



Antigua and Barbuda

Country Reports on Human Rights Practices - [2006](#)

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Antigua and Barbuda is a multiparty, parliamentary democracy with a population of approximately 76,000. In the 2004 parliamentary elections, which observers described as generally free and fair, the United Progressive Party (UPP) defeated the ruling Antigua Labour Party (ALP), and Baldwin Spencer became prime minister. The civilian authorities generally maintained effective control of the security forces.

While the government generally respected the human rights of its citizens, there were problems in a few areas, including excessive use of force by police, poor prison conditions, sexual abuse of children, and societal discrimination and violence against women.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution specifically prohibits such practices, and the authorities generally respected these prohibitions in practice. Nonetheless, there were occasional reports of police brutality, corruption, excessive force, discrimination against homosexuals, and allegations of abuse by prison guards.

On January 19, police shot Kelly Jackson in the leg while searching him and taking him into custody. On June 9, police shot a 13-year-old suspect running away from detention. On July 22, a man charged that police robbed and assaulted him. Also in July there were allegations that a man who died in the hospital from internal injuries had been beaten while in police custody. At year's end investigations into these incidents were still pending.

On October 24, two police officers responded to a domestic disturbance between a husband and wife. While there, the police shot the husband during an altercation. An investigation was pending at year's end.

Prison and Detention Center Conditions

Prison conditions were poor. Her Majesty's Prison, the country's only prison, held 193 inmates (188 men and five women). The prison did not have toilet facilities, and slop pails were used in all 122 cells.

Prison overcrowding was attributed in part to a law that limited the ability of magistrates to grant bail to those accused of certain offenses. This resulted in an increase in the number of people held on remand while awaiting trial, which totaled 52 at year's end. Due to space limitations, authorities sometimes held persons on remand together with convicted prisoners.

Female prisoners were held in a separate section and were not subject to the same problems encountered in the men's prison.

Juveniles were held with adult inmates.

The government permitted prison visits by independent human rights observers, although no such visits were known to have occurred.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Security forces consist of a police force and the small Antigua and Barbuda Defence Force. The police force comprises 712 officers, 138 of whom are part of the country's fire brigade.

Corruption and impunity were not problems. There was no standing internal investigation body within the police. The police fall under the prime minister's area of responsibility, and he can call for an independent investigation into an incident as needed.

Arrest and Detention

The law permits police to arrest without a warrant persons suspected of committing a crime. Criminal defendants have the right to a prompt judicial determination of the legality of their detention. The police must bring detainees before a court within 48 hours of arrest or detention. Criminal detainees were allowed prompt access to counsel and family members. The bail system was recently modified to require those accused of more serious crimes to appeal to the High Court for bail, taking this responsibility away from the lower court magistrates.

e. Denial of Fair Public Trial

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

The judicial system is part of the Eastern Caribbean legal system and reflects historical ties to the United Kingdom. The first level is the magistrate's court, followed by the Court of Appeals and the High Court. The constitution designates the Privy Council in the United Kingdom as the final court of appeal, which is always employed in the case of death sentences.

Trial Procedures

The constitution provides that criminal defendants should receive a fair, open, and public trial. Trials are by jury. Defendants enjoy a presumption of innocence, have timely access to counsel, may confront or question witnesses, and have the right to appeal. In capital cases only, the government provides legal assistance at public expense to persons without the means to retain a private attorney. Courts often reached verdicts quickly, with some cases coming to conclusion in a matter of days.

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

A court of summary jurisdiction, which sits without a jury, deals with civil cases involving sums of up to \$550 (EC\$1,500); three magistrate's courts deal with summary offenses and civil cases of not more than \$185 (EC\$500) in value. Persons who allege that their constitutional rights are being or have been violated may apply for redress to the High Court.

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

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice.

Privately owned print media, including daily and weekly newspapers, were active and offered a range of opinion.

There was continued tension between the government and ZDK Radio, which is owned by the family of Lester Bird, the former prime minister and leader of the opposition ALP. In April 2005 authorities arrested government critic and ZDK radio announcer James "Tanny" Rose for misbehavior in public office, in connection with Rose's position as chief information officer of the state-owned ABS Radio and Television Authority in 1994. The prosecutor brought criminal charges against Rose, but he had not been tried as of year's end, and he continued to broadcast a daily program on ZDK Radio.

Authorities filed defamation charges against Observer Radio in November 2005, claiming it misreported actions by police during the investigation of a building that had been ordered sealed. The news story was widely reported, but the government filed charges only against

that radio station.

In 2004 the former government cited violations of the Telecommunications Act to revoke the license held by the owners of Observer Radio to operate satellite transmission equipment, and 17 police officers seized the equipment from the owner's home. Authorities later withdrew the charges against Observer Radio and tried to institute them against Winston Derricks, the owner, but by that time the statute of limitations had expired. At year's end the matter was still before the courts, and the equipment had not been returned.

