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Human Rights Council Forty-ninth session 28 February–1 April 2022 Agenda item 6 Universal periodic review

# **Report of the Working Group on the Universal Periodic Review**\*

## Antigua and Barbuda

### Addendum

### Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

	Universal Periodic Review Recommendations	Position	Comments
1.	88.1.	Noted.	
2.	88.2.	Noted.	
3.	88.3.	Noted.	
4.	88.4.	Noted.	
5.	88.5.	Supported.	It has been ratified and Antigua and Barbuda has a Bill proposed to increase maternity leave tabled for Parliament.
6.	88.6.	Noted.	
7.	88.7.	Noted.	For a convicted person to be sentenced to the death penalty, the national court must be satisfied that the murder must rank among the worst of the worst and the rarest of the rare. [NB- the death penalty is no longer mandatory as the mandatory death penalty has been declared unconstitutional by the Courts] Given that this test is impossible to satisfy, and given that the prosecution has failed previously to satisfy this test, it is highly unlikely any court will impose death penalty in the future. Hence, in these circumstances, it is

<sup>\*</sup> The present document is being issued without formal editing.



	Universal Periodic Revi Recommendations	ew Position	Comments
			unnecessary to abolish it via the national law as a penalty since de facto it is not applied.
3.	88.8.	Noted.	See comment on 7.
€.	88.9.	Noted.	
10.	88.10.	Noted.	See comment on 7.
1.	88.11.	Noted.	See comment on 7.
2.	88.12.	Noted.	
3.	88.13.	Noted.	
4.	88.14.	Noted.	Antigua and Barbuda has already ratified Migrant Workers Convention.
5.	88.15.	Noted.	See comment on 7.
6.	88.16.	Noted.	
7.	88.17.	Noted.	
8.	88.18.	Noted.	See comment on 7.
19.	88.19.	Noted.	See comment on 7. Prior to the mandatory death penalty being declared unconstitutional in 2003-2004 the last time a person was executed pursuant to same was in 1991. Thereafter, the last time the prosecution sought the death penalty and did not succeed was in 2011. There is no need for a moratorium if in fact the penalty is not being applied.
20.	88.20.	Noted.	
21.	88.21.	Noted.	
22.	88.22.	Noted.	See comment on 7.
23.	88.23.	Noted.	
24.	88.24.	Noted.	It is likely to be costly to run both anti-death penalty campaigns and national referendums on the issue, given that financing is an issue at this time, owing to the pandemic.
25.	88.25.	Noted.	
26.	88.26.	Noted.	
27.	88.27.	Noted.	See comment on 7, 19, 24.
28.	88.28.	Noted.	
9.	88.29.	Noted.	Very useful recommendation.
0.	88.30.	Supported.	Very useful recommendation.
1.	88.31.	Supported.	Very useful recommendation.
2.	88.32.	Noted.	
3.	88.33.	Noted.	

#### A/HRC/49/15/Add.1

	Universal Periodic Review Recommendations	Position	Comments
34.	88.34.	Noted.	
35.	88.35.	Noted.	Technical assistance in setting up such unit will be useful to ensure that the relevant is recorded in every instance, that such recording is appropriately captured, that the database and storage thereof is sound, protocols for ensuring the integrity of the data, protocols re dissemination of the data.
36.	88.36.	Supported.	
37.	88.37.	Supported.	
38.	88.38.	Noted.	
39.	88.39.	Noted.	
40.	88.40.	Noted.	The establishment of same will require financing for the relevant infrastructure, training and employment of staff.
41.	88.41.	Noted.	See comment on 40.
42.	88.42.	Noted.	See comment on 40.
43.	88.43.	Noted.	See comment on 40.
44.	88.44.	Noted.	
45.	88.45.	Noted.	See comment on 40.
46.	88.46.	Noted.	See comment on 40.
47.	88.47.	Noted.	See comment on 40.
48.	88.48.	Noted.	See comment on 40.
49.	88.49.	Noted.	See comment on 40.
50.	88.50.	Noted.	See comment on 40.
51.	88.51.	Noted.	
52.	88.52.	Noted.	
53.	88.53.	Noted.	
54.	88.54.	Noted.	
55.	88.55.	Noted.	
56.	88.56.	Noted.	
57.	88.57.	Noted.	
58.	88.58.	Noted.	
59.	88.59.	Noted.	
60.	88.60.	Noted.	
61.	88.61.	Noted.	
62.	88.62.	Noted.	

