



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

	<i>Universal Periodic Review Recommendations</i>	<i>Position</i>	<i>Comments</i>
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

* The present document is being issued without formal editing.



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			unnecessary to abolish it via the national law as a penalty since de facto it is not applied.
8.	88.8.	Noted.	See comment on 7.
9.	88.9.	Noted.	
10.	88.10.	Noted.	See comment on 7.
11.	88.11.	Noted.	See comment on 7.
12.	88.12.	Noted.	
13.	88.13.	Noted.	
14.	88.14.	Noted.	Antigua and Barbuda has already ratified Migrant Workers Convention.
15.	88.15.	Noted.	See comment on 7.
16.	88.16.	Noted.	
17.	88.17.	Noted.	
18.	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.	
29.	88.29.	Noted.	Very useful recommendation.
30.	88.30.	Supported.	Very useful recommendation.
31.	88.31.	Supported.	Very useful recommendation.
32.	88.32.	Noted.	
33.	88.33.	Noted.	

	<i>Universal Periodic Review Recommendations</i>	<i>Position</i>	<i>Comments</i>
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.	

	<i>Universal Periodic Review Recommendations</i>	<i>Position</i>	<i>Comments</i>
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 that 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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85.	88.85.	Noted.	See comment on 84.
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.	
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.
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.	
110.	88.110.	Noted.	
111.	88.111.	Noted.	
112.	88.112.	Noted.	
113.	88.113.	Supported.	
114.	88.114.	Noted.	
115.	88.115.	Noted.	
116.	88.116.	Supported.	

	<i>Universal Periodic Review Recommendations</i>	<i>Position</i>	<i>Comments</i>
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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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.	
