

ANTIGUA AND BARBUDA 2020 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 minister 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 reports that members of the security forces committed abuses.

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

The government took steps to identify, investigate, prosecute, and punish those who committed human rights abuses. There were no reports of impunity involving the security forces during the year.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

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 August held 269. According to a nongovernmental organization (NGO) representative, overcrowding created serious COVID-19 infection risks for the prisoners and staff. The government did not provide information regarding numbers of COVID-19 infections in the prison.

One mistreatment report was submitted stating that prison guards beat a former police officer convicted of bribery. An investigation was underway at year's end.

Administration: The Superintendent of Prisons reviewed mistreatment reports and forwarded them to a Prison Visiting Committee for further investigation.

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

Improvements: The government reported that the kitchen and chapel were demolished and a temporary kitchen was installed.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge his or her arrest or detention in court. The government generally observed these requirements.

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 if a defendant is unable to afford one.

Pretrial Detention: Some prisoners on remand remained in detention for up to four years before their cases came to trial, according to the director of the Office of Public Prosecutions in 2019. The government stated there was no case backlog, but anecdotal media reports indicated the backlog remained a serious problem.

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, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press, on a somewhat limited basis.

Freedom of Press and 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 claimed 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, and the government generally respected these rights.

c. Freedom of Religion

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

d. Freedom of Movement

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.

g. Stateless Persons

Not applicable.

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.” As of November 2019, the final election report had not been released.

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 the government did not implement the law effectively. Media reported several allegations of corruption against officials during the year. Officials sometimes engaged in corrupt practices with impunity.

Corruption: Media and private citizens reported government corruption was widespread and endorsed at the highest levels of government. In September, Prime Minister Browne and a prominent member of his political party traded public and specific accusations of corruption in government procurement and other areas that neither person refuted. The *Citizenship by Investment Program* was a critical source of government revenue, but its lack of transparency fueled citizen concerns concerning oversight and corruption.

Financial Disclosure: The law requires elected public officials to disclose all income, assets, and personal gifts received in the course of their public functions to the Integrity Commission. The disclosures are confidential. The commission has the power to investigate public officials without a formal complaint being filed.

Section 5. Governmental Attitude Regarding 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, Societal Abuses, and Trafficking in Persons

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.

Violence against women, including spousal abuse, continued to be a serious problem. The law prohibits and has penalties for conviction of domestic violence, but according to a local NGO representative, police failed to carry out their obligations on domestic violence under the law.

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.

An NGO representative stated the government's Directorate of Gender Affairs and the Family Social Services Division offered limited programs and resources to help victims of gender-based violence. According to the representative, government efforts to combat gender-based violence and rape were ineffective.

Sexual Harassment: The law defines harassment as a crime and establishes a five-year maximum prison sentence for conviction. The government stated it investigates formal complaints when they are filed; however, the Ministry of Labor reported it did not receive any reports of sexual harassment during the year. An NGO representative reported that sexual harassment in the workplace was a problem.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law provides the same legal status and rights for women and men. Legislation requires equal pay for equal work; however, women often received less pay for equal work. The labor code stipulates it is unlawful for an employer to discriminate against an individual because of his or her gender. The Ministry of Labor reported that it was investigating two cases of employment discrimination filed during the year.

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 can be registered by either parent.

Child Abuse: The law on child abuse includes provisions on childcare 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. Persons ages 16 to 18 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>.

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. A local NGO representative reported that the law was not effectively enforced. The NGO representative reported that some progress was made in specific areas such as vocational training for persons with disabilities. Public areas, including government buildings, often lacked wheelchair accessibility. Persons with disabilities faced social stigma.

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, and intersex (LGBTI) persons due to their actual or perceived sexual orientation.

Consensual same-sex sexual conduct between men is illegal under indecency statutes; however, the law was not strictly enforced. Conviction of consensual same-sex sexual conduct between men carries a maximum penalty of 15 years' imprisonment. No law specifically prohibits discrimination against LGBTI persons.

HIV and AIDS Social Stigma

Although the government denied it, an NGO representative reported that fear, stigma, and discrimination impaired the willingness of some persons with HIV to obtain treatment. Persons with HIV reported several incidents of discrimination from health-care professionals and police. Anecdotal evidence suggested employers dismissed and discriminated against employees with HIV or AIDS.

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 it does not specifically require reinstatement of workers illegally fired for union activity.

Freedom of association and the right to collective bargaining were generally respected. 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. 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 effectively enforced the law when specific complaints were filed. 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. Forced labor occurred in domestic service and the retail sector, particularly in family-owned businesses.

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 contain definitions that 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 during the year.

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 hazardous work exists for the protection of those younger than 18.

The law requires the Ministry of Labor to conduct periodic inspections of workplaces. There were no reports of illegal child labor; however, there were no child labor inspections. The law allows for a small financial penalty or three months in prison for violations, which were adequate to deter violations.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation regarding race, skin color, sex, age, national origin, citizenship, political beliefs, and disability. Penalties include a fine and up to 12 months in prison. A local NGO representative reported that discrimination occurred in the workplace, without citing specific cases. The Ministry of Labor 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

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 Labor put few limitations on overtime, allowing it in temporary or occasional cases, but did not allow employers to make regular overtime compulsory.

The law includes occupational safety and health (OSH) provisions. The Ministry of Labor reported that workers are allowed to remove themselves from unsafe situations that endanger 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. An NGO reported that while the government generally enforced most elements of the labor law, OSH enforcement was less effective. Penalties for violations of OSH laws were not always commensurate with those for similar crimes such as negligence.

Labor inspectors from the Ministry of Labor 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. The government enforced labor laws, including levying remedies and modest fines for nonpayment of wages. Penalties for illegal overtime did not always effectively deter labor violations.

An NGO representative reported that workers in a local distillery were transporting hazardous liquids without adequate protective gear. An electric utility worker was electrocuted while working on a utility pole.