

ANTIGUA AND BARBUDA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Antigua and Barbuda is a multiparty parliamentary democracy. The prime minister is the head of government and Queen Elizabeth II is the head of state, represented by a governor general. The ruling Antigua and Barbuda Labour Party won a majority of seats in 2018 parliamentary elections that were deemed free and fair.

Security forces consist of the Royal Police Force of Antigua and Barbuda, the prison guard service, immigration officers, airport and port security personnel, the Antigua and Barbuda Defense Force, and the Office of National Drug and Money Laundering Control Policy. National security, including police and prison guards, falls under the supervision of the attorney general, who is also the minister of legal affairs, public safety, and labor. Immigration falls under the Ministry of Foreign Affairs, International Trade, and Immigration. The Ministry of Finance is responsible for money-laundering policy. Civilian authorities maintained effective control over the security forces. There were no credible reports that members of the security forces committed abuses.

Significant human rights issues included credible reports of serious acts of official corruption, and the existence of laws criminalizing consensual same-sex sexual conduct, although the laws were not enforced.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses. The government implemented the law criminalizing official corruption despite prolonged disruptions to the criminal justice system during the pandemic.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically

Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, and there were no reports that government officials employed them. Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh due to inadequate sanitary conditions and overcrowding.

Physical Conditions: The country's sole prison was built in 1735 to hold 150 prisoners but as of October held 246, of whom 11 were women. According to a nongovernmental organization (NGO) representative, overcrowding created serious COVID-19 infection risks for prisoners and staff. The government did not provide information regarding numbers of COVID-19 infections in the prison.

There were no reports of prisoner mistreatment.

Administration: The superintendent of prisons reviews mistreatment reports and forwards them to a prison-visiting committee for further investigation.

Independent Monitoring: The government permits prison visits by independent human rights observers, but no visits occurred during the year.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right

of any person to challenge the lawfulness of his or her arrest or detention in court.

Arrest Procedures and Treatment of Detainees

The law permits police to arrest a person without a warrant, based on a suspicion of criminal activity. Police must bring detainees before a court within 48 hours of arrest or detention or file a motion requesting an extension. The law stipulates prisoners must be released if these time limits are not met. There is a functioning bail system, but a person charged with murder cannot obtain bail. The government pays for the cost of a lawyer in capital cases if a defendant is unable to afford one.

Pretrial Detention: The government stated there were 30 criminal cases awaiting trial. There were no in-person court proceedings between March 2020 and July 2021 because of the pandemic.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution provides for the right to a fair and public trial by jury, and an independent judiciary generally enforced this right.

Defendants have the right to a presumption of innocence. Defendants have the right to be informed promptly of the charges, the right to a timely trial, and to be present at their trial. Defendants have the right to timely access to an attorney of their choice. The government provides legal assistance at public expense to persons without the means to retain a private attorney, but only in capital cases. Defendants have adequate time and facilities to prepare a defense and free assistance of an interpreter if needed. They have the right to confront prosecution or plaintiff witnesses and to present their own witnesses and evidence. Defendants may not be compelled to testify or confess guilt. Defendants have the right to

appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies through domestic courts for human rights violations. They may apply to the High Court for redress of alleged violations of their constitutional rights. They may appeal adverse domestic decisions to the Eastern Caribbean Supreme Court.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media, on a somewhat limited basis.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: There were no privately owned print media. There were claims that the government was hostile to independent broadcast media outlets and did not provide them equal access to government officials. Observers claimed that the government and the prime minister in particular owned media outlets that were used exclusively to disseminate government information. Prime Minister Browne stated that although he was the founder of Pointe FM radio, he was no longer a

shareholder; however, he did not reveal the ownership. Senior government officials routinely refused to grant interviews to media outlets that were critical of the ruling party and instead used government media exclusively.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association. In August police teargassed individuals protesting mandatory COVID-19 vaccinations. Police officials stated the protesters were breaking the law because they had not been issued the necessary permit and refused to disperse.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Status and Treatment of Internally Displaced Persons

Not Applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees, the International Organization for Migration, and other humanitarian

organizations in assisting refugees and asylum seekers.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. The government handles asylum requests on an ad hoc basis.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In the 2018 elections, the Antigua and Barbuda Labour Party won 15 of 17 seats in the House of Representatives and Gaston Browne was subsequently named prime minister. The Caribbean Community Observation Mission and a Commonwealth Observer Group monitored the election. In their initial report, monitors noted the electoral boundaries had seen only minor adjustments since 1984, leading to large disparities in voter populations in different electoral districts. The monitors stated that despite problems with the electoral process, the results “reflected the will of the people.”

