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### **Draft report of the Working Group on the Universal Periodic Review\***

#### **Antigua and Barbuda**

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\* The annex to the present report is circulated as received

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-fifth session from 2 to 13 May 2016. The review of Antigua and Barbuda was held at the 12<sup>th</sup> meeting on 9 May 2016. The delegation of Antigua and Barbuda was headed by the Parliament Secretary with in the Ministry of Legal Affairs and Public Safety, Senator Maureen Payne. At its 19<sup>th</sup> meeting held on 12 May 2016, the Working Group adopted the report on Antigua and Barbuda.

2. On 12 January 2016, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Antigua and Barbuda: Bolivia (Plurinational State of), Kyrgyzstan and Morocco.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, 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.6/25/ATG/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/25/ATG/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/25/ATG/3).

4. A list of questions prepared in advance by Liechtenstein, Mexico, 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. Senator Maureen Payne recalled that Antigua and Barbuda was a democratic nation governed by law. Its supreme law was the constitution, which enshrined the fundamental rights and freedoms established in the Universal Declaration on Human Rights. The delegation was ready to welcome the suggestions and recommendations of member States and to take them on board to improve the human rights record of the islands.

6. The delegation considered that Antigua and Barbuda had achieved some progress in the area of human rights since its first UPR review. For instance, a law to protect children and women, and a law on juvenile criminal justice had been adopted since 2011. Also, a law to fight violence against women was passed and the Government had acceded to the Convention on the Rights of Persons with Disabilities, which was in the process of implementation at the national level. Parliament had adopted a law on childcare and adoption as well, to give the same rights to all children and to provide further safeguards to the process of adoption.

7. Antigua and Barbuda was doing all in its power to uphold its international obligations and human rights standards. At the same time, the delegation reminded the Working Group that the country was a small island developing State, with only 85,000 inhabitants and limited resources.

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

8. During the interactive dialogue, 44 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

9. The Bolivarian Republic of Venezuela emphasized the efforts made by Antigua and Barbuda in promoting and protecting human rights. In the field of education, Venezuela positively noted the compulsory school attendance for children between 5 and 16 years of age, and the gratuity of primary and secondary education. It also appreciated the creation of the National Committee for Health Promotion and the advances achieved by the Directorate of Gender Affairs of Antigua and Barbuda with regards to domestic violence and human trafficking through the establishment of awareness-raising and victims' support programs. Venezuela made recommendations.

10. Algeria applauded the measures taken by Antigua and Barbuda in favour of human rights, including the amendments made to human trafficking and prevention of migrants trafficking laws. It also welcomed the November 2015 adoption by both chambers of the Parliament of a number of laws on children and the family. Algeria made recommendations.

11. Argentina welcomed the delegation of Antigua and Barbuda and thanked them for the presentation of the national report. I also congratulated Antigua and Barbuda for the ratification of the United Nations Convention on the Rights of Persons with Disabilities. Argentina made recommendations.

12. Australia welcomed the engagement of Antigua and Barbuda in the UPR process, particularly given its small island state status. It commended Antigua and Barbuda for its ratification of the Convention on the Rights of Persons with Disabilities in 2016. It noted that no executions have taken place in Antigua and Barbuda since 1991, establishing a moratorium on the death penalty in practice. Australia remained concerned that violence and discrimination against LGBTI persons have not been addressed and that prison conditions in Antigua and Barbuda are worsening, including through overcrowding, inadequate food and hygiene, and gangs violence. It urged Antigua and Barbuda to take action to improve prison conditions, including by addressing the backlog of criminal cases. Australia made recommendations.

13. Bahamas noted with satisfaction the considerable strides made by Antigua and Barbuda in the promotion and protection of human rights. Particularly commendable are the recent legislative reforms enacted by virtue of the Trafficking in Persons Amendment Act, the Migrant Smuggling (Prevention) Amendment Act, the Defamation Act and the Immigration and the Passport Amendment Act. It also welcomed the passage of a new Domestic Violence Bill by the Upper and Lower Houses of Parliament which broadens the definitions of domestic relationship and domestic violence, enhances protections for victims and children, and protects against newer forms of harassment such as cyberstalking. Bahamas made recommendations.

14. Barbados commended Antigua and Barbuda for acceding the United Nations Convention on the Rights of Persons with Disabilities and urged the state to continue collaborating with all stakeholders in drafting a national policy for persons with disabilities. It also commended Antigua and Barbuda for the efforts made to improve the protection of children and the quality of life of its citizens through social programmes and policies to reduce poverty, to assist the elderly and the provision of adequate health care.

15. Canada welcomed the delegation of Antigua and Barbuda and thanked them for the presentation of the national report. It commended Antigua and Barbuda for its adoption of a National Action Plan to End Gender-Based Violence (2013-2018) and encouraged the government to ensure its full implementation. Canada made recommendations.

16. Chile welcomed the delegation of Antigua and Barbuda and thanked them for the presentation of the national report. It also welcomed the institutional and legal progress made in the field of human rights, particularly through the ratification of the Convention on the Rights of Persons with Disabilities, the elimination of the crime of defamation and the recently adoption of a number of laws on juvenile justice and domestic violence. Chile made recommendations.

17. China noted with appreciation that Antigua and Barbuda has ratified the Convention on the Rights of Persons with Disabilities, has promoted inclusive education, and has worked to meet the specific needs of persons with disabilities. It has adopted policies and measures to bring about economic and social development and promoted a poverty alleviation programme and the people's benefit programme. The country is working to improve living standards for its people. China made recommendations.

