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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

Antigua and Barbuda*

The present report is a summary of four stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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

I. Background and framework

A. Scope of international obligations

1. Antigua and Barbuda Association of Persons with Disabilities (AB-APD) stated that Antigua and Barbuda needed to ratify the Convention on the Rights of Persons with Disabilities without any more delay.²

B. Constitutional and legislative framework

2. AB-APD informed that the Government and NGO presented a draft bill on “The Child Care and Protection Agency Bill, 2003”, which sought to protect children of both sexes who might be in situation of abuse.³

C. Institutional and human rights infrastructure

3. AB-APD reported that the Government, in collaboration with the Caribbean Community (CARICOM), established a National Committee on Social Indicators and Millennium Goals.⁴

4. AB-APD reported the implementation of a National Multi-Sectorial Committee on the Rights of the Child to monitor and evaluate the implementation of the rights of the child.⁵

D. Policy measures

5. AB-APD mentioned the 2002 Draft National Policy for the Elderly as well as the Ministry of Health and Social Improvement’s Home Care for the Elderly Programme.⁶

6. AB-APD reported that, while the Government repeatedly expressed its commitment to children’s rights, its efforts to protect those rights in practice were limited.⁷

7. AB-APD mentioned that in 2001 Antigua and Barbuda completed the National Strategic Plan, which integrated HIV/AIDS care into the public health structure in order to improve the quality of life for all persons living with HIV/Aids by providing comprehensive care, treatment and support.⁸

II. Promotion and protection of human rights on the ground

Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

8. AB-APD indicated that discrimination based on race, sex, creed, language or social status was prohibited by law and that Antigua and Barbuda generally respected these provisions in practice.⁹

9. AB-APD reported that while the role of women in society was not legally restricted in Antigua and Barbuda, economic conditions in rural areas tended to limit women to home and family.¹⁰

10. AB-APD reported that constitutional provisions prohibited discrimination against the physically disabled in employment and education, although no specific laws mandated accessibility for persons with disabilities. It mentioned that there was no evidence of widespread discrimination against persons with disabilities, although the Government did not enforce the constitutional anti-discrimination provisions.¹¹

2. Right to life, liberty and security of the person

11. Child Rights Information Network (CRIN) reported that the Offences against the Person Act of 1873 prescribed the death penalty for murder but that sentence shall not be pronounced if it appeared to the Court that at the time when the offence was committed the offender was under the age of eighteen. CRIN also mentioned that the Government of Antigua and Barbuda stated that this prohibition applied to the offence of treason under the Treason Act of 1984, although this was not explicitly stated in that Act.¹²

12. Despite the recommendations of the Committee on the Rights of the Child, the Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment was lawful in the penal system (as a sentence for crime); in the home; in schools (under the Education Act 1973); as a disciplinary measure in penal institutions (under the Prison Act 1956 and the Training Schools Act 1891); and in alternative care settings.¹³ GIEACPC hoped that the Review will highlight the importance of prohibiting all corporal punishment of children in all settings, including in the home and as a sentence of the courts, and urge the Government to enact legislation to achieve this as a matter of priority.¹⁴

13. CRIN and GIEACPC recalled that the Committee on the Rights of the Child, in 2004 recommended Antigua and Barbuda to immediately repeal/amend the Corporal Punishment Act, the Education Act, together with explicit prohibition of corporal punishment in all settings.¹⁵

14. AB-APD reported that violence against women was treated as a matter of public concern and non-governmental social welfare groups focused on the problem. AB-APD indicated that the 1999 Domestic Violence Act prohibited domestic violence, rape and other sexual offenses and provided penalties in this regard. It added that the Directorate of Gender Affairs sought to increase women's awareness of their rights; instituted a domestic violence program that included training for police officers, magistrates, and judges; ran a domestic abuse hotline; and worked with a non-governmental organization to provide safe havens for abused women and children.¹⁶

15. AB-APD noted that the Sexual Offences Act 1995 increased the age for consenting to sexual activities from 14 to 16 years for both sexes. The Sexual Offences Act also criminalized marital rape and included provisions for hearing in camera all rape cases and all cases involving minors. This Act also addressed the issue of incest which had not been addressed in the existing Offences against the Person Act.¹⁷

16. AB-APD reported that child abuse remained a problem.¹⁸

17. AB-APD indicated that, although prostitution was prohibited, it remained a problem.¹⁹

18. AB-APD noted that sexual harassment was illegal in Antigua and Barbuda but was rarely prosecuted.²⁰

3. Administration of justice, including impunity, and the rule of law

19. CRIN reported that child offenders may not be sentenced to death but may be sentenced to corporal punishment; to life imprisonment or detention “*during Her Majesty’s pleasure*”. CRIN had no information regarding the numbers of child offenders sentenced to life imprisonment or to detention “*during Her Majesty’s pleasure*”.²¹

20. GIEACPC and CRIN pointed out that there were many laws allowing male juvenile offenders to be sentenced to whipping as part of or as an alternative to the specified punishment for offenders under the age of 16, including the Offences Against the Person Act 1873, the Criminal Law Amendment Act 1887, the Railways Offences Act 1927, the Magistrates Code of Procedure Act 1892, the Corporal Punishment Act 1949, and the Juvenile Act 1951.²² CRIN mentioned that official figures on the number of child offenders sentenced to corporal punishment appeared to be unavailable.²³