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but full implementation of the law was hindered during the pandemic. Media reported several allegations of corruption against officials during the year. Media and private citizens reported government corruption was widespread and endorsed at

the highest levels of government

Corruption: The government pursued corruption cases related to former high-ranking political officials. The Citizenship by Investment Program was a critical source of government revenue. Although the government publishes semiannual public reports on some of the program's activities, its lack of full transparency led to concerns by civil society and opposition political leaders about oversight and corruption.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Government Human Rights Bodies: An independent ombudsman appointed by Parliament handles public complaints against police, government officials, and government offices. The ombudsman takes complaints, conducts investigations, and then makes recommendations to the relevant authorities.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law establishes sentences ranging from 10 years' to life imprisonment for conviction of the rape of women. The law also addresses rape of men and establishes sentences of five years' to life imprisonment if convicted. Spousal rape is illegal under certain limited circumstances, such as after a legal separation, with a punishment of 15 years' imprisonment if convicted. No spousal rape cases were filed in 2020. Authorities stated three rape cases were prosecuted in 2020, but the charges were withdrawn in all three. The officials stated that historically a significant percentage of rape cases were dismissed either for lack of evidence or because the victim declined to press charges. Government authorities declared that 12 sexual offenses cases in 2020 were discontinued. In

nine of them, the complainants no longer wished to proceed with prosecution, in two there was insufficient evidence, and in the final one the accused died. The sexual offenses cases covered unlawful sexual intercourse, rape, and indecent assault.

Violence against women, including spousal abuse, continued to be a serious problem. The law prohibits domestic violence, but the law was not enforced. Anecdotal media reports suggested that police failed to fully carry out their obligations on domestic violence.

Authorities stated they had several domestic-violence programs, including training for law enforcement officers, health-care professionals, counselors, social workers, immigration officers, and army officers.

Sexual Harassment: The law covers indecent assault, incest, rape, and indecent exposure but does not prohibit sexual harassment. Authorities stated that during the year 10 men were prosecuted for unlawful sexual intercourse: seven were convicted, one was acquitted, and charges were dropped in two cases. The government also stated there were two prosecutions for indecent assault with two convictions and one case where charges were dropped.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

There were no legal or social barriers to accessing contraception, but some religious beliefs and cultural barriers limited its usage.

The government provided access to sexual and reproductive health services, including emergency contraception for survivors of sexual violence through the Ministry of Social Transformation and the Blue Economy.

Discrimination: The law provides the same legal status and rights for women and men. Government officials declared that the law requires equal pay for equal work. The law does not specifically prohibit sexual harassment in the workplace. The labor code stipulates it is unlawful for an employer to discriminate against an individual because of his or her gender. The Ministry of Labour reported that it

did not receive any complaints of employment discrimination during the year.

Systemic Racial or Ethnic Violence and Discrimination

The law protects all citizens from broad forms of discrimination and the law is enforced. The country does not have a racially or ethnically diverse population. Approximately 91 percent of the population is Black, and approximately 87 percent of the Black population is of African descent. According to the government, systemic racial or ethnic discrimination is not a concern. There were no reports of systemic discrimination.

Children

Birth Registration: Citizenship is acquired by birth in the country, and the government registers all children at birth. Children born abroad to citizen parents may be registered by either parent.

Child Abuse: The law on child abuse includes provisions on child-care services and orders of care placing abused children into the care of government authorities. The law stipulates a significant fine or three years in prison for conviction of child abuse. In extreme cases the government removes children from their homes and puts them in foster care or into a government-run or private children's home.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18 for both men and women. Minors ages 16-17 may marry with parental consent; however, marriage when either partner was younger than 18 was rare.

Sexual Exploitation of Children: Child pornography is illegal and subject to large fines and up to 20 years in prison. The minimum age for consensual sex is 16.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child->

[Abduction/for-providers/legal-reports-and-data/reported-cases.html](https://www.state.gov/abduction-for-providers/legal-reports-and-data/reported-cases.html).

Anti-Semitism

The Jewish community was very small, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits any form of discrimination based on disability and stipulates a moderate fine or two years' imprisonment for conviction of violations. Authorities stated the law requires that persons with disabilities must be able to access education, health services, public buildings, and transportation on an equal basis with all other persons; however, some public areas, including government buildings, were not in compliance with these requirements.

HIV and AIDS Social Stigma

An NGO representative reported that fear, stigma, and discrimination impaired the willingness of some persons with HIV to obtain treatment. Anecdotal evidence suggested employers dismissed and discriminated against employees with HIV or AIDS.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

There were no reports of public violence committed against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons due to their actual or perceived sexual orientation.