18. Colombia thanked Antigua and Barbuda for the comprehensive information provided on the human rights situation in the country and highlighted the commitment to implement the recommendations received during the first UPR cycle. In particular, the efforts made with regards to children's rights and in countering poverty. Colombia made recommendations.

19. Costa Rica highlighted with satisfaction Antigua and Barbuda's cooperation with the universal system of human rights, as well as the ratification of the Convention on the Rights of Persons with Disabilities. It expressed concern at the legal system serious delays in dealing with criminal cases. While noting with satisfaction the broad participation of women in civil services and in decision-making at the electoral level, Costa Rica noted that women are still underrepresented in leadership and decision-making in general. It was also concerned at reports of high rates of domestic violence. Costa Rica made recommendations.

20. Cuba highlighted advances such as amendments to the Trafficking in Person Act and the Migrant Smuggling Act 2015. It underscored the adoption of the Law on Defamation 2015 and laws approved by Parliament in November 2015 related to children and families. Social programs implemented by PDV Caribe had contributed to a better enjoyment of economic, social and cultural rights for the population of Antigua and Barbuda. Cuba called the international community to provide the resources and technical assistance required by the country. Cuba made recommendations.

21. Antigua and Barbuda thanked delegations that put forward recommendations regarding children rights and the fighting of violence against children and women, issues that would be taken on board seriously by the Government.

22. Regarding overcrowding in prisons, the delegation recognized that it was a serious problem. Antigua and Barbuda had only one prison, which was built in 1735 to accommodate 150 inmates. The Government was trying to address overcrowding in two ways. First, it had studied the situation of long-term prisoners and, based on certain terms and conditions, some prisoners had received a pardon. Second, the Government was beginning to implement the Convict License Act, by which some prisoners -depending on the crime they committed, their conduct, the sentence they received and the time they had served- were released under a convict licence, parole in other legal systems. Additionally, the Government was also looking for alternative accommodation for inmates, so remand prisoners could be separated from persons serving their sentences. The delegation considered that, ideally, Antigua and Barbuda needed another penal institution, which could be focused on young people up to 25 years old.

23. Regarding women positions in politics, the delegation noted that many Caribbean countries, in general, were trying to encourage and empower women to participate in politics even though campaigning could be brutal and this could act as a deterrent.

24. Denmark commended Antigua and Barbuda for its constructive engagement with the UPR process and for having demonstrated progress in the protection and promotion of human rights since its last review. Denmark hoped that concrete steps are being taken by Antigua and Barbuda to ratify the Optional Protocol to the Convention against Torture and asked the delegation to elaborate on steps taken. It also highlighted that the Convention against Torture Initiative stands ready to explore avenues to assist Antigua and Barbuda in advancing on this issue if deemed helpful. Denmark made recommendations.

25. Ecuador welcomed efforts directed towards the compliance of recommendations received in the first cycle review in 2011, particularly the amendment to the Trafficking in Person (Prevention) (Amendment) Act 2015 and the Law on the Prevention of Illicit Trafficking of Migrants of 2015. Ecuador welcomed the coordinated work with civil society to carry out programs to guarantee the rights of persons with disabilities and all the care taken to provide the special needs for this group, providing technical assistance, equipment and medical treatments. Ecuador made recommendations.

26. Egypt noted the importance the Government attaches to positive measures taken to improve the human rights situation in the country, particularly through the adoption of the National Action Plan 2013-2018 to put an end to sexual violence. It noted the Trafficking in Person (Prevention) (Amendment) Act 2015 and the Migrant Smuggling (Prevention) (Amendment) Act 2015. It also underscored the effective measures taken to include all children in the education system and efforts to take legal measures to protect children and adults. It welcomed national efforts to combat poverty through specific programmes. Egypt made recommendations.

27. France welcomed the delegation of Antigua and Barbuda and made recommendations.

28. Germany welcomed the delegation of Antigua and Barbuda and thanked them for the presentation of the national report. It commended Antigua and Barbuda's achievements in the area of human rights, and particularly welcomed the passing of the Domestic Violence Bill and the Child Justice Bill in 2015. Germany remained concerned about the low age of criminal responsibility and regretted that Antigua and Barbuda continues to have a place in law for the death penalty. It stated that equality and non-discrimination are crucial to a democratic society and that the criminalization of LGBTI persons constrains the chances of these persons to report cases of discrimination and violence. Germany made recommendations.

29. Ghana noted the amendments to the Trafficking in Persons Act, the Migrant Smuggling Act and the Immigration and Passport Act and hoped they will strengthen the legal framework and address existing gaps in the promotion and protection of human rights in Antigua and Barbuda. It also noted that Antigua and Barbuda has yet to ratify a number of core UN international human rights treaties, despite having accepted to do so during the first UPR review. Ghana urged Antigua and Barbuda to seek appropriate technical assistance, including by OHCHR, to uphold its international human rights obligations. Ghana made recommendations.

30. Guatemala noted the steps taken to promote, protect and respect the fundamental human rights of all persons. It was pleased that Antigua and Barbuda had ratified the Convention on the Rights of Persons with Disabilities and acknowledged its commitment in promoting gender equality and women's participation in the political, economic and social life of the country. Guatemala made recommendations.

