



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues prior to submission of the second periodic report of Antigua and Barbuda*

Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations,¹ the Committee requested the State Party to provide information on the follow-up to its recommendations on fundamental legal safeguards, conditions of detention, the national human rights institution, refugees and non-refoulement, and violence against women, including domestic and sexual violence (paras. 18, 22, 26, 28 and 38, respectively). With reference to the letter dated 7 December 2018 from the Committee’s Rapporteur for follow-up to concluding observations, in which the Committee reiterated its request for follow-up information on those recommendations, the Committee regrets that no response was received from the State Party. These points are covered in paragraphs 4–6, 8 and 15 of the present document.

Articles 1 and 4

2. With reference to the Committee’s previous concluding observations,² please update the Committee on legislative initiatives undertaken during the reporting period aimed at amending the Suppression of Torture Act 1993 to include all the elements of the definition set out in article 1 of the Convention. Has the State Party taken steps to ensure that acts amounting to torture are not subject to any statute of limitations? Please provide specific examples of and statistical data on cases, if any, in which the provisions of the Convention have been invoked before the courts.

3. In the light of the Committee’s previous concluding observations,³ please provide information regarding steps, legislative or otherwise, taken to ensure that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency may be invoked as a justification of torture; in that regard, please also provide information on the steps taken to amend article 72 of the Criminal Procedure Act, which provides for the possibility of the extinction, through pardons, of criminal responsibility for torture. Regarding the Committee’s previous recommendations,⁴ have steps been taken to ensure that an order from a superior officer or a public authority may not be invoked as a justification of torture?

* Adopted by the Committee at its eighty-second session (7 April–2 May 2025).

¹ CAT/C/ATG/CO/1, para. 49.

² Ibid., paras. 9–12.

³ Ibid., paras. 13 and 14.

⁴ Ibid., paras. 15 and 16.



Article 2⁵

4. In the light of the Committee's previous concluding observations,⁶ please provide updated information on measures taken by the State Party, and on the procedures in place, to ensure that all detained persons are afforded, in law and in practice, all fundamental legal safeguards against torture and ill-treatment from the outset of their deprivation of liberty, in particular the rights to have access to a lawyer and, if necessary, to access free legal aid, including for offences that do not carry the potential for capital punishment; to request and receive an examination by an independent medical doctor free of charge, or by a medical doctor of their choice; to be informed of their rights and the charges against them in a manner and language they understand; to have their detention recorded in a registry; to notify a relative or any other person of their choice of their arrest; and to be brought promptly before a judge, regardless of the reasons for their arrest.

5. With reference to the Committee's previous concluding observations,⁷ please provide information on any steps taken by the State Party to establish an independent national institution for the promotion and protection of human rights, with an appropriate mandate and adequate financial and staffing resources, that is fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Has the State Party considered seeking support and advice from the Office of the United Nations High Commissioner for Human Rights in that regard? Please indicate whether the State Party intends to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish a national preventive mechanism against torture.

6. Taking into account the Committee's previous recommendations,⁸ please update the Committee on the legislative, administrative and other measures taken to eliminate all forms of violence against women, including domestic and sexual violence. Has the State Party amended the Sexual Offences Act 1995 to include marital rape as a specific criminal offence? Please also provide updated information on the protection and support services available to victims of gender-based violence in the State Party. In this regard, please provide information on the human and financial resources allocated to the Support and Referral Centre, within the Directorate of Gender Affairs. Please also provide statistical data on the number of complaints of gender-based violence and the investigations, prosecutions, convictions and sanctions resulting from those complaints during the reporting period.

7. With reference to the Committee's previous concluding observations,⁹ please provide updated information regarding the laws and procedures in place to prevent trafficking, including for the purposes of forced labour and prostitution, particularly with regard to women and children, along with information regarding the activities of the Trafficking in Persons (Prevention) Committee during the reporting period. Please describe, where applicable, the support and rehabilitation measures for victims and the measures taken or

⁵ The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also section V of the same general comment.

⁶ CAT/C/ATG/CO/1, paras. 17 and 18. See also the additional written information provided by the State Party to the Committee following its previous review, dated 4 August 2017, seventh and eighth pages. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FSRY%2FATG%2F28373&Lang=en.

⁷ CAT/C/ATG/CO/1, paras. 25 and 26. See also the additional written information provided by the State Party, sixth and seventh pages.

