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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

* The present document was not edited before being sent to the United Nations translation services.

General observations

1. One of the major challenges Antigua and Barbuda faces in determining the way forward and the general manner in which we treat our international human rights obligations is the lack of a defined human rights policy which would help to drive and direct the manner and methodology through which international human rights obligations are determined and adhered to. The comments below must all be read cognizant of the necessity of a comprehensive human rights policy which would inform the manner in which these obligations are treated going forward.
2. Any effort to craft such a policy must involve not only the government, but of necessity a wide cross-section of the society including stakeholders in the private sector and relevant non-governmental organizations and groups (such as the Association of Persons with Disabilities).
3. This policy may also serve as a catalyst to the implementation of programmes and policies under the auspices of the government to ensure the protection and recognition of international human rights, to include the passage of relevant legislation such as a Disabilities Discrimination Act or a broader Human Rights Act.
4. The Government of Antigua and Barbuda hereby presents its responses to those recommendations that it had declared would have required further consideration before the formal adoption of the Report by the Human Rights Council:

Convention of the Rights of Persons with Disabilities and Optional Protocol

Recommendations: 68.1, 68.2, 68.4, 68.5, 68.22, 68.33

5. The Convention and its Optional Protocol were signed by Antigua and Barbuda on March 30, 2007. The remaining action therefore is Antigua and Barbuda's ratification under The Ratification of Treaties Act and the submission of an instrument of ratification to the depositary. The Government of Antigua and Barbuda will favourably consider the ratification of the Optional Protocol.

International Covenant on Civil and Political Rights and Optional Protocol

Recommendations: 68.2, 68.3, 68.4 and 68.6

6. The principles outlined in this Covenant are principles which to a large extent already form a part of the domestic law of Antigua and Barbuda, having been guaranteed under our 1981 Independent Constitution.
7. The Optional Protocol will require domestic legislative changes and this will necessitate broad public consultation before the adoption of the policy contained in this Instrument. This would also entail alteration of existing legislation and judicial pronouncements on matters related to the death penalty which currently is not an acceptable proposition in light of public opinion.

Sign and ratify International Covenant on Economic, Social and Cultural Rights

Recommendation 68.2, 68.2, 68.4 and 68.6

8. The rights enumerated under this Covenant, in like manner to the rights enumerated in the previous Covenant largely reflect rights, such as universal primary education, already enjoyed by persons in Antigua and Barbuda.

9. The Optional Protocol provides for the Competence of the Committee on Economic, Social and Cultural Rights to receive communication directly from persons or groups within a State Party to the Optional Protocol claiming a violation by the State of its obligations under the Covenant.

10. The Government of Antigua and Barbuda is currently considering signing and ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and will continue to examine and assess the obligations and financial implications attendant with its implication.

Sign and Ratify the International Convention on the Protection of all Persons from Enforced Disappearance

Recommendation: 68.2, 68.4, 68.5 and 68.6

11. Antigua and Barbuda is not known as a jurisdiction within which this type of activity occurs, but accepts that adherence to this Convention however ought to be driven by the tenets of a national human rights policy.

12. The Convention would require Antigua and Barbuda to engage in a process of legislative review, including an examination of the current laws relating to extradition or as part of a wider, comprehensive Human Rights legislative regime (i.e. a single Human Rights Act). The country would be required, not only to pass legislation to prohibit the above defined behaviour, but to create and enforce penal sanctions for the violations of those rights and exercise jurisdiction as well as provide for extradition in certain circumstances.

13. The Government will mandate the Ministry of National Security to examine the provisions of the Convention in light of its overall human rights policy and the consequential passage of the necessary implementing legislation required.

Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

Recommendation: 68.3

14. Antigua and Barbuda is a party to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, having acceded to the Convention on July 19, 1993. The Optional Protocol is established to set up a system of visits by international and national monitoring bodies in an effort to prevent instances of torture, cruel, inhuman or degrading treatment or punishment.

15. The Optional Protocol establishes a voluntary funding mechanism and imposes an obligation on the State to establish, maintain or designate a national monitoring mechanism to examine the treatment of persons deprived of their liberty and make recommendations as to improving the conditions of such persons as well as proposal for legislation and legislative amendments. Contingent upon this, the State is undertakes to make available the necessary resources for the functioning of that body.

16. The Government of Antigua and Barbuda recognizes and accepts the principle of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and accordingly prohibits the torture, inhuman or degrading treatment or punishment of any individual. The Government will consider the ratification of the Optional Protocol to the Convention against Torture within the limits of its capability to meet its monitoring and reporting obligations

Ratify Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Recommendation 68.5

17. Antigua and Barbuda is party to the Convention on the Rights of the Child, having ratified the Convention on October 5, 1993. The Optional Protocol on the involvement of children in armed conflict promotes a prohibition of the compulsory recruitment of persons below the age of 18 years into the armed forces of the country and the prohibition of the engagement of such persons in direct hostilities.

18. Antigua and Barbuda already fulfills the obligations of this Convention in so far as there is no compulsory recruitment into its Defense Force of persons below the age of 18 years, and advises this august body of the absence of hostilities within the Caribbean Basin region in which our armed forces may be engaged.

19. The Government of Antigua and Barbuda accepts that it will consider the ratification of this Protocol, subject to its review by and the concurrence of the Ministry of National Security.

