

# Keeping Antiguan Government Accountable

UNIVERSAL PERIODIC REVIEW OF ANTIGUA AND BARBUDA

39<sup>th</sup> Session

October/November 2021

Joint Submission by: Women Against Rape (WAR) and The Eastern  
Caribbean Alliance for Diversity and Equality (ECADE)



**Report on Antigua and Barbuda**  
**39<sup>th</sup> Session of the Universal Period Review (UPR)**  
**October/November 2021**

Submission by :

Women Against Rape (WAR)

Eastern Caribbean Alliance for Diversity and Equality (ECADE)

WAR was registered in 2008 in Antigua . It mission is : Promoting inclusive services to women and families affected by Gender Based/Sexual Violence

ECADE was registered in 2016 in Saint Lucia. It mission is : To strengthen regional capacity for the defence and full recognition of human rights.

**Executive Summary**

1. This report is submitted by Women Against Rape from Antigua and the sub-regional umbrella organisation Eastern Caribbean Alliance for Diversity and Equality.
2. The following analysis and recommendations made for Antigua and Barbuda addresses a range of human rights issues from the ratification of human rights instruments, to the rights of women , children and lgbt persons.
3. This report reviews recommendation made to Antigua and Barbuda during the second cycle and provide an update on certain recommendations as well as reiteration of key areas of concern which the government need to note.
4. This report includes a number of recommendations that the Government of Antigua and Barbuda should swiftly implement to address outstanding human rights concerns. This can be achieved through various mechanisms such as legislation, administrative , public awareness , funding and budget allocations, technical and political support for state initiatives.

**IMPLEMENTATION OF UPR RECOMMENDATIONS**

**Acceptance of International Norms**

1. It was recommended that Antigua and Barbuda consider acceding to all United Nations human rights instruments. These included the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the American Convention on Human Rights; and the International Convention on the Protection of the Rights of All

Migrant Workers and Members of Their Families. These recommendations were all noted<sup>1</sup>.

2. The recommendation has not been implemented. The citizens of Antigua and Barbuda remain without these fundamental international human rights. There is no indication on the part of the Antiguan government that it is willing to accept these human right treaties in the near future.

### **Cooperation with treaty bodies**

3. It was recommended to submit all overdue reports to the relevant human rights treaty bodies and issue standing invitations to all special procedures<sup>2</sup>. This recommendation was noted. These include reports to the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, and the Committee against Torture. Antigua and Barbuda has yet to provide its initial report under the CAT to the committee which is now 26 years overdue and counting and has refused to cooperate with attempts at compromise. This is in violation of Article 19 of the CAT which requires the State of Antigua and Barbuda to update the committee on actions taken to implement the Convention through reports. This is particularly concerning given, the powers granted to police on arrest without a warrant in Antigua and Barbuda, and allegations that the police often abuse these powers and held detainees for longer than allowed before bringing them before a Magistrate.

### **Cooperation with special procedures**

4. It was recommended to extend a standing invitation to all the special procedures of the Human Rights Council<sup>3</sup>. Additionally, it was recommended to implement a national system that will enable the Government to have a better and more fluid relationship with the United Nations human rights bodies, including invitations to the relevant special procedures.<sup>4</sup> These recommendations were noted by the Antiguan delegation. Since the recommendation there was no action on the part of the Antiguan government to accept this. The government has not undertaken any form of review of its legislation to be in line with international conventions.

### **Inter-State cooperation and development**

5. It was recommended to seek technical assistance from the Office of the High Commissioner for Human Rights to support the national efforts aimed at implementing the human rights obligations of Antigua and Barbuda. It was also recommended to promote further engagement with international human rights mechanisms, including seeking technical assistance from the Office of the United Nations Commissioner for Human Rights. It was recommended to seek the requisite technical assistance needed in order to meet its international human rights obligations. It was recommended to seek and avail itself of technical assistance opportunities for training of personnel in international human rights treaty monitoring and reporting and to seek technical assistance, as appropriate, from the Office of the High Commissioner for Human Rights and other United Nations organisations, with a view to developing capacity for fulfilling various international human rights obligations to which it subscribes. All five recommendations were supported by the Antiguan delegation. However, the Antiguan government has not sought the assistance of the UNHCHR to date in order to meet its international human rights obligations.

