

UPR Antigua & Barbuda
Canadian HIV/AIDS Legal Network

- delivered by Colin Robinson

Thank you, Madam President. In partnership with Antigua and Barbuda NGO Meeting Emotional and Social Needs Holistically and the Caribbean Forum for Liberation and Acceptance of Genders and Sexualities, we wish to address three issues:

1. Antigua and Barbuda has urged that the Council understand the particular challenges of enforcing human rights faced by small island states, a concern shared by other Caribbean governments at the UPR. We call the Council's attention to particular challenges, related to sexual orientation and gender identity, faced by rightsholders in small island developing states like Antigua and Barbuda.

Contrary to the state's view that no discrimination or acts of discrimination based on sexual orientation and gender identity exist, such acts are ongoing. On March 1, 2012 a transgender person reported an attack by five persons at a fast food restaurant in St. Johns with no response when police were summoned. On March 13, three days ago, at 8:00 pm, a young gay man was beaten at another restaurant in the capital. We urge the state to follow up on the police report filed, consistent with its acceptance of recommendation 67.28 to end violence against LGBT persons. We also urge the state to examine and address the root societal causes of such violence.

States and the Government itself have commended Antigua and Barbuda's progress in responding to HIV and rape, but these advances are denied based on perceived sexual orientation. There has been a report of a man raped by another man being denied post-exposure prophylaxis by examining physicians. NGOs are committed to working with Government in drafting policies and initiatives it committed to in recommendation 67.29

Because no adequate domestic institutional mechanisms exist for reporting and seeking redress from human rights violations, such reports go without investigation or prosecution. Yet the state has not yet committed to creating a national human rights institution.

2. The state acknowledges changes in public opinion with regard to same sex conduct, but has rejected legislative amendment of the serious indecency law to end its application to private acts between consenting adults. While having little legal use, the statute sanctions violence, drives stigma, and especially in small island states like Antigua and Barbuda, fuels fear to exercise the rights to freedom of assembly and expression.

Will the Government follow the example of other Caribbean states and declare a moratorium on enforcement of laws against private sexual conduct between consenting adults?

3. We congratulate the state on its planned accession to the ICCPR, ICESCR and the Convention on the Rights of Persons with Disabilities, and thank Trinidad and Tobago and the many other states who made these recommendations.