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## **National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1\***

### **Antigua and Barbuda**

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## **I. Methodology and consultative process**

1. Full compliance with the General Guidelines for the Preparation of Information under the Universal Periodic Review has not been possible on account of the non – cooperation of the State functionaries whose role is critical to the national consultation process. The results of the broad based national consultation will form part of the State’s oral presentation if it takes place prior to the review of the State report. The national report was prepared by the Ministry of Legal Affairs in consultation with a committee comprising members of various Government departments.

## **II. Country background**

### **A. The Constitution**

2. The human rights provisions enshrined in the Universal Declaration of Human Rights are entrenched in the Constitution of Antigua and Barbuda. The Constitution is the Supreme Law. It is the foundation for the rule of law and safeguards the protection and promotion of human rights in Antigua and Barbuda. Any other law that is inconsistent with the Constitution is null and void to the extent of its inconsistency. Among the fundamental freedoms of the individual protected by the Constitution are freedom of movement, conscience, expression, assembly and association irrespective of race, place of origin, political opinions, color, creed or sex. Subject to respect for the rights and freedoms of others and for the public interest the Constitution safeguards the right to life and personal liberty. The Constitution secures protection from slavery and forced labor, inhuman treatment and deprivation of property. Any person who alleges a breach of these rights may apply for redress in the High Court which has original jurisdiction in all constitutional human rights matters in Antigua and Barbuda.

### **B. The Executive**

3. Antigua and Barbuda is a Parliamentary democracy with the tradition of a high level of participatory politics inherited from the British colonial experience and enhanced by indigenous democratic traditions, aspirations and culture. Parliament is composed of two chambers – the House of Representatives and the Senate. The House of Representatives consists of 19 members, 17 of whom are elected at the General Elections held every five years in accordance with the Constitution, the Attorney General who is the Minister of Legal Affairs and the Speaker. The Senate is made up of 17 members all of whom are appointed by the Governor General. Ten of these appointments are made on the advice of the Prime Minister, four appointments are made on the advice of the Leader of the Opposition, one appointment is made on the advice of the Barbuda Council, one inhabitant of Barbuda is appointed on the advice of the Prime Minister and one appointment is made at the discretion of the Governor General.

4. The party or coalition of parties with the greatest number of elected representatives forms the Government headed by the leader as Prime Minister. The executive functions of the State are performed by the Cabinet. The Cabinet comprises the Prime Minister and Ministers appointed by the Governor General on the advice of the Prime Minister. The Cabinet is constitutionally answerable to Parliament. The Constitution establishes the procedure by which Parliament must discharge its function of making laws for the peace, order and good government of Antigua and Barbuda.

## **C. The Judiciary**

5. The provisions in the Supreme Court Order governing the appointment, tenure and removal of members of the judiciary operate to protect the independence and impartiality of the Judges of the Eastern Caribbean Supreme Court in its original jurisdiction and its appellate jurisdiction. The Judges of the Supreme Court who comprise the High Court and the Court of Appeal, are appointed by the Judicial and Legal Services Commission of the Organisation of Eastern Caribbean States.

6. The Judiciary is the guardian of human rights in Antigua and Barbuda. Persons who perceive violations of the civil rights and liberties granted by the Constitution have the right to invoke the jurisdiction of the Court for declaratory orders. Moreover any interested party can challenge the validity of legislation or legislative provisions for incompatibility with the Constitution.

7. In addition to these superior courts of record residents and citizens of Antigua and Barbuda access the Magistrate Courts for redress in the majority of civil and summary criminal cases arising in the justice system in this jurisdiction. The Magistrates are trained lawyers appointed by the Governor General acting on the advice of the Judicial and Legal Services Commission. Magistrates unlike judges do not have security of tenure.

8. The Caribbean Court of Justice in its original jurisdiction is available to Antiguan and Barbudans who seek redress in matters requiring interpretation of the Treaty of Chaguaramas.

9. The highest Court in this jurisdiction is the Judicial Committee of the Privy Council of the United Kingdom. It is the final appellate Court for Antigua and Barbuda and access to the Court is governed by the Constitution.

## **III. Promotion and protection of human rights in Antigua and Barbuda**

### **A. International human rights instruments**

10. As a country with a dualist legal system the international human rights instruments to which Antigua and Barbuda is party cannot form the basis for legal proceedings in the nation's domestic courts. In order for persons to the secure rights formulated in these international instruments which can be adjudicated upon in the courts Parliament must first enact legislation for the purpose of giving effect to the international instruments to which the country is a party.

11. The major international human rights instruments to which Antigua and Barbuda is a party are: the International Convention on the Elimination of all form of Racial Discrimination, Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment, Convention on the Rights of the Child, United Nations Convention against Transnational Organized Crime, International Convention for the Suppression of the Financing of Terrorism.