31. Honduras was pleased by the ratification of the Convention on the Rights of Persons with Disabilities. It acknowledged the commitment of the Government to promote gender equality and full participation of women in the political, economic and social life of the country. Honduras made recommendations.

32. Indonesia thanked Antigua and Barbuda for presenting the national report on the efforts taken in the field of human rights since the first UPR cycle. Indonesia commended the efforts made by Antigua and Barbuda to enact and amend several national legislations to better promote and protect human rights in the country and to fulfil its international human rights obligations. It also appreciated the establishment of several institutions to support the implementation of international human rights instruments like, inter alia, the Ombudsman and the Office of the Information Commissioner. Indonesia made recommendations.

33. Italy commended Antigua and Barbuda for the steps taken since the first UPR cycle in enhancing the protection of human rights. It particularly welcomed the recent ratification of the Convention on the Rights of Persons with Disabilities and the commitment to alleviate and eradicate poverty, together with the attention devoted to women's rights and gender equality also through the creation of the Directorate of Gender Affairs. Italy took positive note of the legislative measures taken to enhance the protection of the rights of the child and congratulated Antigua and Barbuda on steps taken in combating human trafficking. Italy made recommendations.

34. Jamaica commended Antigua and Barbuda for its commitment to improving the quality of life of its citizens, through legislative reform and programmes directed at increasing socio-economic advancement. It particularly commended the passage in 2015 of a suite of laws relating to children and families, as well as the Defamation Act and the amendment to the Trafficking in Person (Prevention) Act. Jamaica also commended Antigua and Barbuda for placing children with visual disabilities into the mainstream educational system from pre-school, the formation of the multi-stakeholder National Wellness Committee and for its commitment to several socio-economic programmes implemented under the PDV Caribe umbrella, under the Petro Caribe Initiative. Jamaica made recommendations.

35. Malaysia noted that Antigua and Barbuda has taken numerous initiatives to improve the promotion and protection of human rights in the country. It welcomed the accession to the Convention on the Rights of Persons with Disabilities and noted the new laws focusing on the protection of children's rights. Malaysia also noted the efforts made by Antigua and Barbuda in eradicating poverty by providing financial assistance and implementing social programs to improve access to basic needs for persons living in vulnerable situations. Malaysia made recommendations.

36. The delegation of Antigua and Barbuda responded to questions put forward during the interactive dialogue. It considered that the issue of the age of criminal responsibility was a serious one. It added that Congress had debated the issue but was unable to change the law because many MP's considered that it should remain as it was. However, civil society organizations were mobilizing to prompt a new Parliamentary debate to rise the age of criminal responsibility.

37. On the death penalty, after listening to many statements, the delegation acknowledged that it was a sensitive issue for the international community. It noted, however, that, even though the penalty appeared in the Penal Code, nobody had been executed since the 1980's. The delegation expressed its understanding of why it would be important to formally take a step beyond the existing state of affairs.

38. The delegation recognized the importance of having an independent national human rights institution and added that it could take on board recommendations on this regard, since Antigua and Barbuda lacked an independent institution that could keep the Government on its toes.

39. Regarding LGBTI persons, the delegation considered that changes would take time. However, it stated that persons of that persuasion were not brutally treated in the Caribbean

in general and in Antigua and Barbuda in particular. The Constitution recognized the same rights for all people but personal prejudices would need time to change, after sensitizing people. The Government was working on it but it was not possible to force an evolution on the psyche of the people of the islands. The delegation recognised the existence of legal provisions considering sexual relations between adults of the same sex as a crime, but no one had been prosecuted under them. The delegation considered that this law had been used only against adults molesting children. The delegation recalled that these provisions had been inherited and recognised that they had to change at some point if the Government was serious about human rights.

40. Regarding sexual abuse within marriage, mentioned by several delegations, Antigua and Barbuda stated that the law covered any form of violence in a couple, so it was up to the wife to press charges, if she wished to and the law was there to assist her. The delegation added that the Department of Gender Affairs had been very helpful and supportive with migrant workers and women who had been trafficked, and they continuously trained officers on this.

41. On torture, the delegation considered that this was not a recurrent matter in the islands but the Government could consider the possibility of signing the Optional Protocol to the Convention against Torture. The delegation reiterated that the Government was aware of the problems pertaining to the prison and stated that it would accept the recommendations to request for technical assistance to solve them.

42. Maldives took note of the national report and implementation of the recommendations Antigua and Barbuda received during its first cycle. It appreciated the measures taken by the country's laws relating to children and families, passed in Parliament in November 2015. Maldives also strongly supported Antigua and Barbuda's Education Act that provides that children are required to attend school from age 5 to 16. Maldives encouraged the country to reach out to its international partners including OHCHR, for assistance towards the promotion and protection of human rights in the country. Maldives made recommendations.

43. Mexico acknowledged the reform of the juvenile justice system and urged the Government to ensure its full implementation. Mexico welcomed the ratification of the Convention on the Rights of Persons with Disabilities and invited the State to harmonize its legislation according to it. It also noted the adoption of the law preventing trafficking in person and the enhanced measures taken to combat this crime. Mexico invited Antigua and Barbuda to reduce the high rate of teenage pregnancies and HIV prevalence and called the Government to guarantee access to social and health services to all, including vulnerable persons and persons from the LGBTI community. Mexico made recommendations.

