

**UNIVERSAL PERIODIC REVIEW – HUMAN RIGHTS COUNCIL
UNICEF INPUTS – ANTIGUA AND BARBUDA¹**

I. Background and Framework

A. Constitutional and legislative framework

1. Antigua and Barbuda has undertaken a legislative review to ensure compliance with the Convention on the Rights of the Child (CRC), it includes the establishment of the National Committee on the Rights of the Child and the Alliance for the well-being of Children². The rights of the child are enhanced in various legal provisions and particularly in the Sexual Offence Act (1995), the Domestic Violence Act (1999) and the Magistrates Code of Procedure (1993)³. Nevertheless, the pace of the legislative reform is slow and there is no comprehensive national plan of action for the implementation of the CRC⁴.

2. As far as other international human rights related instruments are concerned, Antigua and Barbuda ratified the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography in 2002⁵ but not the Optional Protocol on the Involvement of Children in Armed Conflict⁶. It acceded to the Convention on the Elimination of all Forms of Discrimination against Women in 1989⁷ and its Optional Protocol in 2006⁸.

3. The Convention on the Rights of Persons with Disabilities⁹ and its Optional Protocol¹⁰ were both ratified by Antigua and Barbuda in 2007. It adopted the Convention Against Transnational Organized Crime in 2002¹¹ and its Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2010¹².

4. Antigua and Barbuda ratified the ILO Convention No 182 on the Worst Forms of Child Labour in 2002¹³. It also ratified the ILO Minimum Age Convention No 138 in 2006 and fixed the minimum age for full time employment at sixteen years of age¹⁴.

B. Institutional and human rights structure

5. The implementation of the Convention on the Rights of the Child is addressed by the new Ministry of Social Transformation and the National Implementation Committee on the Rights of the Child (NICRC). The provision of independent monitoring in relation to the implementation of the CRC has not been integrated into the role of the national Office of the Ombudsman. The CRC Committee previously expressed its concern about the lack coordination among the various bodies dealing with the implementation of the CRC¹⁵.

C. Policy measures

6. As highlighted by the Committee on the Rights of the Child in their previous Concluding Observations on Antigua and Barbuda, in 2004, a National Strategic Development Plan was drafted and is yet to be finalised¹⁶, while the National Youth Policy was finalised much later

7. The development of policies is hindered by the lack of an adequate national data collection system: statistical capacity is a prerequisite for elaborating appropriate evidence-based policies and evaluating their efficiency¹⁷.

II. Promotion and protection of human rights on the ground

A. Cooperation with international human rights mechanisms

8. Antigua and Barbuda's initial report to the CRC Committee was due in 1995, submitted in 2003 and considered by the Committee in 2004. Its consolidated second, third and fourth periodic report, due in May 2009, has not been submitted to date.¹⁸ As is clear from this report, there is some way to go in addressing a number of the 2004 Concluding Observations of the CRC Committee. The State party's third periodic report to the CEDAW Committee was submitted in 1994 and considered in 1997, but its fourth and fifth periodic reports are overdue.¹⁹

B. Implementation of international human rights obligations

1. Equality and non discrimination

9. The Constitution of Antigua and Barbuda expressly prohibits discrimination but the grounds mentioned are not fully in line with the provisions of article 2 of the CRC. The gaps in protecting against all forms of discrimination are not addressed in any additional legislation.²⁰

10. Some groups of children, particularly girls, children with disabilities, children living in poverty, children born out of wedlock and informally adopted children, suffer from discriminatory attitudes and do not benefit from an equal access to basic services.²¹

11. Children born out of wedlock suffer from discrimination regarding the establishment of legal paternity which is time consuming and expensive when the biological father does not want to legally recognize the child. Mothers neither benefit from accessible and expeditious procedures nor necessary and legal assistance.²²