### **B. Trafficking in Persons**

12. The Trafficking in Persons (Prevention) Act 2010 was passed by the nation's Parliament to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention

against Transnational Organised Crime, 2000; to combat the trafficking in persons within Antigua and Barbuda and through the country's territorial boundaries. The Act makes provision for the protection of victims of trafficking in places of refuge and for the appointment of a Trafficking in Persons Prevention Committee with extensive powers to formulate policies and programmes designed to implement the objects of the Act.

### **C. Migrant smuggling**

13. There is legislation in place for the prevention of the smuggling of migrants both into and through Antigua and Barbuda. Cognizant of the seriousness of this offence and the international implications of migrant smuggling the maximum penalties are very high.

### **D. The Ombudsman**

14. The Constitution provides for the appointment of an independent officer of Parliament to investigate complaints from persons aggrieved by the actions of government officials and statutory authorities. The first appointment to the office of Ombudsman was made in 1995. The basic role of the ombudsman is to provide another avenue of redress for aggrieved parties whose complaints about the administrative agencies and statutory bodies are not justiciable in the courts. The Ombudsman has no coercive powers but seeks to resolve problems through a process of investigation and reconciliation.

## **IV. Achievements, best practices, challenges and complaints**

### **A. Antigua and Barbuda Bureau of Standards**

15. The Antigua and Barbuda Bureau of Standards (ABBS) is a statutory body which became operational in 1989. It was established to determine and apply the standards necessary for protecting the rights of consumers of goods manufactured or sold in Antigua and Barbuda. In order to fulfill its mandate the ABBS is obliged to address issues relating to the quality and standard of manufacture and sale of goods, the provision of services and commercial processes and practices. The ABBS is primarily engaged in addressing product related complaints and in disseminating information to the public regarding the rights of consumers and the responsibilities of manufacturers and vendors through training workshops and the media.

### **B. Mount St. John's Medical Centre**

16. The Mount St. John's Medical Centre (MSJMC) is a new state of the art medical facility that commenced operations in February 2009. The hospital is controlled by a state owned corporation. The hospital has 185 beds and offers a wide range of services to residents of Antigua and Barbuda and members of the regional and international community. The American University of Antigua (AUA) is affiliated with the hospital and thus affords the medical and nursing students of AUA the means of enhancing their training.

### **C. Her Majesty's Prison**

17. The prison established 270 years ago is a converted army barracks constructed in 1661. In the early period of its existence the prison could comfortably accommodate 150 prisoners. Fire resulted in partial destruction of the facilities in 1999. The destroyed buildings were never replaced. At present there are some 310 inmates comprising convicted prisoners, persons awaiting trial and juvenile offenders. There are challenges including lack of basic physical amenities. These challenges notwithstanding there are effective provisions in place for ensuring that inmates are treated humanely and there are programmes designed to assist in the rehabilitation of offenders through the acquisition of life style skills and skills that qualify them for employment on their release. In 2010 ten inmates graduated from the Life Skills Programme which was facilitated by the Directorate of Gender Affairs.

### **D. Persons with disabilities**

18. The Antigua and Barbuda Association for persons with disabilities in association with support groups spearheads campaigns to end stigmatization and discrimination against persons with disabilities.

19. Within the Ministry of Health, Social Transformation and Consumer Affairs the Department of National Vocational and Rehabilitation Centre for Disabilities caters for the special needs of the disabled by providing financial assistance for the acquisition of assistive devices and medical treatment.

20. There are three schools that were specifically established for three categories of disabled persons - the blind and visually impaired; the deaf and hearing impaired and special children. Computer software designed for these schools is utilized in the education of the students. There exists publically funded transportation to the school for children with special needs. However the provision of this much needed service is hampered by financial constraints.

21. Although there is residential care for children with disabilities there is a limit to the number of children who can be catered for due to lack of funding and insufficient trained care givers.

22. The Citizens Welfare Division in the Ministry of Social Transformation provides domestic help to eligible disabled persons and young adults who are disabled can access vocational training conducted by the Centre for Disabilities.

### **E. Poverty alleviation**

23. There exists within the Ministry of Social Transformation a Board of Guardians with responsibility for providing a fortnightly stipend to the poor and destitute who are mental pauper patients, discharged lepers, visually impaired persons and eligible children and adults. These persons also receive limited financial assistance to effect repairs to their homes through the Home Improvement Grant and the indigent receive a small funeral grant.