44. Montenegro welcomed the recent ratification of the Convention on the Rights of Persons with Disabilities and noted that there were a number of the international human rights treaties and their optional protocols which Antigua and Barbuda was not a party to. It enquired if the Government had initiated accession procedures or planned to ratify them. Montenegro encouraged the Government to seek technical assistance from the OHCHR to improve its efforts to meet its international human rights obligations. It welcomed the Government's efforts towards creating an inclusive education system, in particular regarding children with disabilities. It enquired if the Government intended to adopt specific laws and regulations protecting those with special needs or facilitating their integration to society. Montenegro made recommendations.

45. Morocco welcomed the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. Morocco noted with satisfaction the measures taken by Antigua and Barbuda



to combat poverty, human trafficking and gender discrimination. It also noted with satisfaction the adoption of laws related to children and families. Morocco made recommendations.

46. Namibia commended Antigua and Barbuda on the ratification of Convention on the Rights of Persons with Disabilities and took note of the adoption of the Children (Care and Adoption) Act and the Status of Children Act in 2015. Namibia was pleased to take note of the various initiatives put in place to alleviate poverty, including the efforts taken to enhance the social protection schemes in Antigua and Barbuda. Whilst pleased to note the existence of a de facto moratorium on the death penalty for 24 years, it expressed concern about the frequent calls for its full reinstatement in Antigua and Barbuda. Namibia made recommendations.

47. Netherlands noted that Antigua and Barbuda had stated in their report that the LGBTI community was generally not discriminated. It remained, however, concerned about their full rights, in particular of those from the lower economic bracket. It took note of the explanations given by the Government. In view of recent calls from within Antigua and Barbuda's society for a full reinstatement of the death penalty, Netherlands asked the Government to address this negative trend. Netherlands made recommendations.

48. Nicaragua congratulated Antigua and Barbuda on progress achieved from its first cycle exam, highlighting the reforms and institutional and legal improvement with a view to improve the human rights conditions of its population, particularly children, adolescence and persons with disabilities. It welcomed the approval of the Child Justice Bill and the Children (Care and Adoption) Bill 2015. Nicaragua welcomed the strengthening of legislation regarding the prevention of human trafficking and the illicit trafficking of migrants. It congratulated Antigua and Barbuda for the ratification of Convention on the Rights of Persons with Disabilities. Nicaragua made recommendations.

49. Pakistan noted with appreciation the steps taken for the promotion and protection of human rights in the last four years. It was encouraging to note that it had made concerted efforts to implement the majority of the recommendations received during the first cycle of the UPR. Pakistan commended the ongoing national legislation as well as ratification of human rights instruments. Pakistan believed that the Trafficking in Person Act 2015, the Migrant Smuggling Act 2015, the Child Justice Bill 2015 and the Domestic Violence Bill 2015, among others, would further contribute to the promotion and protection of human rights in the country. Pakistan made recommendations.

50. Panama praised the ratification of the Convention on the Rights of Persons with Disabilities, the adoption of health and education policies for this group of the population, and the strengthening of measures to prevent trafficking in persons and smuggling of migrants. Panama also acknowledged the adoption of the laws on children and domestic violence, as well as the implementation of various social programs aimed at reducing poverty. However, Panama was concerned that gender-based violence remained a serious and widespread problem. Panama made recommendations.

51. Paraguay welcomed the progress made in 2015 in the field of child rights, especially in relation to the status, domestic violence and juvenile justice. It also highlighted the decriminalization of slander, the gender mainstreaming carried out by the Gender Affairs Division of the Ministry of Social Transformation, and the ratification of the Convention on the Rights of Persons with Disabilities. Paraguay urged the Government to continue its efforts to ensure the exercise of the rights of migrants as well as the elimination of trafficking and overcrowding in prisons. Paraguay made recommendations.

52. The delegation responded to the statement of the Netherlands, regarding some politicians calling for the re-establishment of the use of the death penalty. It considered that the society of Antigua and Barbuda was not ready yet to take a quantum leap and eliminate

the death penalty from its legislation. The fact that it was there had given some sort of security to the population. But, the delegation recalled, once again, that the death penalty had not been implemented in decades.

53. The delegation noted that it could say the same regarding LGBTI issues. It considered that it would take time to sensitize the Antiguan society, which was very moral and religious. The delegation added that if the Government were to force these issues, the reaction of the society would be negative and regressive.

54. On family matters, the delegation manifested that the Government was in the process of establishing a family court, as part of an Organisation of Eastern Caribbean States (OECS) project.

55. Portugal congratulated Antigua and Barbuda on the approval of the Child Justice Bill aiming at improving the situation of juveniles in conflict with the law. It expressed concern both with the fact that detained juveniles were still not held separately from adults and with the overcrowding in prisons. Portugal commended the country's efforts in tackling domestic and sexual violence and welcomed the adoption of the new Domestic Violence Bill and the National Action Plan for the period 2013-2018 to end gender-based violence. Portugal was concerned with the fact that the Sexual Offences Act did not recognize rape within marriage in all circumstances. Portugal made recommendations.

56. Sierra Leone noted with appreciation the efforts made since the last cycle review and noted with interest the de facto moratorium on the death penalty and expressed hope that the government would again consider abolishing the death penalty. It noted the adoption of a National Action Plan to end gender-based violence. In order to protect against the trafficking in persons, Sierra Leone urged the Government to establish a legislative framework on refugee protection and asylum. It also encouraged the country to ratify ILO conventions 169 and 189 and to accede to the 1961 Convention on the Reduction of Statelessness. The government should also consider abolishing corporal punishment as a sentence and take more effective steps to combat domestic violence as well as child sexual abuse. It would be crucial that the country engages with the OHCHR and other relevant UN organs in order to be able to submit in a timely manner its reports to the relevant treaty bodies. Sierra Leone made recommendations.