	Universal Periodic Review Recommendations	Position	Comments
63.	88.63.	Noted.	
64.	88.64.	Noted.	
65.	88.65.	Noted.	
66.	88.66.	Noted.	
67.	88.67.	Noted.	At present, there is no prohibition on LGBT persons standing for public office. As a matter of fact, reputedly gay and lesbian persons have been either elected or hold senatorial positions in the parliament.
68.	88.68.	Supported.	
69.	88.69.	Supported.	Antigua and Barbuda is the first country in the region to eliminate single use plastics.
70.	88.70.	Supported.	
71.	88.71.	Noted.	
72.	88.72.	Noted.	
73.	88.73.	Noted.	
74.	88.74.	Noted.	See previous comments on the death penalty.
75.	88.75.	Noted.	
76.	88.76.	Noted.	
77.	88.77.	Noted.	
78.	88.78.	Noted.	
79.	88.79.	Noted.	
80.	88.80.	Noted.	
81.	88.81.	Noted.	The offence of torture exists under the Suppression of Torture Act which incorporates the various elements of the Convention against Torture etc.
82.	88.82.	Supported.	Torture is already a criminal offence. In practice, the courts do not admit evidence obtained through torture under the "fruit of the poisonous tree" doctrine that extends the exclusionary rule to make evidence inadmissible in court if it is derived from evidence tha was illegally obtained. Confessions obtained through torture are inadmissible pursuant to the Judges Rules of 1967.
83.	88.83.	Noted.	Alternatives to prison sentences are currently being considered under new draft sentencing legislation. Measures have been taken to significantly improve conditions at pre-trial detention facilities at various police stations. It is not clear what is meant by increasing judicial capacity.
84.	88.84.	Noted.	It is accepted by all that a new prison is needed. The major problem is getting the funding to do same.

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86. 88.86. Noted. See comment on 84.   87. 88.87. Noted. This has already been done by the Prison Reform committee which prepared an extensive report.   88. 88.88. Noted. See comment on 84.   89. 88.89. Noted. See comment on 84.   90. 88.90. Noted. See comment on 84.   91. 88.91. Noted. See comment on 84.   92. 88.91. Noted. See comment on 84.   93. 88.93. Noted. Supported.   94. 88.94. Supported. Supported.   95. 88.95. Supported. Supported.   96. 88.96. Supported. Supported.   97. 88.97. Noted. Supported.   98. 88.98. Noted. Supported.   99. 88.99. Supported. Supported.   101. 88.101. Supported. Supported.   102. 88.102. Supported. Supported.   103. 88.103. Noted. Supported.   104. 88.104. Supported. Supported.   105. 88.108. Noted. Supported.   106. 88.108. <		Universal Periodic Review Recommendations	Position	Comments
88.7.   Noted.   This has already been done by the Prison Reform committee which prepared an extensive report.     88.   88.88.   Noted.   See comment on 84.     89.   88.89.   Noted.   See comment on 84.     90.   88.90.   Noted.   See comment on 84.     91.   88.91.   Noted.   See comment on 84.     92.   88.92.   Supported.   Supported.     93.   88.93.   Noted.   See comment on 84.     94.   88.94.   Supported.   Supported.     95.   88.95.   Supported.   Supported.     96.   88.96.   Supported.   Supported.     97.   88.97.   Noted.   The most recent Act is 2015 and Antigua and Barbuda provides capacity building for law enforcement officers in this area.     98.   88.98.   Noted.   Supported.     99.   88.99.   Supported.   Supported.     101.   88.101.   Supported.   Supported.     102.   88.102.   Supported.   Supported.     103.   88.104.   Noted.   Supported.     104.   88.106.	85.	88.85.	Noted.	See comment on 84.
search     Noted.     See comment on 84.       88.     88.89.     Noted.     See comment on 84.       90.     88.90.     Noted.     See comment on 84.       91.     88.91.     Noted.     See comment on 84.       92.     88.91.     Noted.     See comment on 84.       93.     88.92.     Supported.     Supported.       94.     88.94.     Supported.     Supported.       95.     88.95.     Supported.     Supported.       96.     88.96.     Supported.     Supported.       97.     88.97.     Noted.     The most recent Act is 2015 and Antigua and Barbuda provides capacity building for law enforcement officers in this area.       98.     88.98.     Noted.     Supported.       99.     88.99.     Supported.     Supported.       101.     88.101.     Supported.     Supported.       102.     88.102.     Supported.     Supported.       103.     88.103.     Noted.     Supported.       104.     88.104.     Supported.     Supported.       <	86.	88.86.	Noted.	See comment on 84.
89.88.89.Noted.See comment on 84.90.88.90.Noted.See comment on 84.91.88.91.Noted.92.88.92.Supported.93.88.93.Noted.94.88.94.Supported.95.88.95.Supported.96.88.96.Supported.97.88.97.Noted.98.88.98.Noted.99.88.99.Supported.99.88.99.Supported.910.88.100.Supported.911.88.101.Supported.912.88.103.Noted.913.88.103.Noted.914.88.104.Supported.915.88.105.Noted.916.88.106.Noted.917.88.107.Supported.918.88.108.Noted.919.88.109.Noted.911.88.101.Noted.912.88.103.Noted.913.88.104.Noted.914.88.104.Noted.915.88.105.Noted.916.88.106.Noted.917.88.111.Noted.918.81.112.Noted.919.88.113.Supported.911.88.114.Noted.913.88.114.Noted.914.88.114.Noted.915.88.115.Noted.916.88.114.Noted.917.88.115.Noted. <tr< td=""><td>87.</td><td>88.87.</td><td>Noted.</td><td></td></tr<>	87.	88.87.	Noted.	
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91.   88.91.   Noted.     92.   88.92.   Supported.     93.   88.93.   Noted.     94.   88.94.   Supported.     95.   88.95.   Supported.     96.   88.96.   Supported.     97.   88.97.   Noted.   The most recent Act is 2015 and Antigua and Barbuda provides capacity building for law enforcement officers in this area.     97.   88.98.   Noted.     98.   88.98.   Noted.     99.   88.99.   Supported.     100.   88.100.   Supported.     101.   88.101.   Supported.     102.   88.102.   Supported.     103.   88.103.   Noted.     104.   88.104.   Supported.     105.   88.105.   Noted.     106.   88.106.   Noted.     107.   88.107.   Supported.     108.   88.108.   Noted.     109.   88.109.   Noted.     101.   88.101.   Noted.     101.   88.110.   Noted.     111.	89.	88.89.	Noted.	See comment on 84.
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107.   88.107.   Supported.     108.   88.108.   Noted.     109.   88.109.   Noted.     110.   88.110.   Noted.     111.   88.111.   Noted.     112.   88.112.   Noted.     113.   88.113.   Supported.     114.   88.114.   Noted.     115.   88.115.   Noted.	105.	88.105.	Noted.	
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115. 88.115. Noted.	113.	88.113.	Supported.	
	114.	88.114.	Noted.	
116. 88.116. Supported.	115.	88.115.	Noted.	
	116.	88.116.	Supported.	