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<sup>1</sup> See Annex Note 1

<sup>2</sup> See Annex, Note 2

<sup>3</sup> See Annex, Note 3

<sup>4</sup> See Annex, Note 4

## Constitutional Legislative framework

6. It was recommended to continue the efforts to promote human rights, with the strengthening of the national legislative framework on human rights. It was further recommended to undertake a comprehensive review of its domestic legislation to bring it into line with the international conventions to which it is a party, in order to eradicate any form of discrimination. These recommendations were noted by the Antiguan delegation. It was further recommended to continue the efforts to ensure that national legislation prohibits discrimination on the grounds of disability, sexual orientation, gender identity and social status. This recommendation was supported. This recommendation was adopted to some extent through the passage of the Disabilities and Equal Opportunities Act 2017 which was an Act proposed to expound the principles of equality and non-discrimination in relation to persons with disabilities by highlighting and enforcing the rights of such persons in accordance with those stated in the Constitution of Antigua and Barbuda as well as the United Nations Convention on the Rights of Persons with Disabilities. The Act makes provisions for protection from discrimination, exploitation, abuse, and violence. It makes provisions for the right to education and training for persons with disabilities, the right to healthcare, and the right to access buildings, public transport, and premises. The government of Antigua and Barbuda must be commended for this bold legislation protecting and assisting persons with disabilities.
7. It was further recommended to implement legislative measures to increase the percentage of women in decision-making and popular election positions. This recommendation was noted by the Antiguan delegation. This was not implemented in any way. Women continue to be underrepresented in politics, and only two women were elected to the House of Representatives in 2018.<sup>5</sup> This accounts for 11.11% in their House of Representatives – the lowest in the Caribbean Region.<sup>6</sup>
8. It was recommended to consider amending the Sexual Offences Act to include marital rape in all circumstances. This recommendation was noted. This recommendation has not been implemented. Section 3(1) of the Sexual Offences Act, 1995 of Antigua and Barbuda remains.<sup>7</sup>
9. This remains a vexed issue in Antigua and Barbuda as the common law has overruled marital rape since 1991, yet Antigua and Barbuda who passed this law in 1995 brought it back and maintains it to this day.
10. It was recommended to pass legislation explicitly defining and prohibiting sexual harassment in the public and private sectors, with protections against retaliation for those who report. This recommendation was noted. Antigua and Barbuda has not adopted this recommendation. Persons must still look to the common law which has provided remedies to persons who are victims of sexual harassment in the workplace by reliance on the law of torts (duty of care) and the law of contract (breach of implied trust/constructive dismissal). However, there is still no protection for those who report.
11. It was recommended to maintain its efforts for the incorporation of the provisions of the Convention on the Rights of the Child in its national legislation and public policies. This recommendation was supported. The government of Antigua and Barbuda has not done anything beyond what was done before

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<sup>5</sup> <https://freedomhouse.org/country/antigua-and-barbuda/freedom-world/2019>

<sup>6</sup> See [https://data.ipu.org/compare?field=chamber%3A%3Acurrent\\_women\\_percent&region=americas&subregion=caribbean&structure=any\\_lower\\_chamber#map](https://data.ipu.org/compare?field=chamber%3A%3Acurrent_women_percent&region=americas&subregion=caribbean&structure=any_lower_chamber#map)

<sup>7</sup> See ANNEX Note 5

the last UPR in this regard.