2. Right to life, liberty and security of the person

12. Corporal punishment is widely practised in family, schools and other institutions. The Corporal Punishment Act and the Education Act both provide for corporal punishment and have been pointed out by the CRC Committee as being in clear contravention with article 19 of the CRC. The Committee mentioned the importance of promoting participatory, non-violent forms of discipline through awareness-raising campaigns.²³

13. Antigua and Barbuda's Sexual Offences Act (1995) outlaws incest but protects only girl children from rape and not boys. There is a low rate of prosecution in terms of the act. This matter is a growing concern and is linked to commercial tourism.²⁴ Moreover, psychological violence is not specifically addressed in domestic legislation and there is no designated places of safety for child victim of abuse and neglect to stay until their cases are heard by a magistrate. Antigua and Barbuda is lacking adequate complaint filling mechanisms for child victims. In addition, prosecution for abuse and neglect faces major infrastructural problems in the legal system and domestic legislation does not provide for mandatory reporting of suspected cases of abuse and neglect.²⁵

14. There are no specific legal provisions in Antigua and Barbuda's domestic legislation to deal with the issue of child trafficking. The extent of this issue is not precisely known since there is neither precise data nor comprehensive study.²⁶

3. Administration of justice and the rule of law

15. The major concerns with regards to the administration of juvenile justice in Antigua and Barbuda is the very low minimum age for criminal responsibility which is set at eight, the possibility for a person under eighteen years of age can be sentenced to life imprisonment if charged with murder and the absence of separated detention facilities for persons under eighteen years of age.²⁷ According to Antigua and Barbuda's law, in particular the Juvenile Court Act, a juvenile (person under the age of sixteen) can be tried as an adult if charge with an adult for homicide and a juvenile as young as eight can be requested to appear before the court.²⁸

4. Right to work and to just and favourable conditions of work

16. Antigua and Barbuda ratified the ILO Convention on the Worst Forms of Labour in 2002 but preventive measures still need to be implemented to ensure that children engaged in lawful domestic work are not working under harmful conditions and keep on having access to education. Overall, there is a lack of policies and legislation relevant to child labour.²⁹

5. Right to social security and to an adequate standard of living

17. Only fifty one per cent of the population is covered by health insurance³⁰. The CRC Committee pointed out the lack of comprehensive legislative and regulatory social security system in full compliance with article 26 of the CRC.³¹

18. Although resources allocated to social services, in particular the health service, are not sufficient, the level of immunization coverage is high and health services are free and cover all areas of the country. An AIDS Secretariat has been established and anti-retroviral drugs are provided free of charge to patients with HIV/AIDS.³²

6. Right to education and to participate in the cultural life of the community

19. The Education Act (1973) makes it compulsory for all children from 5 to 16 to attend school. Education is free at all levels of the public school system. Contrary to the previous situation³³, immigrant children can now freely access both primary and secondary levels of education. In addition, while there remains limited accommodation for children with disabilities at the lone special needs school, the Ministry of Education has recently sealed a partnership agreement with a hotel resort which will invest in additional classrooms to accommodate more children. A system of universal education became operational in September 2010, so secondary school entrance examinations will no longer form the basis for allocation of limited secondary school places.³⁴

20. The views of the child are not systematically respected in administrative and judicial decisions impacting children's lives. There are few mechanisms in school for adolescents to participate in governance activities and assume leadership positions.³⁵ Therefore, the provisions of article 12 of the CRC are not fully integrated into domestic legislation or policies and programmes relevant to children.³⁶

21. There are no specific laws to expressly ensure the child's right to rest and leisure, in terms of article 31 of the CRC but sports is included in the Draft Education Policy Document of 1994 as part of the education of all children.³⁷ While an updated Education Policy document is yet to be prepared, the sector is being governed by the 2008 Education Act.