### **F. Children**

24. It is a stated aim of the Government to implement the provisions of the Convention on the Rights of the Child with particular emphasis on the protection of children who are vulnerable and at risk by supporting the Citizens' Welfare Division in the Ministry of

Social Transformation in formulating a Child Care and Protection Policy. The Citizen's Welfare Division operates the Child Care Protection and Family Services Unit. Included in its mandate is the prevention of child abuse and the provision of counseling to children and families. The Unit is actively involved in investigations of child abuse and the placement of children with foster parents who receive a fortnightly stipend for the maintenance of the children. The Division works closely with the justice system in implementing court ordered investigations in respect of children.

25. Collaborating in this process is the Probation Unit which works closely with the Youth Intervention Unit of the Police Force to steer children away from delinquent behaviour.

26. Universal primary and secondary education have been achieved by means of the State providing free education to all children and young persons up to the age of 20 years at the Government owned primary and secondary Schools. Education for children from 5 years to 16 years is compulsory and attendance at school can be enforced by the State.

27. In order to ensure access to information technology Government has established Community Access and Empowerment Centres equipped with laptops for use by children

28. The School Uniform Grant and the School Meals Programme are two of the policy initiatives that Government has implemented under its Social Protection and Social Safety Net Programme. In order to fulfill its mandate to educate all of the nation's children the State provides school uniforms and access to text books at no cost to the students. School lunches are provided to pupils of 19 primary schools located in the lower socio-economic areas of the country. Government spends approximately \$2.5 million per year on the School Uniform Programme designed to assist parents by subsidising the cost of educating their children.

## **G. Family and social welfare services**

29. Conscious of the vulnerability of the poor and disadvantaged to a cycle of poverty programmes have been devised with the aim of breaking the perpetuation of this cycle. Support Services are provided to families by the Citizens Welfare Division with the goal of empowering them to lead productive lives.

30. The Child and Family Guidance Centre was established as a project by the Collaborative Committee for the Promotion of Emotional Health of Children (CCOPE). This organization provides services to emotionally disturbed and abused children and young persons from the age 5 to 17 years and their parents. The unit provides psychological evaluation and counseling and makes visits to the homes and schools of the young clients.

31. The National Parenting Resource Centre is another CCOPE project run by volunteers. This organization educates parents in parenting skills, conducts workshops to businesses in stress, time and conflict management, provides training to trainers, pre and post natal counseling to teenaged mothers from 13 years to 16 years old. The Centre helps these teen mothers in their efforts to gain re-admission into schools to continue their formal education. The Centre also assists the babies with their material needs.

32. The Centre conducts an adult mentoring support programme for boys between five and 17 years who need a role model and remedial classes for both boys and girls in Reading, Mathematics and English. These children also benefit from a music programme recently launched by the Centre.

33. In order to enhance the economic independence of teen mothers and unemployed women the Centre conducts a craft programme.

34. The Community Development Division of the Ministry of Social Transformation partners with Community Based Organizations, NGOs and Civil Society to provide leadership training, project management, seminars and organization of community based activities.

## **H. The elderly**

35. It is Government's policy to pursue legal and institutional protection for the elderly. To this end the Citizen's Welfare Division through the Government Residential Assistance and Care of the Elderly and Eligible (GRACE) Programme provides care to the housebound and disabled elderly in the form of domestic services, meals and social activities.

36. The Senior Citizens Utility Subsidy Programme provides a grant of \$100.00 per month to all senior citizens from the age of sixty years to subsidize their utility bills. The utility bills of all eligible senior citizens from the age of eighty years are paid for by the Government.

## **I. Substance abusers**

37. The Substance Abuse Prevention Division of the Ministry of Social Transformation aims to prevent drug abuse through counseling, education and public awareness activities.

## **J. Prevention and control of HIV/AIDS**

38. AIDS is the seventh leading cause of death of persons between ages 15 and 49 years in Antigua and Barbuda. In order to address this the Ministry of Health established an AIDS Secretariat which coordinates the campaign of prevention and education, treatment and counseling. With the objective of combatting the stigma associated with HIV/AIDS and issues of discrimination against infected persons the Government has established a human rights desk to deal specifically with complaints of stigma and discrimination experienced by infected persons in their homes and public and private institutions. The Ministry collaborates with the Caribbean HIV/AIDS Alliance in the implementation of their programme among members of the population who are most at risk for contracting the disease.

## **K. Challenges**

39. Too many stakeholders have not co-operated in the process of providing information in their areas of activity for purposes of the report. Information was however obtained from other Government Departments.

## **V. Key national priorities**

### **A. Good governance**

40. Government has made good on its promise to implement the practice of good governance by enacting legislation that address the issues of corruption among public officials and securing transparency of Government through the enactment of three pieces of legislation. The first of these is The Prevention of Corruption Act which provides criminal penalties for official corruption.

