



# Antigua and Barbuda

**85**  
/100

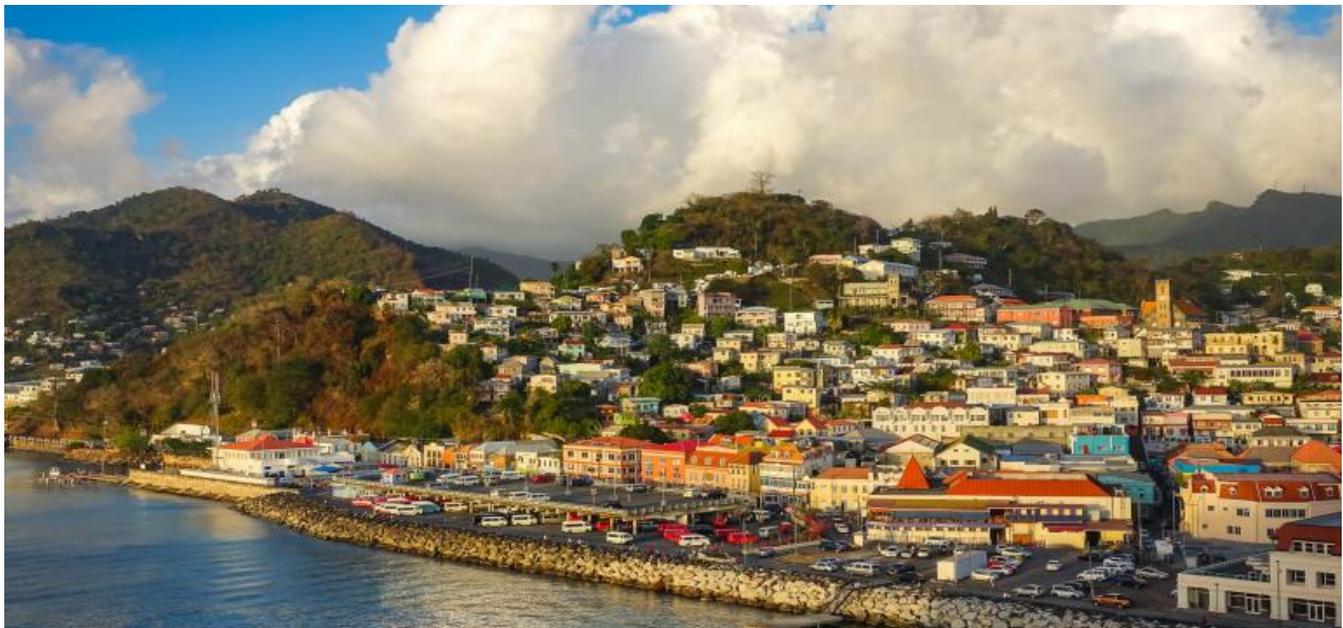
FREE

<u>Political Rights</u>	<b>33</b> /40
<u>Civil Liberties</u>	<b>52</b> /60

## LAST YEAR'S SCORE & STATUS

84 /100    Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)



TOP

## Overview

Antigua and Barbuda is a democracy that holds regular elections. Corruption in government is a concern, and women and LGBT+ people are underrepresented in politics and experience some discrimination. In 2017, Hurricane Irma devastated Barbuda: the entire island was evacuated, and many residents lost their livelihoods and have yet to return home. The government has since sought to weaken the island's longstanding system of communal land rights.

## Key Developments in 2019

- In November, the Eastern Caribbean Alliance for Diversity and Equality (ECADE) announced it would file official legal challenges against colonial era laws criminalizing same-sex sexual activity by the end of the year.
- In September, the Industrial Court ruled that the country's Department of Immigration had been violating its workers' rights for at least two decades, having not paid for sick days, holidays worked, and overtime.