57. Slovenia welcomed positive development such as the decriminalization of libel, abolishing legal distinctions between children on the basis of their parent's marital status, the adoption of a national action plan to end gender-based violence, and the organization of campaigns to raise awareness about violence against women. It commended Antigua and Barbuda for having ratified the Convention on the Rights of Persons with Disabilities, as per Slovenia's past recommendation. Slovenia noted there was no systemized approach to implementing the country's human rights obligations and commitments, no gender policy, and no policy against child sexual abuse. It regretted that the Sexual Offence Act 1993 criminalized sexual relations between consenting adults of the same sex, but did not acknowledge marital rape. Slovenia made recommendations.

58. South Africa recognized that despite constraints faced, Antigua and Barbuda had registered a number of notable achievements including the implementation of policies and plans for social and economic development and the alleviation of poverty. It highlighted that the country had also been ranked favourably in the United Nations Human Development Index, and welcomed national efforts in launching the International Decade on People of African Descent. It encouraged Antigua and Barbuda to continue all efforts towards the promotion, protection and fulfilment of all human rights, including the right to development. South Africa made recommendations.

59. Spain welcomed Antigua and Barbuda for the recent ratification of Convention on the Rights of Persons with Disabilities and encouraged it to continue in this trend. Spain

considered essential the respect to the principle of non-discrimination on the grounds of sexual orientation. Spain made recommendations.

60. Trinidad and Tobago noted the progress made by Antigua and Barbuda since the first UPR cycle. It congratulated the Government for ratifying the Convention on the Rights of Persons with Disabilities and for the efforts to mainstream the differently-abled in the education system and provide necessary mobility and transportation support. Trinidad and Tobago applauded the improvement of health services for the population and recognized the need to bolster the legislation on trafficking in persons and children. Trinidad and Tobago made a recommendation.

61. The United Kingdom of Great Britain and Northern Ireland thanked the delegation for its responses to the advanced questions it put forward and welcomed its engagement with the UPR process. It acknowledged the Government's commitment to human rights and the progress it had made despite the challenges small island developing states faced to implement their international human rights obligations. It welcomed the steps taken to address the issue of sexual violence and encouraged the Government to seek ways to increase the number of cases that were successfully prosecuted. It made recommendations.

62. The United States of America noted the efforts of Antigua and Barbuda to eliminate violence and discrimination against persons with HIV/AIDS, especially among the police forces. It recognized administrative efforts to provide prisoners with adequate complaint mechanisms but remained concerned about the harsh, overcrowded conditions in Her Majesty's Prison. The United States also noted the high incidence of violence against women, especially spousal abuse and sexual harassment and the existence of laws that criminalized same-sex sexual activity between consenting adults. It made recommendations.

63. Uruguay welcomed the implementation of social policies to reduce poverty and meet the needs of the most vulnerable groups. Uruguay regretted that no special procedure had visited the country in recent years and invited the islands to request technical assistance to increase its cooperation with the international machinery. Uruguay was concerned that the legal framework authorized the use of corporal punishment and that someone who had committed a crime under 18 could get life imprisonment. Uruguay invited the Government to review this legislation. It encouraged Antigua and Barbuda to adopt a national gender policy and to strengthen capacity in gender in ministries, departments and agencies. Uruguay made recommendations.

64. Brazil noted with appreciation the ratification of the International Convention on the Rights of Persons with Disabilities and encouraged Antigua and Barbuda to take concrete steps towards the ratification of its Optional Protocol. It also appreciated that Antigua and Barbuda has *de facto* abolished the death penalty, which has not been applied since 1991, and encouraged the formal abolition of the capital punishment. Brazil expressed concerns about the situation of victims of domestic violence in Antigua and Barbuda and encouraged initiatives to prevent and eliminate violence and discrimination against women and girls. Brazil made recommendations.

65. Antigua and Barbuda reiterated being aware of the importance the Working Group granted to the death penalty, noted that the Eastern Caribbean Supreme Court had not used it for decades and stated that the Government could consider declaring a moratorium or a similar gesture in response to the concerns expressed during the review.

66. The delegation also restated its understanding regarding the concerns expressed during the interactive dialogue on the legal ban on consensual sex between adults of the same sex. It added that it understood that, from a human rights perspective, the fact that no one had been prosecuted under those provisions was unsatisfactory. Nevertheless, the

delegation expressed its concern that a sudden change regarding these sensitive matters could generate a counterproductive reaction from public opinion.

67. The Government considered that gender violence was a serious issue and that it should be treated along with violent behaviour in general. The Department on Gender Affairs went regularly to schools to create awareness and show how to solve disagreements and problems without the recourse to violence.

68. On prison overcrowding, the delegation agreed that a new penal facility was in need urgently. In addition to the measures to address overcrowding described before, the delegation manifested that the Government was trying to increase the number of prosecutors and judges to reduce the time a detainee had to wait for trial.

69. Corporal punishment of children was another issue that appeared in laws and that would require time to change the views of Antiguan.

70. The delegation considered that the Government should not have major difficulties in acceding to the Covenant on Civil and Political Rights, and other core human rights conventions. It took the point that the fact that many matters were not a problem in the islands, did not mean that Antigua and Barbuda could not become a party to the conventions dealing with them.