### **Institutional and policies**

12. It was recommended that the government continue restoring and promoting the human rights of its people, taking into particular consideration the most vulnerable groups, as it has been doing it from its last review. This recommendation was noted. It was further recommended to adopt and implement a National Gender Policy, in consultation with all interested stakeholders, prior to its next Universal Periodic Review. This recommendation was supported, yet to date Antigua and Barbuda has not implemented a National Gender Policy. Without a National Gender Policy in place, there is said to be lack of coordination among Government agencies and their development partners, which leads to inconsistent applications of gender aware interventions.<sup>8</sup>

### **Equality and non-discrimination**

13. It was recommended that Antigua and Barbuda enact legislation prohibiting discrimination against lesbian, gay, bisexual, transgender, and intersex persons, including removing laws criminalising same-sex activity. It was further recommended that Antigua and Barbuda carry out awareness and education campaigns in favour of non-discrimination based on sexual orientation. This recommendation was noted. However, Sections 12 and 15 of the Sexual Offences Act of 1995 that criminalize sexual relations between consenting individuals of the same sex. This is contradictory to the commitment of non-discrimination within the Constitution of Antigua and Barbuda. Thus, the recommendation was not implemented. In 2020 BBC reported on homophobia in Antigua and Barbuda, Senator Aziza Lake says homophobia is "ingrained" in much of the Caribbean.<sup>9</sup>

### **Right to an effective remedy**

14. It was recommended that Antigua and Barbuda strengthen the efforts to promote the full participation of women in all aspects, eliminate discrimination against women, and ensure access to justice for victims of domestic violence and sexual harassment. It was further recommended to continue its actions to promote gender equality and the full participation of women in the political, economic, and social life of the country. These recommendations were supported, yet Antigua and Barbuda has not adopted them.

### **Death penalty**

15. It was recommended that Antigua and Barbuda consider establishing an official moratorium on executions with a view to abolishing the death penalty as called for by United Nations General Assembly resolution 69/186. It was further recommended that Antigua and Barbuda carry out awareness-raising campaigns in relation to the lack of deterrent effects in the application of capital punishment and establish a de jure moratorium aiming at the total abolition of the death penalty. This recommendation was noted. The death penalty remains on the books and not abolished although it being mandatory has been overruled by the Privy Council.

### **Conditions of detention**

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<sup>8</sup> [https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---sro-port\\_of\\_spain/documents/publication/wcms\\_651945.pdf](https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---sro-port_of_spain/documents/publication/wcms_651945.pdf)

<sup>9</sup> <https://www.bbc.com/news/world-latin-america-50822222>

16. It was recommended to take measures to reduce overcrowding in prisons. This recommendation was supported. Yet, the Antiguan government has done nothing to implement it. In June 2020 Antiguan Attorney General Steadroy Benjamin said that overcrowding is normal, but it will be addressed.<sup>10</sup> It was further recommended for Antigua and Barbuda to take effective measures to ensure that conditions of detention at Her Majesty's Prison are in conformity with United Nations Standard Minimum Rules for the Treatment of Prisoners, including by reducing overcrowding. This recommendation was noted, yet not implemented.
17. It was recommended to the government of Antigua and Barbuda to introduce alternatives to imprisonment for minor offences, with a view to reducing overcrowding and improving the situation of prisoners in general. This was supported, yet no implementation.
18. It was recommended to conduct a thorough review of criminal justice procedures in order to identify measures to reduce the length of detention without trial. This recommendation was noted, but not implemented.
19. It was recommended to increase the resources aimed at improving the conditions of prisons, especially in relation to health conditions and the separation of prisoners according to the type of crime committed and level of risk. This recommendation was noted, but not implemented.