## Political Rights

### A. Electoral Process

**A1** 0-4 pts

**Was the current head of government or other chief national authority elected through free and fair elections?**

**4 / 4**

The country's 1981 constitution establishes a parliamentary system, with a governor general representing the British monarch as ceremonial head of state. The prime minister is the head of government and is typically the leader of the majority party elected into Parliament. Antigua and Barbuda Labour Party (ABLP) leader Gaston Browne once again became prime

**TOP**

minister after his party won a majority in parliament in the 2018 snap elections.

**A2** 0-4 pts

**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 means of a simple majority; representatives serve five-year terms.

In February 2018, citing a need to demonstrate state stability to investors, Prime Minister 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, up from 14 previously. The main opposition United Progressive Party (UPP) took 37 percent of the vote, but only one constituency, 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** 0-4 pts

**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 as a result of Hurricane Irma, requiring that many people travel between the islands to vote. The government provided services to those needing to travel, 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

**B1** 0-4 pts

**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 Democratic National Alliance (DNA) ran 13; and a number of smaller parties put up 1 or 2. The Barbuda People's Movement (BPM) won entry into the House of Representatives, which previously had included only the ABLP and UPP.

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

**TOP**

**B2** 0-4 pts

**4** / 4

<b>Is there a realistic opportunity for the opposition to increase its support or gain power through elections?</b>	
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There are realistic opportunities for opposition parties to increase their support or gain power through elections. Power has alternated frequently between the ABLP and UPP.

**B3** 0-4 pts

<b>Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</b>	<b>3 / 4</b>
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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. The role of business interests in the country and their links with politicians have been documented. The most significant case was that of R. Allen Stanford, a United States citizen, who was an influential figure in Antigua (the second largest employer in the country at one point) and used the country as his base of operations to run a multibillion-dollar Ponzi scheme. Stanford was convicted in 2012.

**B4** 0-4 pts

<b>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</b>	<b>3 / 4</b>
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Women are underrepresented in politics, and only two women were elected to the House of Representatives in 2018.

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

## C. Functioning of Government

**C1** 0-4 pts

**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 parliament determine government. There are some concerns about the influence of businesses on policymaking.

**C2** 0-4 pts

**Are safeguards against official corruption strong and effective?**

**2 / 4**

Government corruption remains a concern, and anticorruption laws are enforced unevenly. Authorities have been criticized for doing little to investigate local official wrongdoing in the case of R. Allen Stanford. Several other company officials have faced justice, but only in the United States.

In May 2018, Asot Michael, the minister of investment and trade, resigned over allegations (which he denied) that he had engaged in illegal campaign financing and bribe-taking while previously serving as the energy minister. The Antiguan Integrity Commission indicated it would investigate the allegations, but no charges appeared to have been filed by the end of 2019.

Antigua's Citizenship by Investment program (CBI) and Permanent Residence Certificate (PRC), in which individuals can be granted citizenship or residency in exchange for a sizable business investment or contribution, have been heavily scrutinized in recent years. In 2018, the US Department of State noted that the CBI left the country vulnerable to 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.

**TOP**

**C3** 0-4 pts**Does the government operate with openness and transparency?****3** / 4

Antigua and Barbuda has gradually improved its 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 has not functioned effectively. There have been lengthy delays in submission of the auditor general's report. Public officials must disclose all income, assets, and personal gifts received in their official capacity in a confidential report to the Integrity Commission per the 2004 Integrity in Public Life Act. Resource deficiencies have impeded the commission's ability to investigate corrupt individuals. Despite the Procurement and Contract Management Act of 2011, concerns remain about public procurement in relation to the expertise of officials in positions mandated by the law, the completeness of documentation, and that some applications are made retrospectively, with often a waiver being requested.

## Civil Liberties

### D. Freedom of Expression and Belief

**D1** 0-4 pts**Are there free and independent media?****3** / 4

Press freedom is generally respected in Antigua and Barbuda. Criminal <sup>TOP</sup> defamation was abolished in 2015. However, under the Sedition 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. Critical

journalists remain at risk of libel suits from unhappy politicians. The prime minister has characterized the frequently critical *Observer* 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** 0-4 pts

**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** 0-4 pts

**Is there academic freedom, and is the educational system free from extensive political indoctrination?**

**4 / 4**

Academic freedom is generally respected.