III. Achievements, best practices, challenges and constraints

22. The adolescent outreach project focusing on fertility and sexuality funded by UNFPA has not been sustained³⁸. However, due to significant advocacy from UNICEF and local activists, the Ministry of Education now routinely facilitates the return of teen mothers to school, after recognising that a significant number of pregnant teenagers were not continuing their education and the Golden Opportunity Programme initiated by the Ministry of Education in 1993, which provide classes in the afternoons, had had little success.³⁹

23. The government has taken measures related to early childhood such as the development and implementation of the National Policy and Regulatory Framework and National Service Standards, education and professional development of ECD practitioners, appropriate curricula and improvements in the learning environments.⁴⁰

24. In addition, the Ministry of Education is working with UNICEF to embrace the principles of the Child Friendly Schools Initiative. The process will hopefully result in making the environment in all schools more positive and embracive of and responsive to the needs of teachers, children and their parents.

IV. Key national priorities

25. Among national priorities are improving the Health Information System (HIS) to ensure that Antigua and Barbuda's health data are collected, compiled, analyzed, presented, distributed and secured, using the best available administrative, technical and technological resources.

26. The disabled population is of special interest as they face a multitude of barriers that limit their access to education, employment, housing, transport, health care, rehabilitation and recreation. In Antigua and Barbuda, it is estimated that 1% of the population or approximately 700 persons are disabled and this is a stated priority as the Government has ratified the Convention on the Rights of Persons with Disabilities.

27. The Prime Minister is on record as listing the following national priorities for this country: -a) Supporting country-led development and effective governance; b) Fostering inclusive and pro-poor economic growth, including access to modern energy services, c) increasing public investments in education, health, water, sanitation and infrastructure; d) scaling up targeted interventions, including social protection and employment programmes, e) investing in expanded opportunities for women and girls and advancing their economic, legal and political empowerment; f) enhancing access to energy and promoting low-carbon development; g) accelerating domestic resource mobilization to finance the MDGs.

V. Capacity-building and technical assistance

28. Antigua and Barbuda is committed in a CARICOM multi-agency HFLE initiative aimed at improving education and skills of children, ensuring that they live and work in good dignity and improving the quality of their lives. Currently, thirteen primary schools are teaching HFLE.⁴¹

¹ UNICEF does not have any staff permanently based in Antigua and Barbuda.

-
- ² Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 2
- ³ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 1
- ⁴ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 2
- ⁵ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 2, and http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&lang=en
- ⁶ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 14, and http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&lang=en
- ⁷ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en
- ⁸ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8-b&chapter=4&lang=en
- ⁹ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en
- ¹⁰ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15-a&chapter=4&lang=en
- ¹¹ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en
- ¹² http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en
- ¹³ <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=7020&chapter=19&query=C182%40ref&highlight=&querytype=bool>
- ¹⁴ State party initial report to the CRC Committee, December 2003, page 12, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/457/26/PDF/G0345726.pdf?OpenElement>
- ¹⁵ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 3
- ¹⁶ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 2
- ¹⁷ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 4
- ¹⁸ http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_56_2_en.doc
- ¹⁹ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/401/73/PDF/G1140173.pdf?OpenElement>
- ²⁰ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 5
- ²¹ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 5
- ²² Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 6
- ²³ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 6
- ²⁴ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 13
- ²⁵ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 8
- ²⁶ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 13
- ²⁷ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 13
- ²⁸ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 14
- ²⁹ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 12
- ³⁰ Children in Barbados and the Eastern Caribbean – Child rights, the unfinished agenda; UNICEF; November 2009; page 6
- ³¹ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 11
- ³² Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 10
- ³³ Antigua and Barbuda initial report to the CRC Committee, February 2003, page 41

³⁴ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 11

³⁵ Children in Barbados and the Eastern Caribbean – Child rights, the unfinished agenda; UNICEF; November 2009; page 7

³⁶ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 5

³⁷ Antigua and Barbuda initial report to the CRC Committee, February 2003, page 49

³⁸ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 10

³⁹ Concluding Observations of the Committee on the Rights of the Child; Antigua and Barbuda, November 2004, page 11

⁴⁰ Children in Barbados and the Eastern Caribbean – Child rights, the unfinished agenda; UNICEF; November 2009; page 7

⁴¹ Antigua and Barbuda initial report to the CRC Committee, February 2003, page 49