71. The Government was concerned by pregnancy among adolescents, even though the number of teenagers that became pregnant was relatively small. The Government used to sponsor a program for young girls becoming pregnant to finish school, but it was not possible to continue with it because of lack of resources.

72. Responding to concerns raised regarding healthcare, the delegation stated that Antigua and Barbuda had a relatively new hospital and clinics throughout the country providing services to those who needed them. Additionally, the Government had started a preventive program to address the high incidence of diabetes in the islands, a problem that affected the Caribbean region in general.

73. The delegation acknowledged that there were an important number of migrant workers residing in Antigua and Barbuda from Spanish speaking countries, in particular from the Dominican Republic. The Government carried out efforts to integrate this community and provided it with Spanish speaking legal and health services.

74. The delegation addressed again the issue of women in decision-making positions and manifested that Antigua and Barbuda had women in Permanent Secretaries and Crown Councils. The delegation considered that the participation of women in elected positions could take some time though is stressed that there were two women in Parliament and that the President of the Senate was a woman. This was an on-going process but Antigua and Barbuda was on the right direction.

75. The delegation thanked the Working Group for all the recommendations it received. They were very helpful and would be carefully considered by the Government, which was committed to human rights.

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

**76. The recommendations formulated during the interactive dialogue/listed below have been examined by Antigua and Barbuda and enjoy the support of Antigua and Barbuda:**

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\*\* The conclusions and recommendations have not been edited

- 76.1. **Seek and avail itself of technical assistance opportunities for training of personnel in international human rights treaty monitoring and reporting (Bahamas);**
- 76.2. **Seek technical assistance from the Office of the High Commissioner for Human Rights to support the national efforts aimed at implementing the human rights obligations of Antigua and Barbuda (Egypt);**
- 76.3. **Promote further engagement with international human rights mechanisms, including in seeking technical assistance from the Office of the UN Commissioner for Human Rights (Indonesia);**
- 76.4. **Seek the requisite technical assistance needed in order to meet its international human rights obligations (Sierra Leone);**
- 76.5. **Seek technical assistance, as appropriate, from the Office of the High Commissioner for Human Rights and other United Nations organizations, with a view to developing capacity for fulfilling various international human rights obligations to which it subscribes (Trinidad and Tobago);**
- 76.6. **Continue restoring and promoting the human rights of its people, taking into particular consideration the most vulnerable groups, as it has been doing it from its last review (Nicaragua);**
- 76.7. **Maintain its efforts for the incorporation of the provisions of the Convention on the Rights of the Child in its national legislation and public policies (Ecuador);**
- 76.8. **Continue to promote and protect rights of children (Pakistan);**
- 76.9. **Strengthen the national policies on gender to reduce discrimination against women and increase their participation in the political and economic spheres (Chile);**
- 76.10. **Strengthen the efforts to promote the full participation of women in all aspects, eliminate discrimination against women, and ensure access to justice for victims of domestic violence and sexual harassment (Malaysia);**
- 76.11. **Continue its actions to promote gender equality and the full participation of women in the political, economic and social life of the country (Cuba);**
- 76.12. **Continue to promote women empowerment (Pakistan);**
- 76.13. **Continue the efforts to ensure that national legislation prohibits discrimination on the grounds of disability, sexual orientation, gender identity or social status (Mexico);**
- 76.14. **Take measures to reduce overcrowding in prisons (China);**
- 76.15. **Introduce alternatives to imprisonment for minor offences with a view to reducing overcrowding and improving the situation of prisoners in general (Portugal);**
- 76.16. **Effectively apply the law on intra-family violence to combat domestic violence and promote gender equality (China);**
- 76.17. **Strengthen the measures to combat domestic violence, in particular the effective implementation of the existing legal framework, data collection and training of State officers responsible of receiving complaints (Colombia);**

- 76.18. Strengthen its policies to fight violence, especially gender violence and sexual violence (Spain);
- 76.19. Continue its efforts in fighting all forms of violence against women (Portugal);
- 76.20. Take all necessary measures to effectively strengthen the combat against domestic violence and sexual violence against women (France);
- 76.21. Take steps to ensure implementation of Domestic Violence Act and Sexual Offences Act (Maldives);
- 76.22. Prevent, punish and eradicate all forms of violence against women including marital rape (Panama);
- 76.23. Review its domestic legislation in order to criminalize sexual abuse within marriage (Honduras);
- 76.24. Implement recent legislation on the rights of the child and strengthen efforts to prevent and combat all forms of discrimination and violence against children and other vulnerable groups, including through awareness-raising campaigns, dedicated training of law-enforcement personnel and adequate support to victims of violence (Italy);
- 76.25. Develop a strategy and public policies against child neglect and abuse (Panama);
- 76.26. Strengthen measures to assist victims of human trafficking, taking into account their fundamental rights and the needs of particularly vulnerable groups such as women domestic workers and sex workers (Colombia);
- 76.27. Ensure effective implementation of the legislation against trafficking of human beings and enhance support to the victims of trafficking, especially women and children (Italy);
- 76.28. Continue to implement laws, policies and programmes targeted at combating trafficking in persons, prosecute the identified perpetrators and provide rehabilitation for victims of trafficking in persons (Malaysia);
- 76.29. Establish a formal procedure to identify victims of trafficking, search for alternatives to the detention of the victims, and transfer them to the necessary services, including, when pertinent, the asylum procedure (Mexico);
- 76.30. 76.30. Continue strengthening its successful social policies in favour of the most vulnerable sectors of its people, with the assistance and cooperation of the international community required by the country (Venezuela (Bolivarian Republic of));
- 76.31. Continue implementing measures for the reduction and alleviation of poverty (Cuba);
- 76.32. Make a concerted effort to increase the number of households with access to piped water, sanitation and electricity; with appropriate assistance from bilateral, regional and international partners (Jamaica);
- 76.33. Continue its efforts towards universal access to education, including the provision of free schooling at all levels (South Africa);
- 76.34. Work toward enacting legislation to incorporate the Convention on the Rights of Persons with Disabilities in its national law (Bahamas);