	Universal Periodic Review Recommendations	Position	Comments
117.	88.117.	Noted.	
118.	88.118.	Noted.	
119.	88.119.	Noted.	
120.	88.120.	Supported.	
121.	88.121.	Noted.	
122.	88.122.	Supported.	
123.	88.123.	Noted.	
124.	88.124.	Supported.	
125.	88.125.	Noted.	
126.	88.126.	Supported.	
127.	88.127.	Supported.	
128.	88.128.	Noted.	
129.	88.129.	Supported.	
130.	88.130.	Noted.	
131.	88.131.	Noted.	
132.	88.132.	Noted.	
133.	88.133.	Supported.	Domestic violence campaigns are very active.
134.	88.134.	Supported.	
135.	88.135.	Noted.	Currently marital rape is a crime under specific circumstances.
136.	88.136.	Supported.	
137.	88.137.	Noted.	A national gender development policy is under development.
138.	88.138.	Supported.	
139.	88.139.	Noted.	
140.	88.140.	Supported.	
141.	88.141.	Noted.	
142.	88.142.	Noted.	
143.	88.143.	Supported.	
144.	88.144.	Noted.	The Child Justice Act prohibits courts from imposing corporal punishment against children as a penalty for a crime. Under the Education Act, corporal punishment can only be imposed as a penalty by schools in limited circumstances and as a last resort.
145.	88.145.	Noted.	
146.	88.146.	Noted.	

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	Universal Periodic Review Recommendations	Position	Comments
147.	88.147.	Noted.	
148.	88.148.	Supported.	
149.	88.149.	Noted.	
150.	88.150.	Noted.	
151.	88.151.	Noted.	
152.	88.152.	Noted.	
153.	88.153.	Noted.	
154.	88.154.	Supported.	
155.	88.155.	Supported.	