⁸ CAT/C/ATG/CO/1, para. 38. See also the additional written information provided by the State Party to the Committee, third, fourth and fifth pages.

⁹ CAT/C/ATG/CO/1, paras. 41 and 42. See also the additional written information provided by the State Party to the Committee, fifth and sixth pages.

planned to raise awareness of this issue among law enforcement officials during the reporting period. Please also provide updated information on any judicial decisions pertaining to cases of trafficking or related offences.

Article 3

8. With reference to the Committee's previous concluding observations,¹⁰ please describe the measures taken during the period under review to ensure that no person is returned to a country where he or she would be in danger of torture. Please indicate the procedure followed when a person invokes that right. Please also indicate whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision. If so, please indicate whether such an appeal has a suspensive effect. Please provide information, disaggregated by sex, age and country of origin, on the number of persons who were returned, extradited or expelled from the State Party during the period under review. Please provide details of the grounds on which those persons were sent back and the list of the countries to which individuals were returned. Please provide updated information on the type of appeals mechanisms that may exist, any appeals that have been made and the outcome of those appeals. Please provide information on whether the State Party has adopted an approach, for application during the refugee status determination procedure, that allows for the identification of victims of torture among asylum-seekers. Please provide updated statistical data, disaggregated by the sex, country of origin and age group of persons seeking asylum, on: (a) the number of asylum applications registered; and (b) the number of successful applications for asylum or other forms of humanitarian protection during the reporting period, specifying, where appropriate, the number of persons whose applications were accepted because they had been tortured or might be tortured if returned to their country of origin.

9. Please indicate the number of refoulements, extraditions and expulsions, if any, carried out by the State Party during the reporting period on the basis of the acceptance of diplomatic assurances or the equivalent thereof, and any instances in which the State Party has offered such diplomatic assurances or guarantees. What are the minimum contents of any such assurances or guarantees, whether given or received, and what measures have been taken in such cases with regard to subsequent monitoring?

10. Please provide information on measures taken by the State Party to combat statelessness, including any steps taken towards the withdrawal of its declaration relating to articles 23, 24, 25 and 31 of the Convention relating to the Status of Stateless Persons and the ratification of the Convention on the Reduction of Statelessness.

Articles 5–9

11. Please provide updated information on any legislation or measures that have been adopted to implement article 5 of the Convention. Please inform the Committee of any extradition agreements concluded with other States Parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such agreements. Please also describe the measures taken by the State Party to comply with the obligation to extradite or prosecute (*aut dedere aut judicare*), and any cases where this principle has been applied. Please inform the Committee about the mutual judicial assistance treaties or agreements that the State Party has entered into with other entities, such as countries, international tribunals or international institutions, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture and ill-treatment. Please provide examples.

Article 10

12. With reference to the Committee's previous concluding observations,¹¹ please provide up-to-date information on the training and educational programmes developed by the State

¹⁰ CAT/C/ATG/CO/1, paras. 27 and 28. See also the additional written information provided by the State Party to the Committee, eleventh and twelfth pages.

¹¹ CAT/C/ATG/CO/1, paras. 45 and 46. See also the additional written information provided by the State Party to the Committee, fourth, sixth and eighth pages.

Party to ensure that all public officials involved in the custody, interrogation or treatment of persons deprived of their liberty, including law enforcement officials, prison staff, border guards and members of the military, are fully aware of the provisions of the Convention and know that breaches will not be tolerated and will be investigated, and that any offenders will be prosecuted. Please indicate whether the State Party has developed a methodology to assess the effectiveness and impact of training and educational programmes in reducing cases of torture, ill-treatment and excessive use of force, and, if so, please provide information on the methodology. Please provide updated information on training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons on detecting and documenting physical and psychological sequelae of torture. Do such programmes include specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised?

13. Please indicate any measures taken to give effect to the provisions of article 10 (2) of the Convention during the reporting period. Please explain whether clear instructions concerning the prohibition of torture and ill-treatment are included in the relevant regulations, in particular those intended for officials in contact with persons deprived of their liberty. Please also indicate whether specific information on non-coercive investigation techniques is included in the training of public officials involved in the custody, interrogation or treatment of persons deprived of their liberty, including information as to whether the State Party has considered incorporating the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles) into such training.

