

QUESTIONS PUT BY THE RAPPORTEUR IN CONNECTION WITH THE  
CONSIDERATION OF THE 2<sup>nd</sup> to 9<sup>th</sup> PERIODIC REPORTS OF

**Antigua and Barbuda**

**(CERD/C/ATG/9)**

**General Information**

1. Please provide detailed updated data regarding the ethnic characteristics of the population and the socio-economic status of members of the various ethnic groups (§9 report). Do the authorities intend to conduct another census such as the one conducted in 2001? Is there an estimate of the number of illegal immigrants?
2. Does the State party envisage establishing a national human rights institution according to the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134)<sup>1</sup>?

**Definition of racial discrimination**

3. Please explain the scope of the definition contained in paragraph 3 of article 14 of the Constitution in relation to the definition contained in article 1 of the Convention. Reports indicate that an Equal Opportunity Act was adopted in March 2005, barring discrimination on the basis of race, gender, class, political affinity, or place of origin. Please provide a copy.
4. Please explain the exceptions to the principle of non-discrimination provided for in Article 14(4) of the Constitution, in particular those related to non-citizens (Article 14(4)(b) of the Constitution) (§21 report). Please indicate if any laws have been adopted under these provisions.

**Article 2**

5. Please provide information on the efforts undertaken by the State party to harmonize domestic law with the provisions and principles of the Convention.
6. Has a Plan of action been adopted in order to implement the Durban Declaration and Programme of Action?

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<sup>1</sup> CRC Concluding Observations CRC/C/15/Add.247 (2004), par. 17.

7. Does Article 14(4) of the Constitution allow for special measures to be taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups, as envisaged in Article 1(4) and 2(2) of the Convention? (§21-22 report). Have any such measures been adopted?

### **Article 3**

8. Please provide more information on the segregation of certain migrant groups in specific areas of Antigua and Barbuda<sup>2</sup>. Which racial or ethnic communities are concerned and how many people are involved? What are the reasons for such congregations, and what are their living conditions?

### **Article 4**

9. Does the State party intend to adopt specific criminal legislation designed to implement Article 4(a) of the Convention? Please indicate the extent to which the provisions of the new Broadcast and Freedom of Information Acts, as applied by the courts, effectively implement the obligations under Article 4(a) of the Convention (§33 and 39-40 report). Please also provide the latest texts of these Bills or Acts.
10. Does the State party envisage implementing Article 4(b) of ICERD, that is, to prohibit organizations which promote and incite racial discrimination?
11. In light of the information provided in its report, does the State party envisage removing the declaration made regarding the Convention? (§38-41 report)

### **Article 5**

12. The periodic report gives no specific information on the practical enjoyment, without discrimination, of the rights set forth in Article 5 of the Convention. It would be helpful if action taken to protect the rights enumerated in Article 5 could be described in detail (§42 report). Please indicate which groups are most vulnerable to racial discrimination<sup>3</sup>. Do some have difficulty in asserting their rights because they belong to a particular ethnic group?
13. Please provide more information on the action taken by the authorities with regard to illegal immigrants.

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<sup>2</sup> Antigua and Barbuda State party report to the Committee on the Rights of the Child – CRC/C/28.Add.22 (2003), § 333-339.

<sup>3</sup> As previously requested by CERD in 1999 in its review of the implementation of the Convention by Antigua and Barbuda in the absence of a report Summary Record (C/SR.1337, §61 (Review procedure)).

Article 5(b) – Right to security of person

14. Can the State party, through its Directorate of Gender Affairs, provide figures relating to complaints brought by women victims of violence<sup>4</sup>, broken down by ethnic or racial groups? What programs and education campaigns are envisaged to address this issue?

Article 5(d)(i) - Right to freedom of movement and residence

15. Article 8 of the Constitution provides that restrictions to freedom of movement are acceptable for any person who is not a citizen. Please explain how this applies across the different national or ethnic groups, and give examples of when such provisions may be applied.
16. Does the State party envisage the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families? What action has been taken to protect and integrate migrants legally residing within the country?

Article 5(e)(i) – Right to work

17. Is discrimination on the bases of national extraction and social origin expressly banned in the Labour Code?

Article 5(e)(v) – Right to education and training

18. Please provide recent disaggregated data on the basis of national or ethnic origin, regarding the numbers of children attending government schools and fee-paying schools. Reports indicate that children of immigrants generally have to attend fee-paying schools for at least two years before they are transferred to the free government schools<sup>5</sup>.
19. Please provide more information and recent disaggregated data on the practical application of Article 17 of the Education Act to children of different national or ethnic origin. Can the government provide information on the grounds on which children are refused admission to schools?

**Article 6**

20. Can Articles 3 and 14 of the Constitution be invoked directly before the ordinary courts? Please provide examples.
21. Please provide information on measures taken to ensure for everyone the right to seek from courts just and adequate reparation or satisfaction for any damage as a result of racial discrimination. Do the measures include financial compensation for the victims?

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<sup>4</sup> Summary Record C/SR.1337, §57 (Review procedure)

<sup>5</sup> CRC Summary Records CRC/C/SR.993 (2004), § 61; CRC/C/28.Add.22, § 335 (State party report).

22. Please provide information on the mandate of the Ombudsman and explain the extent to which his Office is vested with the competence to protect and promote human rights, and in particular to receive complaints relating to racial discrimination. Reports<sup>6</sup> indicate that the recommendations of the Ombudsman are often not implemented to the satisfaction of alleged victims of government injustices. Are any measures being considered to increase the powers of the Ombudsman<sup>7</sup>?
23. Please provide information on the number of racial discrimination cases which have been brought before national courts, and their outcome and execution of judgments. Why have no racial discrimination cases been brought before the Privy Council? (§44 report) Has the State party checked that the absence of such cases is not the result of victims' ignorance of their rights of appeal?
24. Please provide detailed information on the “*numerous disciplinary actions that can be taken against any educator*” who presents “*prejudices or biases*” (§48 report).

#### **Article 7**

25. Please indicate whether the report was made available to civil society before it was submitted. If so, were any comments received and incorporated in the report?
26. Please provide information on the dissemination of the Convention in the State party. Please also specify whether measures have been taken to sensitize and/or train professional groups working in the area of racial discrimination, as well as members of the judiciary, law enforcement officials, teachers, social workers and other public officials on the provisions of the Convention and their application.

#### **Article 14**

27. Please indicate if the State party is planning to make the declaration under Article 14 of the Convention for the Committee to receive individual complaints.

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<sup>6</sup> CERD Summary record C/SR.1337 (1999), § 62.

<sup>7</sup> See the State party's reply before the CRC: “28. Under current legislation, the Ombudsman's Office had little power. While the Government was aware of the need to ensure the independence of the Ombudsman and to increase the powers of that Office, it did not consider such measures to be a top priority.” CRC Summary Record CRC/C/SR.993 §6 (2004).