**D4** 0-4 pts

**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**

**TOP**

**E1** 0-4 pts

<b>Is there freedom of assembly?</b>	<b>4 / 4</b>
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Freedom of assembly is guaranteed under the constitution, and the government generally respects these rights in practice, though protesters occasionally experience minor police harassment. A number of demonstrations took place in 2018, including a UPP–led march against corruption and other alleged government failures, as well as a protest against a government plan to repeal the Barbuda Land Act of 2007, which protects the longstanding communal land ownership system in Barbuda.

*Score Change: The score improved from 3 to 4 because demonstrations are unrestricted, and recent protests have not been marred by interference or violence.*

**E2** 0-4 pts

<b>Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?</b>	<b>3 / 4</b>
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The country’s few nongovernmental organizations (NGOs) are active, though inadequately funded and often influenced by the government.

**E3** 0-4 pts

<b>Is there freedom for trade unions and similar professional or labor organizations?</b>	<b>3 / 4</b>
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Labor unions can organize freely and bargain collectively. Workers providing essential services must give notice two weeks before intent to strike. However, the International Labour Organization (ILO) has described the list of essential services as excessively broad and strikes are fairly rare. Recent examples include postal workers and some workers at a psychiatric hospital.

**TOP**

In September 2018, a number of employees of the Social Security Board staged a walkout in support of a coworker who claimed a supervisor had touched her inappropriately and had not been disciplined, following her report of the incident.

## F. Rule of Law

**F1** 0-4 pts

<b>Is there an independent judiciary?</b>	<b>4 / 4</b>
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The constitution provides for an independent judiciary, which is generally respected by the government. In November 2018, voters rejected in a referendum the adoption of the Caribbean Court of Justice as their highest appellate court. Thus, the Judicial Committee of the Privy Council, based in London, retains that role.

In recent years, the courts have increasingly asserted independence from the ABLP government—which has had a history of manipulating the judicial system—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 Hurricane Irma in 2017. In August 2018, the court halted construction of an airport on Barbuda, while a separate lawsuit over the legality of its construction played out. In February 2018, the High Court ruled against the government’s attempt to block a case disputing a 2015 law that facilitated development in Barbuda; the ruling prompted the year’s snap elections.

**F2** 0-4 pts

<b>Does due process prevail in civil and criminal matters?</b>	<b>TOP 3 / 4</b>
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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** 0-4 pts

**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** 0-4 pts

**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. Societal norms discourage participation of women in some sectors of the economy, and few women hold leadership positions.

Same-sex sexual activity remains criminalized under a 1995 law; however, the law is not strictly enforced. In November 2019, the Eastern Caribbean Alliance for Diversity and Equality (ECADE) announced it would file official legal challenges against colonial era laws against same-sex sexual activity in Antigua and Barbuda, as well as four other Caribbean countries. Despite this, the government has made it clear that it will not support, nor enact any such legal changes.

**TOP**

# G. Personal Autonomy and Individual Rights

**G1** 0-4 pts

**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** 0-4 pts

**Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?**

**3 / 4**

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, but the law is being challenged in the Eastern Caribbean Supreme Court.

**G3** 0-4 pts

**Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?**

**TOP**

**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** 0-4 pts

**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's 2019 *Trafficking in Persons* report. Compulsory labor is prohibited by law. Gender stereotyping and discrimination can make employment challenging for women. Mental health services require improvement and physically disabled people are stigmatized and underemployed.

In September 2019, the Industrial Court ruled against Antigua and Barbuda's Department of Immigration, confirming that it has been breaching the rights of its workers for at least the last two decades, during which time the department did not paid employees for sick days, holidays worked, and overtime.

### On Antigua and Barbuda

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### Country Facts

Global Freedom Score

**85 / 100** Free

*Other Years*

2019

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