Article 11

14. Please update the Committee on the procedures in place for ensuring compliance with article 11 of the Convention. Please provide information on any interrogation rules, instructions, methods and practices, and arrangements for custody, and indicate the frequency with which they are reviewed.

15. With reference to the Committee's previous concluding observations,¹² please provide up-to-date statistical data, disaggregated by the place of detention, sex, age group (minor/adult) and ethnicity or nationality of detainees, on the capacity and occupancy rate of all places of detention, the number of pretrial detainees and the number of convicted prisoners, and updated information relating to the average length of pretrial detention in the State Party. Please also provide updated information on the existence of alternative, non-custodial measures in the State Party and data on their use. What measures has the State Party taken during the reporting period to reduce overcrowding and to ensure adequate light, ventilation and access to running water in places of detention, and to ensure compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) more generally?

16. Please inform the Committee of steps taken to ensure that places of deprivation of liberty, including applicable detention regimes, are adapted to respond to the specific needs of groups such as women and children in conflict with the law, including as this relates to the best interests of the child and the right to access appropriate healthcare. With reference to the Committee's previous concluding observations,¹³ please inform the Committee of any legislative initiatives to raise the minimum age of criminal responsibility in the State Party and to implement non-custodial sentences and alternatives to detention for children in conflict with the law, in line with the Convention on the Rights of the Child and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules). Please also update the Committee on measures taken to ensure that men are separated from women, pretrial detainees from convicted prisoners, and adults from minors in all places of detention.

¹² CAT/C/ATG/CO/1, paras. 21 and 22. See also the additional written information provided by the State Party to the Committee, eighth and ninth pages.

¹³ CAT/C/ATG/CO/1, paras. 35 and 36. See also the additional written information provided by the State Party to the Committee, ninth, tenth and eleventh pages.

17. Please provide information regarding access to healthcare, including psychological and psychiatric assistance and dental care in detention. Please update the Committee on the number of medical staff available and their training. Please also provide information regarding the number of individuals in detention living with chronic illnesses or communicable diseases, such as HIV/AIDS, hepatitis and tuberculosis, along with information regarding their long-term treatment and care. What measures are in place to prevent the spread of communicable diseases in detention? Please further inform the Committee on any specific regimes, policies and resources in place for the treatment of prisoners with psychosocial disabilities. Please provide information regarding deaths in custody, including data disaggregated by age, sex and cause of death. In this regard, please include information on the manner in which those deaths were investigated, the results of those investigations, and the measures taken to prevent similar cases from occurring in the future. Please indicate whether relatives of the deceased received compensation in any of the cases.

18. Please provide information on the disciplinary system in places of detention and indicate whether there is a procedure that guarantees due process and an independent body that reviews the disciplinary measures taken. Please clarify the current policy regarding the use of solitary confinement and the application of means of restraint to prisoners. In particular, please provide information: (a) on the maximum duration, in law and in practice, of solitary confinement; (b) on the measures in place to ensure that solitary confinement is not imposed on children and adolescents in conflict with the law or persons with intellectual and psychosocial disabilities; and (c) on whether a register of disciplinary penalties is kept in all places of detention and on whether the proportionality of penalties is monitored. If corporal punishment is still administered as a disciplinary sanction in detention, please provide disaggregated data on the types of corporal punishment and the number of instances in which it was administered during the reporting period, along with information as to whether medical examinations are carried out before and after its administration, and the procedures followed.

19. Please provide relevant information on treatment in psychiatric care in the State Party. In this regard, please provide information regarding any existing procedures that may result in an individual's involuntary hospitalization, and regarding procedures for review and appeal of decisions in that regard. Please inform the Committee about any legislation relating to the use of physical and chemical restraints in psychiatric settings.

20. With reference to the Committee's previous concluding observations,¹⁴ please indicate the measures taken by the State Party during the reporting period to ensure that the detention of asylum seekers and undocumented migrants is used only as a last resort, where necessary and for as short a period as possible, and to further implement alternatives to detention in practice. Please provide up-to-date information on the number of asylum-seekers and undocumented migrants apprehended and detained during the reporting period, along with information on the average period of detention, the reasons for their apprehension and the outcomes of their cases. Please provide information on steps taken to ensure that asylum-seekers and undocumented migrants detained on grounds related to immigration have access to an independent and effective mechanism for addressing complaints.

