorporate into the national legislation the principles of the International Convention on the Elimination of All Forms of Racial Discrimination, in particular as regards the prohibition of all forms of discrimination, including nationality or ethnic origin (Mexico);

67.10 Introduce special measures aimed at increasing greater women's political participation (Brazil);

67.11 Fight against domestic violence and remedy the low representation of educated women in the technical and professional domains (Morocco);

67.12 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);

67.13 Improve conditions in Antigua and Barbuda's prisons and detention facilities (Australia);

67.14 Continue with the efforts to prevent, punish and eradicate all forms of violence against women (Argentina);

67.15 Adopt legislative measures to establish a comprehensive national system of care for victims of gender violence, including social awareness programs, the empowerment of women and the establishment of a network of shelters or refuges (Spain);

67.16 Create a fully functioning Sexual Assault Referral Centre within Mount St John's Medical Centre in order to provide a comprehensive response to the victims of sexual violence and raise the standard of care provided to victims (United Kingdom);

67.17 Continue efforts aimed at combating human trafficking, protecting victims of trafficking and improving the conditions of shelters (Ecuador);

67.18 Fully implement the 2010 legislation on combating human trafficking and put an end to the impunity of those responsible for this act (France);

67.19 Conduct a thorough review of criminal justice procedures in order to identify measures to reduce the length of detention without trial (United Kingdom);

67. 20 Whilst death penalty remains in place, rigorously apply international standards for fair trial in all death penalty cases and respect national legal procedures and the standards required by the Privy Council and the United Nations for the protection of the rights of prisoners sentenced to death ( United Kingdom);

67. 21 Review the legislation and policies to warrant the full observance of international juvenile justice standards and cooperate with UNICEF on this matter (Hungary);

67. 22 Provide for a child-sensitive, accessible complaint mechanism, ensuring a proper redress, rehabilitation and social reintegration for the child victims of abuse (Slovakia);

67. 23 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);

67. 24 Condemn acts of violence and human rights violations committed against persons because of their sexual orientation or gender identity and ensure adequate protection for those human rights defenders who work on the rights of Lesbian, Gay, Bisexual and Transgender persons (United States of America);

67. 25 Institute policies and initiatives to address discrimination based on sexual orientation or gender identity (Canada);

67. 26 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);

67. 27 Seek technical assistance from the Office of the High Commissioner for Human Rights and the international community aimed for better strengthening and consolidation of the national human rights framework (Maldives);

67. 28 Request technical assistance from the United Nations to meet its international human rights obligations, as stated by the Committee on the Rights of the Child (Chile);

67. 29 Ensure full participation of all stakeholders in the UPR follow-up and provide a mid-term update to the Human Rights Council on the implementation of the recommendations adopted during the review (Hungary);

67. 30 Strengthen national capacities to improve cooperation between the different interstate agencies (Chile).

68. The following recommendations will be examined by Antigua and Barbuda which will provide responses in due time, but no later than the 19th session of the Human Rights Council in March 2012:

- 68.1 Become a party to both the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Slovenia);
- 68.2 Sign and ratify the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention for the Protection of All Persons from Enforced Disappearance; and ratify the Convention on the Rights of Persons with Disabilities (Spain);
- 68.3 Consider acceding to the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Brazil);
- 68.4 Consider the possibility of ratifying the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities (Argentina);
- 68.5 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance; Convention on the Rights of Persons with Disabilities; and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Uruguay);
- 68.6 Strengthen its legal arsenal by acceding to the International Covenant on Civil and Political Rights and its first Optional Protocol, to the International Covenant on Economic, Social and Cultural Rights, to the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France);
- 68.7 Ratify the 1961 Convention on the Reduction of Statelessness (Slovakia);
- 68.8 Consider the ratification of those international instruments of human rights of which it is not a party yet (Nicaragua);
- 68.9 Establish a National Human Rights Institution (Maldives);
- 68.10 Establish a national institution to promote and protect human rights (Algeria);
- 68.11 Put in place a national human rights institution in accordance with the Paris Principles (Morocco);
- 68.12 Establish an independent National Human Rights Institution, which can help the government to generate the information necessary for compiling human rights reports (Hungary);
- 68.13 Consider the possibility of establishing a national human rights institution in accordance with the Paris Principles (Argentina);
- 68.14 Further consolidate the Office of the Ombudsman as the national human rights institution, so that it is in line with the Paris Principles (Indonesia);
- 68.15 Adopt and implement a comprehensive national human rights action plan (Indonesia);

68. 16 Pursue the implementation of strategies and action plans in favour of the socio-economic and cultural development (Morocco);

68. 17 Continue to implement strategies and plans for the socioeconomic development of the country, in particular for the reduction of poverty (Cuba);

68. 18 Continue to implement programs and measures to ensure the enjoyment of health services and quality education for its entire people (Cuba);