Sodomy is criminalized under indecency statutes, with a maximum penalty of 15 years' imprisonment; however, the law was not enforced. Consensual same-sex sexual conduct between men or between women is criminalized with a maximum

penalty of up to five years' imprisonment. No law specifically prohibits discrimination against LGBTQI+ persons.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of public-sector and private-sector workers to form and join independent unions. The law also provides for the right to bargain collectively and conduct legal strikes, but it imposes several restrictions on the right to strike. The law prohibits antiunion discrimination by employers but does not specifically require reinstatement of workers illegally fired for union activity.

Freedom of association and the right to collective bargaining were generally respected for Antiguan workers as well as migrant laborers. There were no reports of antiunion discrimination, nor were there any reports of violations of collective bargaining rights.

Workers who provide essential services (including water, electricity, hospital, fire, prison, air traffic control, meteorology, telecommunications, government printing office, and port authority) must give two weeks' notice of intent to strike. If either party to a dispute requests court mediation, strikes are prohibited under penalty of imprisonment for any private-sector worker and some government workers. The Industrial Relations Court may issue an injunction against a legal strike when the national interest is threatened or affected. The law prohibits retaliation against strikers.

Penalties for violating labor laws range from a minor fine to two months in prison and were adequate to deter violations. The government enforced the right of association and collective bargaining. Administrative and judicial procedures, however, were often subject to lengthy delays and appeals.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government reported that it did not receive any forced labor complaints during the year; however, it opened an investigation into the case of a Chinese national charged

with arson as a possible forced labor case.

Media reported that Chinese national Tian Zhao Feng was arrested in June and charged with arson in the burning down of a local supermarket. Although initial media reports said that Feng's passport was being held at the Chinese embassy, the Ministry of Labour denied this and stated Feng's passport was in his employer's possession. The government stated Feng had a valid work permit and was authorized to work in the country. Ministry of Labour officials stated an investigation was underway. Feng was denied bail and as of September was being held in police custody.

The Office of National Drug and Money Laundering Control Policy investigates cases of trafficking in persons, including forced labor allegations. The law prescribes penalties of 20 to 30 years' imprisonment and significant fines.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

Laws collectively prohibit the worst forms of child labor, but specific details are not in any single statute. The government enforced child labor laws effectively, and there were no reports of child labor law violations.

The law stipulates a minimum working age of 16, although work prohibitions do not apply to family businesses. In some circumstances children younger than 16 are eligible for employment with restrictions, such as not working during school hours and working a maximum number of hours. Persons younger than 18 may not work past 10 p.m., except in certain sectors, and in some cases must have a medical clearance to obtain employment. No list of types of hazardous work exists for the protection of those younger than 18.

The law requires the Ministry of Labour to conduct periodic inspections of workplaces. There were no reports of illegal child labor; however, there were no child labor inspections. The government said that inspections were reduced because of the COVID-19 pandemic. The law allows for a small financial penalty

or three months in prison for violations; these were adequate to deter violations.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation based on race, skin color, sex, age, national origin, citizenship, political beliefs, and disability. Penalties include a fine and up to 12 months in prison. The Ministry of Labour did not receive any discrimination complaints during the year.

The law does not prohibit employment discrimination based on religion, language, sexual orientation, gender identity, HIV or other communicable disease status, or social status, but the government encouraged employers not to discriminate on these grounds.

e. Acceptable Conditions of Work

Wage and Hour Laws: The government does not have an established poverty income level. Most workers earned substantially more than the minimum wage.

The law provides that workers are not required to work more than a 48-hour, six-day workweek. The law requires that employees be paid for overtime work at one and one-half times the employees' basic hourly wage after exceeding 40 hours in the workweek. The Ministry of Labour put few limitations on overtime, allowing it in temporary or occasional cases, but did not allow employers to make regular overtime compulsory. Penalties for illegal overtime did not always effectively deter labor violations.

Occupational Safety and Health: The law includes occupational safety and health (OSH) provisions, but some are out of date. The Ministry of Labour reported that workers were allowed to remove themselves from unsafe situations that endangered their health or safety without jeopardizing their employment. The ministry has the authority to require special safety measures not otherwise defined in the law for worker safety. Penalties for violations of OSH laws were not always commensurate with those for similar crimes, such as negligence.

Informal Sector: The government estimated that 15 percent of the workforce was in the informal sector and that the informal sector contributed 25-30 percent of

economic output. Informal-sector employment is unregulated and unreported. Labor inspectors from the Ministry of Labour and the Industrial Court are responsible for enforcement of labor laws in the formal and informal sectors. The government reported there were eight labor inspectors, which was insufficient to enforce full compliance per International Labor Organization benchmarks. No safety violations were reported. The government reported that it reduced the number of inspections and investigations to ensure the safety of the inspectors during the COVID-19 pandemic.