### **Prohibition of slavery, trafficking**

20. It was recommended to strengthen measures to assist victims of human trafficking, taking into account their fundamental rights and the needs of particularly vulnerable groups such as women domestic workers and sex workers. It was further recommended to ensure effective implementation of the legislation against trafficking of human beings and enhance support to the victims of trafficking, especially women and children. It was further recommended to continue to implement laws, policies and programmes targeted at combating trafficking in persons, prosecute the identified perpetrators and provide rehabilitation for victims of trafficking in persons. These recommendations were all supported. Human Trafficking remains a concern in Antigua and Barbuda.<sup>11</sup> However, the government has increased prevention efforts. In December 2019, the government amended the Trafficking in Persons Act to formally establish the Trafficking in Persons Prevention Committee (TPPC) under the Ministry of Public Safety and Labor with enforcement, research, and victim advocacy functions, as well as staff accountability. The enforcement unit includes officers from police, immigration, Coast Guard, and the Office of National Drug Control Policy offices and reports to the TPPC. TPPC conducted a number of anti-trafficking trainings during the reporting year, reaching 92 police recruits and officers at the police academy and 25 police stationed at the dockyard in trafficking indicators. The task force also conducted trafficking awareness sessions for 118 customs officers, 18 taxi drivers, and 23 new airport staff. The Permanent Secretary of the Ministry of National Security and Labor chaired the TPPC, which is the coordinating body for anti-trafficking efforts. The TPPC, which included representatives from various government agencies and one NGO, continued implementing the 2019-2021 national action plan. The government increased the total 2019 budget for anti-trafficking efforts to 452,150 Eastern Caribbean dollars (\$167,460), including designated broadcasting funds, compared with the 2018 budget of 424,370

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<sup>10</sup> <https://antiguaobserver.com/ag-says-prison-overcrowding-is-normal-but-will-be-addressed/>

<sup>11</sup> <https://268today.com/local-news/human-trafficking-remains-a-concern-for-antigua/>

Eastern Caribbean dollars (\$157,180).<sup>12</sup>

### **Domestic Violence**

21. It was recommended to strengthen the measures to combat domestic violence, in particular the effective implementation of the existing legal framework, data collection and training of State officers responsible for receiving complaints. It was further recommended to take all necessary measures to effectively strengthen the combat against domestic violence and sexual violence against women. All recommendations in this regard were supported. The Government of Antigua & Barbuda has prioritised access to justice and non-discrimination under the law. The Ministry of Legal Affairs has made amendments to local legislation in order to improve both rights of women and girls under the law and their access to justice. Some of these newly introduced and amended laws include the Domestic Violence Act (2015) which expands the definition of domestic violence under the law, and mandates that police offices file a report on every reported case of DV, or IPV, among other measures. This ensures that more women are able to seek redress under the law and makes it more likely for their cases to be heard within the court.<sup>13</sup>
22. In addition to the Domestic Violence Act 2015, there was an amendment to the Trafficking in Persons (Prevention) Act passed in 2018. Amendments and repeals were made to Sections 1 – 21 which includes Part I Preliminary, Part II Trafficking in Persons Prevention Committee, and Part III Trafficking in Persons Offences, Immunity, Etc. The Evidence (Special Provisions) (Amendment) Act, 2016, allows vulnerable witnesses of crimes such as sexual assault and abuse to give evidence without having to face the perpetrator in court in order to reduce their potential re-victimisation. Additionally, the Child Care and Adoption Act 2015 addresses all issues affecting the care and protection of vulnerable children and ensures that children, particularly girls, are placed in safe, nurturing living environments.
23. Antigua & Barbuda, with the support of the Government of Canada through the JURIST Project, and with support from the CCJ, has established a Sexual Offences Model Court (SOMC) within the High Court of Antigua & Barbuda to improve access to justice for victims of sexual violence. The court, which was launched in January of 2019, is a set of specialised court procedures for the treatment of sexual offence cases including a dedicated courtroom and presiding judge assigned to the hearing of sexual offences.

