

Antigua and Barbuda

Mid-term Implementation Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by *UPR Info* to collect data and to calculate the index is described at the end of this document.

Geneva, 21 May 2014

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

http://followup.upr-info.org/index/country/antigua_and_barbuda

We invite the reader to consult this webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

4 stakeholders' reports were submitted for the UPR. 4 NGOs were contacted. 4 UN agencies were contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

2 NGOs responded to our enquiry. None of the UN agencies responded. The State under Review did not respond to our enquiry. The NHRI did not respond to our enquiry either.

The following stakeholders took part in the report:

1. **NGOs:** (1) Child Rights Information Network (CRIN) (2) Global Initiative to End All Corporal Punishment of Children (GIEACPC)

IRI: 11 recommendations are not implemented, 5 recommendations are partially implemented and none of the recommendations are fully implemented. No answer was received for 74 out of 90 recommendations and voluntary pledges.

2. Feedback on recommendations

Women & Children

Recommendation n°58: *Raise the age of criminal responsibility* (Recommended by *Brazil*)

IRI: *not implemented*

+

Recommendation n°59: *Lift the age of criminal responsibility* (Recommended by *Germany*)

IRI: *not implemented*

+

Recommendation n°60: *Raise its crime responsibility threshold to comply with international standards* (Recommended by *Slovakia*)

IRI: *not implemented*

+

Recommendation n°61: *Raise the minimum age of criminal responsibility and establish detention facilities exclusive for minors, separate from those for adults* (Recommended by *Spain*)

IRI: *partially implemented*

+

Recommendation n°62: *Further intensify efforts to adopt international standards in promoting and protecting human rights in the domestic legislation, including by reviewing the minimum age for criminal responsibility and adopting the juvenile justice standards* (Recommended by *Indonesia*)

IRI: *partially implemented*

Child Rights Information Network (CRIN) response:

Antigua and Barbuda is currently undertaking juvenile justice reforms as part of a collaborative programme between the Organisation of Eastern Caribbean States and the USAID. The project was launched in the summer of 2012 and will continue until September 2014. As of 28 April 2014, however, the minimum age of criminal responsibility remained 8.

Recommendation n°64: *Address the issue of poor conditions in prison and detention centres in particular by ensuring the separation of juvenile offenders from adult inmates* (Recommended by *Slovakia*)

IRI: *partially implemented*

+

Recommendation n°65: *Take steps to ensure that prisoners and detainees under the age of 18 are housed separately from the general prison population* (Recommended by Canada)

IRI: *partially implemented*

CRIN response:

Antigua and Barbuda is currently undertaking juvenile justice reforms as part of a collaborative programme between the Organisation of Eastern Caribbean States and the USAID. The project was launched in the summer of 2012 and will continue until September 2014.

Recommendation n°77: *Prohibit corporal punishment of children in all settings* (Recommended by Slovenia)

IRI: *not implemented*

+

Recommendation n°78: *Criminalize the corporal punishment of children in all circumstances and places* (Recommended by Uruguay)

IRI: *not implemented*

+

Recommendation n°79: *Prohibit all forms of corporal punishment of children in any setting including the home and as a sentence of the courts* (Recommended by Uruguay)

IRI: *not implemented*

+

Recommendation n°80: *Introduce a legal prohibition of corporal punishment as a punitive and corrective measure in the school system and in the family* (Recommended by Spain)

IRI: *not implemented*

+

Recommendation n°81: *Consider taking necessary measures aimed at prohibiting all forms of corporal punishment* (Recommended by Brazil)

IRI: *not implemented*

+

Recommendation n°82: *Consider the elimination of corporal punishment of children under 18 and ensure the compliance of its legal system with the Convention on the Rights of the Child* (Recommended by Chile)

IRI: *not implemented*

+

Recommendation n°83: *Enact legislation, which prohibits all corporal punishment of children in all settings, including as a sentence in the courts and ensure that positive and non-violent forms of discipline are promoted through awareness raising campaigns about the impact of corporal punishment on children* (Recommended by Hungary)

IRI: *not implemented*

CRIN response:

Corporal punishment remains lawful in the home, schools, the penal system and alternative care settings. See the [State report produced by the Global Initiative to End Corporal punishment of Children](#) for more information on the relevant laws.

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

Prohibition of corporal punishment of children in all settings, including the home, is an obligation under the Convention on the Rights of the Child and other international human rights instruments, and it is unacceptable for states simply to reject such recommendations. In Antigua and Barbuda, children may lawfully be subjected to this form of violent punishment in their homes, alternative care settings, day care, schools, penal institutions and as a sentence for crime. The Juvenile act 1951 confirms the right of "any parent, teacher or other person having the lawful control or charge of a juvenile to administer reasonable punishment to him" (art. 5). Corporal punishment of children is specifically authorised in the Education Act 2008, the Corporal Punishment Act 1949, the Prison Act 1956, the Training Schools Act 1891, the Offences Against the Person Act 1873, the Magistrates Code of Procedure Act 1892 and other laws. This is a serious violation of children's rights. The Government acknowledged during the review that the Corporal Punishment Act should be repealed, but so too should every law providing for whipping and flogging of children.

Recommendation n°84: *Explicitly prohibit under criminal law life imprisonment and indeterminate detention of child offenders* (Recommended by Hungary)

IRI: *not implemented*

CRIN response:

Life imprisonment and detention during her Majesty's pleasure both remain lawful penalties for offences committed while under the age of 18. See [CRIN's report on inhuman sentencing in Antigua and Barbuda](#) for full details of the relevant law. Antigua and Barbuda is currently undertaking juvenile justice reforms as part of a collaborative programme between the Organisation of Eastern Caribbean States and the USAID. The project was launched in the summer of 2012 and will continue until September 2014.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we apply the same procedure for data collection about all States:

1. We contact the Permanent Mission to the UN either in Geneva or New York;
2. We contact all NGOs that took part in the process. Whenever NGOs were part of coalitions, each NGO is contacted individually;
3. The National Institution for Human Rights is contacted, whenever one exists.
4. UN Agencies, which sent information for the UPR, are also contacted.

We post our requests to the States and send e-mails to NHRIs, NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation are not contacted and those stakeholders' submissions are not taken into account.

However, since the UPR is meant to be a process that aims to share best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet, which we provide, that includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or “not implemented”, *UPR Info* usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation is given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

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