76.35. Take steps to develop the necessary laws, policies and programmes to progressively meet its obligations under the Convention on the Rights of Persons with Disabilities, including by ensuring access to all public facilities (Canada);

76.36. Formulate and implement a public policy for persons with disabilities with a view to protect them from violence and discrimination, and to facilitate their social integration (Colombia);

76.37. Encourage and strengthen work regarding special education of persons with disabilities (Maldives).

77. The recommendations below did not enjoy the support of Antigua and Barbuda and would thus be noted:

77.1. Consider acceding to all United Nations human rights instruments (Egypt);

77.2. Accede to all core United Nations human rights instruments as soon as possible, particularly those it agreed to enact during its 2011 UPR appearance (Australia);

77.3. Continue the efforts to ratify international human rights treaties and instruments of which Antigua and Barbuda is not yet a party (Morocco);

77.4. Continue acceding to the main international human rights instruments to which it is not yet a party, particularly, to the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);

77.5. Consider acceding to all core United Nations human rights instruments, including the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (Indonesia);

77.6. Ratify the Covenant on Economic, Social and Cultural Rights; the Covenant on Civil and Political Rights; the Optional Protocol to the Convention against Torture; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Guatemala);

77.7. Become a State Party to the Covenant on Civil and Political Rights; the Covenant on Economic, Social and Cultural Rights; CAT and the Optional Protocol to the Convention against Torture; the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; ILO Convention 169 on Indigenous and Tribal Peoples; and the Convention against Discrimination in Education (Honduras);

77.8. Move forward with the ratification of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, including the Second Optional Protocol to the ICCPR with a view to abolishing death penalty (Chile);

77.9. Consider ratification of the Covenant on Economic, Social and Cultural Rights; and the Covenant on Civil and Political Rights and its optional Protocols (Namibia);

77.10. Sign and ratify the Covenant on Civil and Political Rights; the Covenant on Economic, Social and Cultural Rights; and the Convention for the Protection of All Persons from Enforced Disappearance (Spain);

- 77.11. Ratify the Covenant on Civil and Political Rights; the Covenant on Economic, Social and Cultural Rights; and the 1961 Convention on the Reduction of Statelessness (Panama);
- 77.12. Ratify the International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social and Cultural Rights (Costa Rica);
- 77.13. Ratify the International Covenant on Civil and Political Rights (France) (Ghana) (Italy) (Montenegro) (Sierra Leone);
- 77.14. Ratify the International Covenant on Economic, Social and Cultural Rights (France) (Ghana) (Italy) (Sierra Leone);
- 77.15. Ratify the Optional Protocol to the Convention against Torture (Costa Rica) (Denmark) (Uruguay);
- 77.16. Ratify the Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone) (Uruguay);
- 77.17. Consider acceding to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ecuador);
- 77.18. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ghana) (Sierra Leone);
- 77.19. Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Uruguay);
- 77.20. Ratify the ILO fundamental conventions on labour rights and social security and the UNESCO ones relating to corporal punishment (Paraguay);
- 77.21. Ratify the American Convention on Human Rights and accept the jurisdiction of the Inter-American Court of Human Rights (Brazil);
- 77.22. Establish a National Human Rights Institution in accordance with the Paris Principles, as per the recommendations from its last UPR appearance (Australia);
- 77.23. Establish a national human rights institution in accordance with the Paris Principles (Egypt, Namibia);
- 77.24. Strengthen its national human rights institution in accordance with the Paris Principles (Honduras);
- 77.25. Continue the efforts to promote human rights, with the strengthening of the national legislative framework on human rights (Morocco);
- 77.26. Implement a national system that will enable the Government to have a better and more fluid relationship with the United Nations human rights bodies, including invitations to the relevant special procedures (Paraguay);
- 77.27. Encourage the legislative measures and policies necessary to ensure the protection and promotion of the rights of boys and girls, in following-up the recommendations received during the previous review cycle (Mexico);
- 77.28. Submit all overdue reports to the relevant human rights treaty bodies and issue standing invitations to all special procedures (Ghana);
- 77.29. Submit its overdue reports to CERD, CEDAW and CAT (Sierra Leone);