41. The second enactment is the Integrity in Public Life Act which requires public officials to disclose all income, assets (including those of spouses and children), and personal gifts while in public office. An Integrity Commission was established under the authority of the Integrity in Public Life Act to receive and investigate complaints regarding noncompliance with or contravention of the provisions of this Act and the Prevention of Corruption Act.

42. The third legislative enactment is the Freedom of Information Act which gives citizens the statutory right to access official documents from public authorities and agencies. This Act created a commissioner to oversee the process.

## **B. Social protection and social safety nets**

43. A key national priority is securing social protection and poverty alleviation. To accomplish this, the Government has embarked upon several projects with local, regional and international partners through the National Poverty Reduction Strategy (NPRS) and the Social Safety Net system comprising a network of programmes with the objective of improving the means of economic advancement. Already referenced in achievements are some of the programmes – the School Uniform Grant; the School Meals Programme. In addition to these are the Home Improvement Grant; the Poverty Alleviation Grant; the GRACE Programme; Job Training initiatives; the Senior Citizens Utility Subsidy Programme and the Peoples Benefit Programme that are implemented by PDV Caribe and funded with resources made available through the Petro Caribe arrangement.

## **C. Education and gender affairs**

44. The Government recognises that education is key to social transformation and is implementing measures to ensure that education at all levels is improved and strengthened. These measures include the inspection and licensing of early childhood facilities that meet the basic criteria for operation. It is the objective of Government to achieve full Universal Secondary Education by 2013.

45. Cognisant of the critical role of information technology as a tool to more creative and dynamic teaching Government has embarked on a programme of training of teachers in the public school system in Information Communication Technology.

46. Plans are in train to promote a better understanding of democracy, proper management and good governance and to eradicate persistent gender inequalities in all forms, through targeted interventions in key human rights with emphasis on promoting the rights of women and social justice areas.

## **D. Social transformation plan**

47. The achievement of the Millennium Development Goals (MDGs) is a key national priority. Essentially the MDGs are eradicating extreme hunger, achieving universal primary education, promoting gender equality and empowering women, reducing child mortality, improving maternity health, combating HIV/AIDS, malaria and other communicable diseases, ensuring environmental sustainability and promoting a global partnership for development consistent with the promotion of the human rights of its citizens and residents. The Government has designed a social transformation plan intended to address seven priority areas namely increasing student achievement at all levels in the education system; bringing about improvement in the health of all persons, improving the condition of vulnerable groups, securing safety of persons and property; promoting the economic vitality



of businesses; increasing the productivity of the public sector; and advancing cultural recreational opportunities.

## **E. Labour**

48. The Antigua and Barbuda Labour Code protects workers' fundamental human right of freedom of assembly and association and to form trade unions. Trade unions are free to conduct their activities without interference. The Labor Code allows trade unions and other labour organizations to organise and bargain collectively without interference. The legislation also prohibits retaliation against strikers. These rights are protected by Government.

49. The Labour Department has responsibility for protecting the rights of workers, securing compliance with the provisions of the Labour Code governing the conditions of employment among them, the payment of just wages, provision of safe working environment and resolving employment issues through a conciliatory process where possible and conducting hearings to determine labour disputes not resolved by conciliation. The Labour Department is engaged in a programme designed to educate employers and employees of their legal rights and responsibilities.

50. The Labour Department conducts periodic inspections of workplaces to ensure compliance with the provisions of the Labour Code securing the health and safety of workers and the employment of young persons under the age of 18 years.

51. The Labour Department has increased its involvement in the promotion of the welfare of workers through the implementation of a 'One Stop Employment Centre', which facilitates the placement of suitably qualified nationals seeking employment in available positions. Plans are in train for expanding the activities of the Centre to provide counseling services, skills development and the promotion of attitude adjustments for job seekers. Amendments to the Antigua and Barbuda Labour Code incorporating terms and conditions more favourable to the workers are under ministerial review.

## **F. Culture**

52. The preservation and promotion of local culture is an important human right of the people of Antigua and Barbuda. The most notable expression of this takes the form of the summer Carnival. The Carnival Development Committee which has the mandate to co-ordinate and promote most of the major activities of the festivities receives its financial support from Government.

53. In order to secure and protect for posterity the national heritage of the country Government passed the National Parks Act which established the National Parks Authority and provided it with the authority to designate certain sites as National Parks.

## **VI. Capacity building and technical assistance**

54. There does not exist at this time any institution tasked with the responsibility of overseeing compliance with the various human rights obligations of the State and maintaining a data system capable of generating the information necessary for compiling human rights reports. Assistance is needed in creating a unit staffed by trained personnel whose sole responsibility will be public dissemination of the human rights obligations of the State, investigating human rights issues for the purpose of creating a data bank and generating reports as and when required.

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