68. 19 Continue to work in favor of the vulnerable groups, in particular children and women, taking into account the international obligations already contracted (Nicaragua);

68. 20 Continue with the implementation of policies and good practices that contribute to improving the living conditions of people with disabilities, children and the elderly (Ecuador);

68. 21 Issue a standing invitation to the special procedures (Spain);

68. 22 Issue a standing invitation to all special procedures of the Human Rights Council (Uruguay);

68. 23 Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);

68. 24 Adopt policy and legislative measures to encourage the participation of women in the political and public life, and accompany this process with awareness campaigns involving the appropriate public institutions and civil society (Spain);

68. 25 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);

68. 26 Establish a comprehensive policy for children with disabilities, as recommended by the Committee on the Rights of the Child (Israel);

68. 27 Raise the age of criminal responsibility (Brazil);

68. 28 Lift the age of criminal responsibility (Germany);

68. 29 Raise its crime responsibility threshold to comply with international standards (Slovakia);

68. 30 Raise the minimum age of criminal responsibility and establish detention facilities exclusive for minors, separate from those for adults (Spain);

68. 31 Further intensify efforts to adopt international standards in promoting and protecting human rights in the domestic legislation, including by reviewing the minimum age for criminal responsibility and adopting the juvenile justice standards (Indonesia);

68. 32 Strengthen the framework for protecting children's rights, particularly through measures to prevent child abuse, exploitation and violence against children, and consider revising the juvenile justice system to raise the age for criminal responsibility according to the Convention on the Rights of the Child (Mexico);



68.33 Address the issue of poor conditions in prison and detention centres in particular by ensuring the separation of juvenile offenders from adult inmates (Slovakia);

68.34 Take steps to ensure that prisoners and detainees under the age of 18 are housed separately from the general prison population (Canada);

68.35 Implement public awareness campaigns on discrimination based on sexual preference (Spain);

68.36 Request technical cooperation and assistance from the international community, including the appropriate international agencies, to strengthen national capacities to collect, process and analyse relevant human rights statistical information (Mexico);

68.37 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).

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

69.1 Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, which abolishes capital punishment under any circumstances (France);

69.2 Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, and take all necessary steps to remove the death penalty from Antigua and Barbuda law (Australia);

69.3 Abolish the death penalty (United Kingdom);

69.4 Repeal the death penalty (Canada);

69.5 Consider abolishing the death penalty (Brazil);

69.6 Set up a *de jure* moratorium on executions with a view to finally abolishing the death penalty as well as commuting any possible death sentences to an imprisonment penalty (France);

69.7 Repeal criminal legislation that provides for the death penalty and commute the death sentences already issued by imprisonment; or, if not, keep the existing *de facto* moratorium (Spain);

69.8 Vote for the General Assembly resolution on the Moratorium on the use of the death penalty, ratify the according conventions and abolish the death penalty (Germany);

69.9 Prohibit corporal punishment of children in all settings (Slovenia);

69.10 Criminalize the corporal punishment of children in all circumstances and places (Uruguay);

69.11 Prohibit all forms of corporal punishment of children in any setting including the home and as a sentence of the courts (Uruguay);

69. 12 Introduce a legal prohibition of corporal punishment as a punitive and corrective measure in the school system and in the family (Spain);

69. 13 Consider taking necessary measures aimed at prohibiting all forms of corporal punishment (Brazil);

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);

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);

69. 16 Explicitly prohibit under criminal law life imprisonment and indeterminate detention of child offenders (Hungary);

69. 17 Abrogate the provisions criminalizing sexual relations between consenting adults of the same sex (France);

69. 18 Eliminate legal sanctions against consensual sex acts between adults in private (Canada);

69. 19 Repeal all provisions that may be applied to criminalize sexual activity between consenting adults, and which are contrary to its commitment to equality and non-discrimination (Hungary);

69. 20 Decriminalize homosexual conduct by reforming the penal code so that for the purposes of prosecution, gross indecency would not apply to private acts between consenting adults (United States of America);

69. 21 Adopt policy and legislative measures to establish a specific framework for the protection against discrimination based on sexual preference along with the abrogation of criminal provisions that criminalize consensual relations between adults of the same sex (Spain);

69. 22 Build upon the ad hoc national procedure to process asylum claims as a good practice and develop it further (Israel).

70. All conclusions and recommendations contained in the present report reflect the position of the submitting States and the State under review. They should not be construed as endorsed by the Working Group as a whole.

## **Annex**

### **Composition of the delegation**

The delegation of Antigua and Barbuda was headed by Honourable Justin Simon, Q.C., Attorney General and Minister of Legal Affairs, and composed of one other member:

- Conrod Hunte, Ambassador, Deputy Permanent Representative, Permanent Mission of Antigua and Barbuda to the United Nations.

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