### **Children: juvenile justice**

24. It was recommended to build enough housing facilities so offenders under the age of 18 are housed separately from the general prison population. This recommendation was noted but not implemented. In 2018 Cabinet was informed that the anticipated cost of the current repairs to the Boys Training School will amount to more than \$350,000. According to Social Transformation Minister, Samantha Marshall, who has responsibility for the facility, much of the repair cost will be borne by the Juvenile Justice Programme of the Organisation of Eastern Caribbean States. Noting that the government would have to cover any shortfall, Marshall said that on-going repairs at the facility is intended to upgrade it to

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<sup>12</sup> <https://www.state.gov/reports/2020-trafficking-in-persons-report/antigua-and-barbuda/>

<sup>13</sup> [https://www.cepal.org/sites/default/files/events/files/informe\\_beijing25\\_antigua\\_y\\_barbuda.pdf](https://www.cepal.org/sites/default/files/events/files/informe_beijing25_antigua_y_barbuda.pdf)

international standards.<sup>14</sup>

## **THE SITUATION OF VULNERABLE GROUPS**

### **Women and girls**

25. Women and girls in Antigua and Barbuda remain in a special position of vulnerability to domestic violence, rape and sexual harassment. Section 3 (1) of the Sexual Offences Act does not recognise marital rape. It is in very limited circumstances that a husband can be prosecuted for sexual assault. There must be in existence between the husband and wife (i) a decree nisi of divorce; (ii) a decree of judicial separation; (iii) a separation agreement or (iv) an order for the husband not to molest his wife or sexual intercourse with her. Additionally, the penalty for sexual assault by a husband upon his wife is imprisonment for fifteen years.

Recently, police officials have noted that underreporting of domestic violence continues to be an issue. News reports of homicides with a domestic violent component were reported in the year 2021.<sup>15</sup> Recently the provision of gender sensitive services under the “Big Love Buda” partnership between the Directorate of Gender Affairs and community-based group the Be Foundation is to be commended. However, news reports of Barbuda having one sole policy trained in dealing with gender-based violence is concerning.<sup>16</sup>

### **Persons living with disabilities**

26. Persons living with disabilities continue to face accessibility barriers in their daily lives. During the outbreak of the coronavirus accessibility to coronavirus messaging was reported as a problem by persons living with disabilities. In 2020 it was reported by the Antigua and Barbuda Association of Persons with Disabilities to the media that a number of persons living with disabilities were displaced by severe flooding.<sup>17</sup> Many of these persons has previously been pleading with the Government of Antigua and Barbuda for financial assistance and repairs to their home.<sup>18</sup>

## **LGBTQI**

27. The LGBTQI continue to face stigma and discrimination in Antigua and Barbuda. A member of the Senate of Antigua and Barbuda Ms. Aziza Lake recently highlighted the impact of law criminalising same-sex consensual sexual activity. Senator Lake is quoted stated “Many [LGBTI] prefer to stay in the closet ... at the basis of it all is adults who want to be treated equally free from judgment and

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<sup>14</sup> <https://antiguaobserver.com/boys-training-school-repairs-to-cost-350k/>

<sup>15</sup> Loop News (2020), "Ex-boyfriend charged with murder in death of Jamaican in Antigua", <<https://www.loopcayman.com/content/ex-boyfriend-charged-murder-death-jamaican-antigua-0>> Accessed March 24, 2021

<sup>16</sup> The Antigua Observer, (2020), “Fighting Domestic Violence in Barbuda”, <https://antiguaobserver.com/fighting-domestic-violence-in-barbuda/>> Accessed March 24, 2021

<sup>17</sup> The Antigua Daily Observer, (2020), “ We need help-flood hit disabled residents” <<https://antiguaobserver.com/we-need-help-flood-hit-disabled-residents/>> Accessed March 24, 2021