21. Please provide information regarding the existence of detention-monitoring mechanisms in the State Party, including the Visiting Committee,¹⁵ along with specific information regarding their independence, the regularity and methodology of their visits, and their mandates, with specific reference to their powers to make recommendations, public reporting and access to places of deprivation of liberty.

Articles 12 and 13

22. Taking into account the Committee's previous recommendations,¹⁶ please provide updated, disaggregated information on the number of complaints, investigations,

¹⁴ CAT/C/ATG/CO/1, paras. 29 and 30. See also the additional written information provided by the State Party to the Committee, eleventh and twelfth pages.

¹⁵ See the additional written information provided by the State Party to the Committee, eighth page.

¹⁶ CAT/C/ATG/CO/1, para. 48; see also para. 24. See further the additional written information provided by the State Party to the Committee, seventh and eighth pages.

prosecutions and convictions relating to acts of torture or ill-treatment recorded in the period under review, along with information on the sentences handed down in cases where alleged perpetrators were found to be guilty.

23. Please provide information regarding the measures taken to ensure that all individuals who allege that they have been subjected to torture or cruel, inhuman or degrading treatment or punishment have the right to complain and to have their case promptly and impartially investigated. In this regard, please update the Committee on specific complaints mechanisms available to individuals alleging torture and ill-treatment in the State Party, the body or bodies responsible for the investigation and prosecution of such allegations, and the measures taken to ensure the independence of the body or bodies.

Article 14

24. Please provide information on redress and compensation measures, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or their families during the reporting period. Please include the number of requests for compensation that were made, the number granted and the amounts ordered and actually provided in each case. Please also provide updated information on any ongoing reparation programmes, including for the treatment of trauma and for other forms of rehabilitation, provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning.

Article 15

25. In the light of the Committee's previous concluding observations,¹⁷ please update the Committee on the specific measures that have been adopted to ensure that the principle of inadmissibility of evidence obtained through torture or ill-treatment is observed in law and in practice. Please provide examples of any cases that have been dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment.

Article 16

26. With reference to the Committee's previous concluding observations,¹⁸ please provide updated information on any discussions in the State Party in relation to the establishment of a formal moratorium on the death penalty, with a view to its abolition, including information regarding discussions relating to the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Please also provide the Committee with detailed and updated information on the number and types of offences that still carry the death penalty, and information as to whether mandatory capital sentencing exists.

27. Regarding the Committee's previous concluding observations,¹⁹ please provide updated information regarding legislative initiatives to prohibit corporal punishment in all settings, including by repealing relevant provisions of the Corporal Punishment Act 1949, the Prison Act 1956, the Offences against the Persons Act 1873, the Criminal Law Amendment Act 1887, the Railways Offences Act 1927 and the Magistrates Code of Procedure Act 1949. Have any individuals been sentenced to corporal punishment as a sentence for a crime during the period under review? If so, please provide detailed and disaggregated statistics, including by age and sex, regarding the means and methods of administering corporal punishment, the number and types of criminal offences for which corporal punishment may be imposed, the number of persons criminally sentenced to corporal punishment and the number of persons to whom corporal punishment was administered subsequent to their conviction during the reporting period.

¹⁷ CAT/C/ATG/CO/1, paras. 33 and 34. See also the additional written information provided by the State Party to the Committee, eighth page.

¹⁸ CAT/C/ATG/CO/1, paras. 43 and 44. See also the additional written information provided by the State Party to the Committee, eleventh page.

¹⁹ CAT/C/ATG/CO/1, paras. 39 and 40. See also the additional written information provided by the State Party to the Committee, tenth page.

Other issues

28. Please provide updated information on the measures taken by the State Party to respond to the threat of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State Party has ensured that counter-terrorism measures are compatible with all its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of the non-observance of international standards and, if so, what the outcome was.

29. Given that the prohibition of torture is absolute and cannot be derogated from, including within the framework of measures related to states of emergency and other exceptional circumstances, please provide information on any steps that the State Party took during the coronavirus disease (COVID-19) pandemic to ensure that its policies and actions complied with its obligations under the Convention. In that regard, please also specify the measures taken in relation to persons deprived of their liberty and in other situations of confinement, such as in homes for older persons, hospitals or institutions for persons with intellectual or psychosocial disabilities.

General information on other measures and developments relating to the implementation of the Convention in the State Party

30. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken to implement the provisions of the Convention. Such measures may include institutional developments, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State Party considers relevant.