- 77.30. Extend a standing invitation to all the special procedures of the Human Rights Council (Uruguay);
- 77.31. Undertake a comprehensive review of its domestic legislation to bring it into line with the international conventions to which it is a party, in order to eradicate any form of discrimination (Honduras);
- 77.32. Adopt and implement a National Gender Policy, in consultation with all interested stakeholders, prior to its next Universal Periodic Review (Canada);
- 77.33. Implement legislative measures to increase the percentage of women in decision-making and popular election positions (Costa Rica);
- 77.34. Raise at the national level the institutions responsible for the design and implementation of gender policies (Paraguay);
- 77.35. Continue efforts at protecting all members of society from discrimination, harassment and violence, regardless of their sexual orientation (South Africa);
- 77.36. Adopt the additional necessary measures to ensure the full enjoyment of human rights by the vulnerable groups which are subjected to discrimination, such as LGBTI persons, including the investigation and punishment of cases of discrimination, as well as the abrogation of norms that criminalize and stigmatize (Argentina);
- 77.37. Enact legislation prohibiting discrimination against LGBTI persons, including removing laws criminalising same sex activity (Australia);
- 77.38. Carry out awareness and education campaigns in favour of non-discrimination based on sexual orientation (Spain);
- 77.39. Eliminate the provisions that criminalize same-sex sexual relations between adults (Chile);
- 77.40. Put an end to the legal discrimination against LGBTI persons and to the criminalization of homosexuality (France);
- 77.41. Abolish all provisions that criminalize consensual same-sex relationships and adopt a national policy to promote tolerance and address discrimination and violence against LGBTI persons (Germany);
- 77.42. Repeal articles 12 and 15 of the Sexual Offence Act of 1995 that criminalize sexual relations between consenting individuals of the same sex, which are contradictory to the commitment of non-discrimination (Netherlands);
- 77.43. Decriminalize relations between persons of the same sex (Honduras);
- 77.44. Decriminalize sexual relations between consenting adults of the same sex (Slovenia);
- 77.45. Decriminalize consented homosexual relations between adults (Spain);
- 77.46. Reform the penal code to decriminalize private, same-sex sexual activity between consenting adults (United States of America);
- 77.47. Take concrete measures with a view to decriminalizing consensual same-sex relations and abolishing any discriminatory legislation against LGBTI persons, even if such laws are not applied in practice (Brazil);

- 77.48. Establish a formal moratorium on the death penalty with a view to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia);
- 77.49. Establish a formal moratorium on the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, with a view to abolishing capital punishment both in practice and in law (Portugal);
- 77.50. Establish an official moratorium on executions and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, so as to bring national legislation into conformity with the de facto moratorium (Netherlands);
- 77.51. Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (France);
- 77.52. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);
- 77.53. Consider establishing an official moratorium on executions with a view to abolishing the death penalty as called for by the UN General Assembly resolution 69/186 (Germany);
- 77.54. Consider taking all necessary steps to establish a de jure moratorium on executions with a view to fully abolishing the death penalty (Italy);
- 77.55. Establish an official moratorium on the death penalty, with a view to its full abolition (Slovenia);
- 77.56. Abolish the death penalty (Honduras);
- 77.57. Abolish the death penalty and commute to prison terms the death sentences already pronounced (Panama);
- 77.58. Abolish the death penalty and in the interim 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 UN for the protection of the rights of prisoners sentenced to death (United Kingdom of Great Britain and Northern Ireland);
- 77.59. Consider taking steps towards the abolition of the death penalty (South Africa);
- 77.60. Carry out awareness-raising campaigns in relation to the lack of deterrent effects in the application of the capital punishment and establish a de jure moratorium aiming the total abolition of the death penalty (Spain);
- 77.61. Improve conditions of detention and reduce the duration of detention with faster legal proceedings and investing into infrastructure to address prison overcrowding (Germany);
- 77.62. Increase the resources aimed at improving the conditions of prisons, especially in relation to health conditions and the separation of prisoners according to the type of crime committed and level of risk (Spain);
- 77.63. Take effective measures to ensure that conditions of detention at Her Majesty's Prison are in conformity with UN Standard Minimum Rules for the Treatment of Prisoners, including by reducing overcrowding (Canada);

- 77.64. Establish a national coordination system to solve the problem of violence against women (Guatemala);
- 77.65. Consider amending the Sexual Offences Act to include inter-marital rape in all circumstances (Portugal);
- 77.66. Criminalize marital rape (Slovenia);
- 77.67. Pass legislation explicitly defining and prohibiting sexual harassment in the public and private sectors, with protections against retaliation for those who report (United States of America);
- 77.68. Strengthen the national legal framework to protect children from all forms of violence (Algeria);
- 77.69. Prohibit and criminalize the corporal punishment of children (Honduras);
- 77.70. Prohibit corporal punishment of children in all settings, as previously recommended (Slovenia);
- 77.71. Conduct a thorough review of criminal justice procedures in order to identify measures to reduce the length of detention without trial (United Kingdom of Great Britain and Northern Ireland);
- 77.72. Raise the age of criminal responsibility as proposed in the model Child Justice Bill of the OECS from 2007 (Germany);
- 77.73. Build enough housing facilities so offenders under the age of 18 are housed separately from the general prison population (United States of America);
- 77.74. Allocate more resources to develop health care services, health care infrastructure and health education, in order to improve maternal health (Algeria);
- 77.75. Dedicate more resources to advance healthcare services (Maldives);
- 77.76. Allow abortion, especially in cases where the pregnancy involves a risk to the life or health of the pregnant women, or is the result of rape or incest (Slovenia);
- 77.77. Ensure comprehensive sexuality education with a view to preventing teen pregnancies and the spread of sexually transmitted infections, in particular HIV (Slovenia);
- 77.78. Establish measures and policies to encourage greater participation of girls in the higher education systems (Sierra Leone).
78. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or 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 Parliament Secretary with in the Ministry of Legal Affairs and Public Safety, Senator Maureen Payne.

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