<sup>18</sup> The Commonwealth, (2019), “The Caribbean Disability Conference: we are an opportunity not a burden”, <<https://thecommonwealth.org/media/news/caribbean-disability-conference-we-are-opportunity-not-burden>> Accessed March 24, 2021



persecution”.<sup>19</sup> Additionally, Senator Lake does not believe that Parliament will repeal criminalisation laws.<sup>20</sup> LGBTQ persons in Antigua continue to face stigma and discrimination in their lives, forcing many to mask their sexual identity out of fear. Senator Lake has highlighted that men who do not conform to stereotypical gender associated behaviour are ostracised and experience violence.<sup>21</sup> Transgendered individuals report being threatened with violence by their families as a result of their sexual orientation and gender identity.<sup>22</sup> Additionally, a gay man reported being threatened with sexual violence during a home burglary and another gay man details being a victim of physical homophobic violence. Transgendered women also report being particularly vulnerable to intimate partner violence.<sup>23</sup> A transgendered woman also reported experiencing ridicule by random strangers and verbal which have left her fearing physical violence in the future.<sup>24</sup> Members of the LGBTQ community perceived the police force to have culture of homophobia stating “it is a culture within the force, they would gain no respect if they are not homophobic, people would think if they are no homophobic, then they are going “soft”.<sup>25</sup> Another gay man reported that police officers question LGBTQ individuals in a degrading manner about their sexual orientation, detracting attention from the crime the individual is trying to report to the police.<sup>26</sup> Moreover, there is no legal recognition of gender identity in Antigua and Barbuda.

28. There is no law in Antigua and Barbuda or court process under the Civil Procedure Rules for an individual to have their gender marker (indication of male or female on identification documents changed). However, it must be noted that there is no law existing which expressly prohibits an individual from changing their gender marker. Therefore, there exist a void in the law.

### **Children and Adolescents**

29. Children and adolescents remain at risk of abuse in Antigua and Barbuda. The Education Act principals of schools to administer corporal punishment. The Juvenile Act Section 5 (6) recognises the right of any parent, teacher or other person having the lawful control or charge of a juvenile to administer reasonable punishment to him. Therefore, this legislation allows for the administration of corporal punishment to children. The Committee on the Rights of the Child has consistently recognised that corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. Civil Society Groups have made the recommendation that corporal punishment be prohibited.<sup>27</sup> The age of criminal responsibility of minors remains a problem. The Juvenile Amendment Act 2017 raised the age of criminal responsibility from eight (8) to ten (10) years’ old. This

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<sup>19</sup> BBC News, The region which legislates who you can love <<https://www.bbc.com/news/world-latin-america-50822222>> Accessed March 21, 2021

<sup>20</sup> Ibid

<sup>21</sup> The Antigua Daily Observer (2020), “Being LGBTQ in the Caribbean; Sentencing of Transgendered woman's killer throws spotlight on discrimination” <<https://antiguaobserver.com/being-lgbtq-in-the-caribbean-sentencing-of-transgender-womans-killer-throws-spotlight-on-discrimination/>> Accessed March 24, 2021

<sup>22</sup> Human Rights Watch (2018), “I have to leave to be me” <<https://www.hrw.org/report/2018/03/21/i-have-leave-be-me/discriminatory-laws-against-lgbt-people-eastern-caribbean>> Accessed March 24, 2021

<sup>23</sup> Ibid

<sup>24</sup> Ibid

<sup>25</sup> Ibid

<sup>26</sup> Ibid

<sup>27</sup> St. Lucia Times (2019), Antigua’s corporal punishment laws under fire, <<https://stluciatimes.com/antiguas-corporal-punishment-policy-under-fire/>> Accessed March 21, 2021

age of criminal responsibility conflicts with the recommendation from the Committee on the Rights of the Child that State Parties to the Convention of the Rights of the Child not lower their minimum age of criminal responsibility to under twelve (12).<sup>28</sup>

## **RECOMMENDATIONS**

1. The Charter of Fundamental Rights and Freedoms should be amended to prevent discrimination on the basis of one's sexual orientation, gender identity, gender expression, or any other relevant trepidation.
2. Ratify and implement key international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
3. It is recommended that Antigua and Barbuda revise section 3 of the Sexual Offences Act, 1995 to read: -
  - 3.1 *Any person who has sexual intercourse with another person without the consent of the other person and who knows that the other person does not consent to the intercourse or is reckless as to whether the other person consent to the intercourse is guilty of the offence if rape and is liable on conviction on indictment to imprisonment for life.*
  - 3.2 *For the purposes of subsection (1), no consent is obtained where complainant submits or does not resist by reason of*
    - (a) *the application of force to the complainant or to a person other than the complainant;*
    - (b) *threats or fear of the application of force to the complainant or to a person other than the complainant;*
    - (c) *the personation of the spouse of the complainant;*
    - (d) *false and fraudulent representations as to the nature of the act;*

