



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Antigua and Barbuda and welcome the constructive engagement of the Government of Antigua and Barbuda during the 39th session of the UPR Working Group in November 2021.

As the final outcome report on the review of Antigua and Barbuda was recently adopted by the Human Rights Council at its 49th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Antigua and Barbuda – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 55 delegations and the presentation made and responses provided by the delegation of Antigua and Barbuda. I have also considered the actions taken by the Government of Antigua and Barbuda to implement the 37 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the accession by Antigua and Barbuda to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as the ratification of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.

I further welcome measures taken by Antigua and Barbuda to combat poverty, in particular the National Social Protection Act in 2020, passed with the support of the United Nations Children's Fund. Similarly, I welcome Antigua and Barbuda's ban on single-use plastics and its commitment to bring its net emissions down to zero by 2050. Lastly, I welcome the prompt action by Antigua and Barbuda to mitigate the adverse impacts of the COVID-19 pandemic and Hurricane Irma on the enjoyment of human rights.

I note, however, the position of Antigua and Barbuda regarding recommendations on the continued criminalization of adult consensual same-sex relations and on the fact that marital rape is not yet classified as a crime in the Sexual Offenses Act. My Office remains available to provide assistance to Antigua and Barbuda to harmonize its legislation with international human rights law. Likewise, my Office stands ready to assist in establishing a National Human Rights Institution in accordance with the United Nations Paris Principles.

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H.E. Mr. Everly Paul CHET GREENE
Minister for Foreign Affairs, Trade and Immigration
Antigua and Barbuda

I encourage Antigua and Barbuda to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Antigua and Barbuda to establish a national mechanism for comprehensive reporting and follow-up to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage the Government of Antigua and Barbuda to consider submitting a mid-term report on follow-up to the third cycle of the review by 2024.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you, ways in which my Office may assist Antigua and Barbuda in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights

cc: Dr. Vanessa MOE
Crown Solicitor
Ministry of Legal Affairs
Antigua and Barbuda

Mr. Didier TREBUCQ
United Nations Resident Coordinator
United Nations Barbados and the Eastern Caribbean Multi-Country Office (MCO)
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Mr. Alberto BRUNORI
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Ms. Michelle BRATHWAITE
Regional Coordinator for the English-speaking Caribbean and Suriname
OHCHR Regional Office for Central America and the Caribbean
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Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Advancing in the ratification of the main international human rights instruments to which the country has not yet acceded and ensuring the alignment of its national legal framework with the obligations derived from already ratified human rights treaties and for their national implementation.

National human rights framework

- Establishing a national human rights institution in accordance with the Paris Principles.
- Establishing a Permanent National Mechanism for the Implementation, Reporting and Follow-up of Human Rights Recommendations, considering the possibility of receiving cooperation for this purpose.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Development, the environment, and business and human rights

- Continuing to implement policies to mitigate the effects of climate change and strengthen the resilience of communities.

B. Civil and political rights

Right to life, liberty and security of person

- Officially repealing capital punishment as a legal sentence from national legislation.
- Explicitly prohibiting corporal punishment in schools, including repealing legal provisions authorizing corporal punishment for persons under 18 and providing training for teachers and parents on alternative forms of non-violent discipline.
- Harmonizing the legislation on torture in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, specifying the non-prescription of the crime of torture and prohibiting the introduction of evidence obtained under torture or other cruel, inhuman, or degrading treatment.
- Eliminating overcrowding in Her Majesty's Prison and ensuring that places of detention comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

Administration of justice, including impunity, and the rule of law

- Promoting alternatives to pre-trial detention, in accordance with the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules).

Prohibition of all forms of slavery

- Continuing to allocate sufficient resources to programmes on combating trafficking in persons and providing adequate services to victims to support their reintegration.

C. Economic, social and cultural rights

Right to an adequate standard of living

- Continuing to promote social policies in the areas of education, health and poverty reduction, in favour of the most vulnerable groups.

Right to health

- Amending its legislation in order to legalize the termination of pregnancies, in cases of risk to the life of the pregnant woman, rape, incest and severe impairment of the foetus; decriminalizing it in all other cases; and ensuring access for women to safe, high-quality and affordable abortion-related care, including post-abortion care in cases of complications resulting from unsafe abortions.

Right to education

- Ensuring comprehensive sexuality education, with a view to preventing teen pregnancies and the spread of sexually transmitted infections, in particular HIV.
- Continuing to provide adequate resources towards the initiatives that have started to help teenage mothers finish their secondary school education, in classes that can accommodate the unique challenges of being a young single mother.

D. Rights of specific persons or groups

Women

- Stepping up the fight against gender-based violence and sexual violence.
- Continuing its efforts to promote gender equality, including the women's empowerment in political and public life - through pursuing the development of a gender national policy.
- Intensifying efforts to enhance awareness among women of their rights under the Convention on the Elimination of All Forms of Discrimination against Women.

Children

- Continuing efforts to strengthen the legislative framework for child protection and children's justice, including the drafting of Regulations regarding the Disabilities and Equal Opportunities Act.
- Establishing an independent mechanism for monitoring children's rights.



Persons with disabilities

- Integrating children with disabilities in regular schools, by giving particular attention to the training of specialists for children with intellectual and psychological disabilities.