Ratify the Convention on the reduction of statelessness

Recommendation 68.7

20. This Convention is designed to allow for Contracting States to grant nationality or refrain from depriving persons of the nationality of the State in certain circumstances. It does not impose any financial obligations on the State but requires the passage of legislation to provide for the granting of its nationality in prescribed circumstances.

21. In determining whether to become party to this Convention, consultations will be required with the relevant government departments and possibly civil society, given the framework of our Constitution and citizenship legislation which currently prescribe the qualifications and conditions for the granting and revocation of citizenship to prevent undue financial burden on or for security reasons on a small island economy.

National human rights institution/Ombudsman/National plan

Recommendation: 68.13, 68.14

68.13. Consider the possibility of establishing a national human rights institution in accordance with the Paris Principles;

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.

22. The establishment of a multi-sectoral body comprising government departments, like the Ministries of Health and Social Transformation, Education, Gender, Welfare, and Non-governmental organizations such as the Association of Persons with Disabilities is recommended in order to advise and assist the government in developing a comprehensive human rights policy and to serve as the nucleus of or impetus for the establishment of a National Human Rights organization. Antigua and Barbuda recognizes that this may also serve as a useful avenue for the development and implementation of various public awareness campaigns implemented through effective public/private sector partnerships. The Government commits to undertake consultation with stakeholders and with the support and assistance of the international community to create in time such an institution.

Recommendation 68.15

68.15. Adopt and implement a comprehensive national human rights action plan.

23. Antigua and Barbuda accepts the recommendation to develop a national human rights plan. The development, implementation and monitoring of such an action plan may be addressed by reference to the multi-sectoral body described above.

Action plan for social and economic development

Recommendation 68.16

68.16. Pursue the implementation of strategies and action plans in favour of the socio-economic and cultural development.

24. The Government of Antigua and Barbuda accepts this recommendation

Standing invitation to special procedures of the Human Rights Council

Recommendation: 68.17, 68.18, and 68.19

68.17. Issue a standing invitation to the special procedures;

68.18. Issue a standing invitation to all special procedures of the Human Rights Council;

68.19. Consider extending a standing invitation to all special procedures of the Human Rights Council.

25. The Government of Antigua and Barbuda acknowledges the importance of the special procedure in ensuring that human rights obligations under the various conventions

are respected and upheld and also expresses its willingness to cooperate but cannot accept the recommendation at this time because of the financial burden and additional requirement such invitation would impose on a small island state. The State will continue to monitor the implications of accepting invitations from all Special procedures.

Policies supporting women and children with disabilities

Recommendations 68.20, 68.21 and 68.22

68.20. 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;

68.21. Ensure the implementation of existing laws guaranteeing non-discrimination and adopt appropriate legislation to ensure that all children enjoy all rights, as recommended by the Committee on the Rights of the Child;

68.22. Establish a comprehensive policy for children with disabilities, as recommended by the Committee on the Rights of the Child.

26. On the recommendations that highlights support for women and children with disabilities Antigua and Barbuda support and thus the Government is committed to finalizing this policies in the near future.

Raise the age of criminality

Recommendations: 68.23, 68.24, 68.25 and 68.26

68.23. Raise the age of criminal responsibility;

68.24. Lift the age of criminal responsibility;

68.25. Raise its crime responsibility threshold to comply with international standards;

68.26. Raise the minimum age of criminal responsibility and establish detention facilities exclusive for minors, separate from those for adults.

27. Antigua and Barbuda being ever cognizant of the emotional, mental and relative intellectual maturity of a juvenile continues to give active consideration to this recommendation to increase the legal minimum age for criminal responsibility in line with internationally acceptable standards. The States take note of the recommendation while further consultation with the Office of the DPP, Welfare Department and other governmental organizations and the multi-sectoral body continues.

Strengthen the framework for protecting children's rights

Recommendations: 68.28, 68.29, and 68.30

68.28. 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;

68.29. Address the issue of poor conditions in prison and detention centres in particular by ensuring the separation of juvenile offenders from adult inmates.

68.30. Take steps to ensure that prisoners and detainees under the age of 18 are housed separately from the general prison population.

28. The overall poor condition in the prison is currently being addressed by the Ministry of National Security in collaboration with the Ministry of Finance and other appropriate agencies within the financial limitations imposed by international financial monitoring bodies. Antigua and Barbuda accepts recommendations 68.28, 68.29 and 68.30 would take actions to develop a harmonized domestic legislation to address unregulated aspects of the convention on the Rights of the Child within the limits of its resources.

Implement public awareness campaigns on discrimination based on sexual preference

Recommendation 68.31

68.31. Implement public awareness campaigns on discrimination based on sexual preference.

29. The Government of Antigua and Barbuda seeks to recognize the human rights of all citizens. However the issue of discrimination based on sexual orientation is one which remains a matter of concern and is of the view that implementing polices based on sexual orientation requires extensive public consultation and education given the current pre-disposition of its people and their religious influences and indoctrination.

Technical assistance

Recommendation 68.33

68.33 Request technical assistance and technical cooperation from 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.

30. The State accepts and takes note of these recommendations and will take the necessary action to developing a harmonised domestic legislation to address unregulated aspects of the Convention on the Rights of the Child, within the limits of its resources. The Government commits to undertake consultation with stakeholders and with the support and assistance of the international community to create such an institution.

Conclusion

31. Antigua and Barbuda welcomes this exercise, and is grateful to the many States for their commendations on our work in progress as well as their recommendations on areas in which we lag behind. We ask for your continued support and encouragement as we strive as best as we can towards the high ideals being pursued by this august body.