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<sup>28</sup> Committee on the Rights of the Child, General Comment N0. 10, paragraph 33

*(e) the use of the accused's position of authority over the complainant; or*

*(f) intimidation of any kind.*

*3.2 Notwithstanding section 21, a person under the age of 14 is deemed incapable of committing the offence of rape.*

4. This implementation will not only recognise marital rape but also recognise gender-neutral rape. Rape can also be committed against a male whether done by a male or a female.
5. It is recommended that Antigua and Barbuda repeal sections 12 and 15 of the Sexual Offences Act of 1995 that criminalise sexual relations between consenting individuals of the same sex. It should further adopt the additional necessary measures to ensure the full enjoyment of human rights by the vulnerable groups which are subjected to discrimination, such as lesbian, gay, bisexual, transgender, and intersex persons, including the investigation and punishment of cases of discrimination, as well as the abrogation of norms that criminalise and stigmatise.

### **Rights of the LGBTI Non-Discrimination and Protection of the Law**

6. The Government should enact legislation that prohibits employers from discrimination on the basis of sexual orientation and gender identity in the hiring process and at all levels and spheres of the employment process.
7. Enact LGBTQ+ specific hate crime legislations to allow for the prosecutions of individuals who commit acts of violence against members of the LGBTQ+ community. Also enact legislation, which prohibits discriminations on the basis of sexual orientations and gender identity. Complimentary to this the Government should engage in public education and sensitisation campaigns about LGBTQ+ individuals to combat and transform attitudes of prejudice, discrimination, and stigma.
8. The Government should include LGBTQ sensitivity training as part of the human rights curriculum for members of the police force.

### **9. Rights of Persons Living with Disabilities**

The Government should examine and implement appropriate measures to disseminate information, especially information on emergencies, to persons living with disabilities. This would be in fulfilment of the Convention on the Rights of Persons with Disabilities Article 9 - Accessibility.

### **12. Rights of Children and Adolescents**

The Government should enact legislation which prohibits the use of corporal punishment in the home and in the school.

The Government should enact legislation which increases the age of criminal responsibility that conforms to the Committee on the Rights of the Child's recommendation of criminal responsibility being no lower than the age of twelve (12).

### **13. Rights of Women and Girls**

The Government should enact legislation that expressly recognises marital rape as an offence not limited to specific circumstances.

The Government should continue to monitor and effectively investigate reports of violence against women .

The Government should invest in training and sensitising police officers to respond to situations of domestic violence and violence against women.

# UNIVERSAL PERIODIC REVIEW OF ANTIGUA AND BARBUDA

## 39<sup>th</sup> Session

### ANNEX

Note 1: A/HRC/33/13 Report of the Working Group on the Universal Periodic Review, Second Cycle, Recommendations: 77.1, 77.2, 77.3, 77.6, 77.8, 77.9, 77.10, 77.11, 77.12, 77.13, 77.21

Note 2: A/HRC/33/13 Report of the Working Group on the Universal Periodic Review, Second Cycle, Recommendations: 77.28 and 77.29

Note 3: A/HRC/33/13 Report of the Working Group on the Universal Periodic Review, Second Cycle, Recommendations: 77.30

Note 4: A/HRC/33/13 Report of the Working Group on the Universal Periodic Review, Second Cycle, Recommendations: 77.31

Note 5: Section 3(1) of the Sexual Offences Act, 1995 of Antigua and Barbuda: “A male person commits the offence of rape when he has sexual intercourse with a female who is not his wife ...”