

Antigua and Barbuda | Freedom House

POLITICAL RIGHTS: 33 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The 1981 constitution establishes a parliamentary system, with a governor-general representing the British monarch as ceremonial head of state. Antigua and Barbuda's prime minister is the head of government, and is typically the leader of the majority party that emerges from legislative elections. ABLP leader Gaston Browne once again became prime minister after his party won a majority in parliament in snap 2018 elections.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The bicameral Parliament is composed of a 17-seat Senate, whose members are appointed by the governor-general, and the House of Representatives, whose 17 members are directly elected in single-seat constituencies by simple majority; representatives serve five-year terms.

In February 2018, citing a need to demonstrate state stability to investors, Browne called snap elections. The move came after the High Court of Justice denied his government's attempt to block a case in which plaintiffs were disputing state-backed development plans for Barbuda.

The elections were held in March, a year ahead of schedule. The campaign period was at times rancorous, with the Commonwealth Observer Group noting a "surge of vitriolic and personal attacks exchanged between political parties and candidates." The governing ABLP took 59 percent of the total vote and won 15 constituencies, translating to 15 seats, up from 14 previously. The main opposition United Progressive Party (UPP) took 37 percent of the vote, but only one constituency, and thus 1 seat, down from 3 previously. The Barbuda People's Movement (BPM) won the Barbuda constituency, which had previously been held by the ABLP. Observers deemed the polls generally competitive and credible. Turnout was high, at about 76 percent.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Electoral laws are generally fair, and are implemented impartially by the relevant election management bodies. However, in 2018, polling for all Barbudans took place on Antigua, requiring that many people travel between the islands to vote. The

government provided services to those needing to travel, however, and 87 percent of eligible Barbudans participated.

Separately, since 1984, the electoral boundaries of Antigua and Barbuda have shifted only slightly. As a consequence there is now a significant disparity in constituency size, from 1,138 (St. Phillip South) to 4,878 (St. George).

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political parties can organize and operate freely. While there are a number of small political parties in the country, elections have been won by either the ABLP or the UPP since 1994. In 2018, the ABLP fielded a full slate of 17 candidates; the UPP fielded 16, the DNA 13, and a number of smaller parties put up 1 or 2. The BPM was among them, and won entry to the House of Representatives, which in its previous incarnation had included only the ABLP and UPP.

Inadequate campaign finance regulations allow candidates and parties to accept donations without disclosing donors' identities.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There are realistic opportunities for opposition parties to increase their support or gain power through elections. Power has rotated frequently between the ABLP and UPP.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4

People's political choices are generally free from the influence of nondemocratic actors. However, a lack of transparency for party and campaign financing has given rise to concerns about the potential influence of unknown domestic and foreign interests over political candidates.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Women are underrepresented in politics, and only two women were elected to the House of Representatives in 2018.

The LGBT community is marginalized, and this impacts its ability to engage fully in political processes.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

The elected prime minister, cabinet, and national legislative representatives determine the policies of the government. There are some concerns about the influence of businesses on policymaking.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Government corruption remains a concern, and anticorruption laws are enforced unevenly. In May 2018, Minister of Investment and Trade Asot Michael resigned over allegations he had engaged in illegal campaign financing and bribe-taking while serving as the energy minister. Michael denied the allegations. The Antiguan Integrity Commission indicated it would open an investigation into the allegations, but no charges appeared to have been filed at year's end.

Antigua's Citizenship by Investment Program (CIP) and Permanent Residence Certificate (PRC), in which individuals can be granted citizenship or residency in exchange for a sizable business investment or contribution, have come under sustained scrutiny in recent years. In 2018, the US Department of State noted that the CIP left the country "susceptible to money laundering and other financial crimes," and raised questions about the program's autonomy from politicians who might seek to misuse it. The Organisation for Economic Co-operation and Development (OECD) has also raised concerns about the programs.

C3. Does the government operate with openness and transparency? 3 / 4

Antigua and Barbuda has seen gradual improvement in accountability structures since 2004, when the government enacted a Freedom of Information Act. The Public Accounts Committee can also expose governmental improprieties and wrongdoings, but historically it has not functioned effectively, and there have been lengthy delays in submission of the Auditor General's report.

CIVIL LIBERTIES: 51 / 60 (+1)**D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16****D1. Are there free and independent media? 3 / 4**

Press freedom is generally respected in Antigua and Barbuda. Criminal defamation was abolished in 2015. However, under the Seditious and Undesirable Publications Act, seditious libel is a criminal offence punishable by a maximum of two years in prison and a maximum fine of \$5,000. The prime minister has threatened critical journalists with libel suits and threats to withdraw advertising, and has characterized the frequently critical Observer outlet as "fake news" and a threat to the country.