21. CRIN and GIEACPC recalled that the Committee on the Rights of the Child, in 2004 recommended Antigua and Barbuda to bring juvenile justice legislation into line with international human rights standards, particularly article 37 of the Convention on the Rights of the Child.²⁴

22. CRIN hoped that the Human Rights Council will recommend Antigua and Barbuda to repeal all legal provisions authorizing corporal punishment as a sentence of the courts for persons under 18 years of age at the time of the offence; to explicitly prohibit life imprisonment and indeterminate detention (“*during Her Majesty’s pleasure*”) of child offenders, including when such imprisonment is in lieu of the death penalty; and to legislate for the detention of children to be imposed only as a last resort and for the shortest possible duration.²⁵

23. AB-APD reported about an uncovered child pornography and prostitution ring in 2001 with high-ranking members of society implicated. A task force with representatives from the government and non-governmental sectors was created to investigate the matter but no cases have been prosecuted and several were dismissed because the complainant failed to appear.²⁶

4. Right to privacy, marriage and family life

24. Joint Submission 1 (JS1) referred to the Sexual Offences Act of 1995, which criminalised sexual activity between consenting adults under the offences of buggery (article 12) and serious indecency (article 15). JS1 recommended that the Human Rights Council urged Antigua and Barbuda to bring its legislation into conformity with its commitment to equality and non-discrimination, and its international human rights obligations, by repealing all provisions which may be applied to criminalise sexual activity between consenting adults.²⁷

5. Freedom of association and peaceful assembly and right to participate in public and political life

25. AB-APD noted that workers have the right to freely associate and form labour unions. It also noted that approximately 75 per cent of workers belonged to a union and that the hotel industry was heavily unionized. It further noted that unions were free to affiliate with international labour organizations and they did so in practice.²⁸

26. AB-APD indicated that women were well represented in the public sector: 54 per cent of the public service and over half the permanent secretaries--the most senior positions--were female. In addition, 41 per cent of the bar association members were female.²⁹

6. Right to work and to just and favourable conditions of work

27. AB-APD reported that maternity benefits were granted since 1995.³⁰

28. AB-APD indicated that anti-union discrimination was prohibited by law. However, employers found guilty of anti-union discrimination were not required to rehire employees fired for union activities.³¹

7. Right to social security and to an adequate standard of living

29. AB-APD referred to the Social Security Act of 1972, which was amended in 1995 to expand financial assistance coverage to non-pensionable, destitute and elderly persons. AB-APD added that a non-contributory pension scheme was introduced in 1994 to provide assistance to those in need. Additionally, a relief scheme was operated by the Board of Guardians, which supported those with no other coverage.³²

30. AB-APD stated that boys/men did not avail themselves of the services of Family Planning as readily as women and that Family Planning was considered to be the responsibility of women.³³

8. Right to education

31. AB-APD indicated that education was free, universal and compulsory through the age of 16 years. However, schools faced many shortages and parents had to provide desks, chairs and uniforms and often purchase books.³⁴

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council).

Civil society

AB-APD	Antigua and Barbuda Association of Persons with Disabilities, Saint John's, Antigua and Barbuda.
CRIN	Child Rights Information Network, London, United Kingdom of Great Britain and Northern Ireland.
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland.
JS1	Joint Submission 1 presented by: ARC International, London, United Kingdom of Great Britain and Northern Ireland; International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) and ILGA-Europe*,

Brussels, Belgium.

- 2 AB-APD, p. 4.
 - 3 AB-APD, p. 1.
 - 4 AB-APD, p. 2.
 - 5 AB-APD, p. 1.
 - 6 AB-APD, p. 1.
 - 7 AB-APD, p. 3.
 - 8 AB-APD, p. 4.
 - 9 AB-APD, p. 2.
 - 10 AB-APD, p. 2.
 - 11 AB-APD, p. 3.
 - 12 CRIN, p. 2.
 - 13 GIEACPC, pp. 1–2.
 - 14 GIEACPC, p. 1.
 - 15 CRIN, p. 3, and GIEACPC, p. 2.
 - 16 AB-APD, p. 2.
 - 17 AB-APD, p. 1.
 - 18 AB-APD, p. 3.
 - 19 AB-APD, p. 2.
 - 20 AB-APD, p. 2.
 - 21 CRIN, pp. 2–3.
 - 22 GIEACPC, p. 2 and CRIN, p. 2.
 - 23 CRIN, p. 2.
 - 24 CRIN, p. 3 and GIEACPC, p. 2.
 - 25 CRIN, p. 3.
 - 26 AB-APD, p. 3.
 - 27 JS1, pp. 1 and 3.
 - 28 AB-APD, p. 3.
 - 29 AB-APD, pp. 2–3.
 - 30 AB-APD, p. 1.
 - 31 AB-APD, p. 3.
 - 32 AB-APD, p. 1.
 - 33 AB-APD, p. 2.
 - 34 AB-APD, p. 3.
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