The majority of media outlets are concentrated among a small number of firms affiliated with either the current ABLP government or the UPP.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution provides for freedom of worship as well as the right to practice and change religion, and these freedoms are generally respected. A law that outlaws blasphemous language is not enforced.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Individuals are generally free to express their personal views on political or other sensitive topics.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 9 / 12**E1. Is there freedom of assembly? 3 / 4**

Freedom of assembly is guaranteed under the constitution, and the government generally respects these rights in practice. A number of demonstrations took place in 2018, including a UPP-led march against corruption and other alleged government failures, and a protest against a government plan to repeal the Barbuda Land Act of 2007, which protects the longstanding communal land ownership system in Barbuda. Demonstrators are occasionally subject to police harassment.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights—and governance-related work? 3 / 4

The country's few nongovernmental organizations (NGOs) are active, though inadequately funded and often influenced by the government.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Labor unions can organize freely and bargain collectively. Workers providing essential services must give notice two weeks before intent to strike, and the International Labor Organization (ILO) has described the list of essential services as excessively broad. Strikes are fairly rare. However, a labor walkout took place in September 2018, when a number of employees of the Social Security Board briefly halted work in support of an employee who claimed that a supervisor had touched her inappropriately, and had not been disciplined following her report of the incident.

F. RULE OF LAW: 14 / 16 (+1)**F1. Is there an independent judiciary? 4 / 4 (+1)**

The constitution provides for an independent judiciary, which is generally respected by the government. In November 2018, voters rejected in a referendum the chance to adopt the Caribbean Court of Justice as their highest appellate court. Thus, the Judicial Committee of the Privy Council based in London retains that role.

Past ABLP governments manipulated the judicial system, but in recent years the courts have increasingly asserted independence, with the support of the Eastern Caribbean Supreme Court. The High Court of Justice issued several rulings in 2018 that slowed government-backed development plans for Barbuda, which sustained serious damage during 2017's Hurricane Irma. In August, the court halted construction of an airport on Barbuda, while a separate lawsuit over the legality of its construction played out. In February, the High Court ruled against the government in its attempt to block a case disputing a 2015 law that facilitated development in Barbuda; that ruling prompted the year's snap elections. (Earlier in the year, the High Court refused petitions that it halt parliamentary discussion of another land law that would facilitate development in Barbuda.)

Score Change: The score improved from 3 to 4 due to a reduction in political interference in the courts, and record of court decisions that reflect judicial independence.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Constitutional guarantees of due process are mostly upheld. However, prisoners on remand often remain in jail for an average of three to four years before their cases are heard.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Residents of Antigua and Barbuda do not face any significant security threats. However, prisons are severely overcrowded, and conditions within them are poor.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

The 2005 Equal Opportunity Act bars discrimination on the basis of race, gender, class, political affinity, or place of origin. There are no specific laws prohibiting discrimination against people with disabilities, or LGBT individuals. Same-sex sexual activity remains criminalized under a 1995 law; however, it is not strictly enforced. Societal norms discourage participation of women in some employment sectors, and few women hold leadership positions.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 13 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or non-state actors? 3 / 4

While the government has historically encouraged both national and foreign investors to operate businesses in the country, taxation procedures remain cumbersome.

Many Barbudans forced to evacuate the island due to Hurricane Irma have opposed moves by lawmakers in Antigua to eliminate the communal land ownership system that has governed the island for almost two centuries, and instead establish private land ownership. The government argues that the change is necessary to assist Barbuda's recovery in the aftermath of the hurricane; opponents claim authorities are seeking to take advantage of the devastation to develop rural Barbuda for mass tourism. In early 2018, lawmakers amended the Barbuda Land Act to permit Barbudans private ownership of land on Barbuda.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

The Domestic Violence Act of 2015 strengthened the measures that can be taken against the perpetrators of domestic violence, and laid out a process for victims to obtain an order of protection. However, domestic violence remains a serious problem. Same-sex marriage and civil partnerships are not recognized.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Antigua and Barbuda is a destination and transit country for the trafficking of men, women, and children for the purposes of forced labor and sexual exploitation. Government efforts to address the problem are inadequate, but progress is being made, according to the US State Department *Trafficking in Persons* report for 2018. In particular, the report noted that the government had supervised more investigations and improved victim identification; conducted its first trafficking raid; established a new trafficking unit to coordinate and expedite efforts across the government; tripled its budget for combating trafficking; created new agreements with government agencies to improve coordination and victim protection; and developed a new database to better track cases.