Internet Freedom

There were no government restrictions on access to the Internet or reports that government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

Academic Freedom

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, and the government generally respected this right in practice. The police generally issued the required permits for public meetings but sometimes denied them to avert violent confrontations.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

Rastafarians complained that the use of marijuana, an aspect of their religious ritual, was prohibited. In 2004 Rastafarian representatives met with the prime minister and submitted a petition to decriminalize the use of marijuana, but the government took no action to change the law.

Societal Abuses and Discrimination

Rastafarians complained of widespread discrimination, especially in hiring and in schools. There were no other reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community was very small.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The constitution provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not use it in practice.

Protection of Refugees

The laws provide for granting asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum. The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

In the 2004 elections, the opposition UPP won 12 of 17 seats in the House of Representatives and 55 percent of the popular vote. Members

of a Commonwealth observer group reported that the elections were free and fair. UPP leader Baldwin Spencer was sworn in as prime minister in March 2004, replacing Lester Bird, whose ALP had held power continuously since 1976.

There was one woman in the 17-seat House of Representatives and two women appointed to the 17-seat Senate. In addition the speaker of the House of Representatives and the president of the Senate, both appointed positions, were women. There were no women in the cabinet.

There were no members of minorities in parliament or in the cabinet.

Government Corruption and Transparency

There were isolated reports of government corruption during the year. The Spencer administration created the Special Task Force on Crime and Corruption following the 2004 election, and it continued investigations of former ALP officials. Attorney General Justin Simon headed an investigation regarding the diversion of \$15 million (EC\$41 million) in tax revenue that was used to purchase equipment in Japan; some of the money had not been accounted for.

In January various media reported that three police officers attached to the English Harbour police station habitually extracted bribes from tourists caught with controlled substances. Authorities transferred the officers to different districts pending investigation. An independent investigation was inconclusive, no charges were filed, and the case was closed.

The director of public prosecution dismissed the three counts of conspiracy charges brought in March 2005 against an advisor to a UPP minister for alleged improper approaches to the government tender board.

Attorney General Simon filed a lawsuit against former prime minister Lester Bird and two of his cabinet ministers. The charges pertained to alleged corruption in repayment of a loan used to purchase a desalination plant in 1984. The lawsuit was the third that the government filed against Bird in attempts to reclaim public funds allegedly lost to corruption during Bird's 1994-2004 government.

The Freedom of Information Act gives citizens the statutory right to access official documents from public authorities and agencies, and it created a commissioner to oversee the process. In practice, however, citizens found it difficult to obtain documents, possibly due to funding constraints rather than government obstruction.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, sex, creed, language, or social status, and the government generally respected these prohibitions in practice.

Women

Violence against women, including spousal abuse, was a problem. The Domestic Violence Act prohibits and provides penalties for domestic violence, rape, and other sexual offenses, with maximum sentences (rarely imposed) ranging from 10 years' to life imprisonment. Many women were reluctant to testify against their abusers. Organizations such as the government's Directorate of Gender Affairs sought to increase women's awareness of their rights under the law in cases of domestic violence. The Directorate of Gender Affairs operated a domestic violence program that included training for police officers, magistrates, and judges. The directorate also ran a domestic abuse hot line and worked with a nongovernmental organization to provide safe havens for abused women and children.

Violence against women came into sharp focus in October 2005, when Senate President Hazelyn Francis was assaulted and raped in her home. In January authorities charged an 18-year-old youth with the attack and remanded him to custody awaiting trial, which had not been held by year's end.

The Directorate of Gender Affairs holds an annual walk and candlelight vigil for the eradication of violence against women and girls.

Prostitution is prohibited, but it remained a problem. In April immigration officials uncovered a prostitution ring disguised as a dating service involving several women from the Dominican Republic. The women were legal immigrants, and no investigation into possible trafficking was reported. There were also a number of brothels that catered primarily to the local population (see section 5, Trafficking).

Sexual harassment is illegal, but it was rarely prosecuted.

According to the Labor Department, there was a high incidence of sexual harassment reported by employees in both the private and public sectors. No information was available whether any cases had been brought to the labor courts.

While the role of women in society is not restricted legally, economic conditions in rural areas tended to limit women to home and family,

although some women worked as domestics, in agriculture, or in the large tourism sector. Women were well represented in the public sector, accounting for 54 percent of the public service and more than half of the permanent secretaries--the most senior level in each government department. In addition 41 percent of bar association members were women. There was no legislation requiring equal pay for equal work. Women faced no restrictions involving ownership of property. The Directorate of Gender Affairs was responsible for promoting and ensuring the legal rights of women.

The Professional Organization for Women of Antigua was a networking and resource group for professional women that held seminars for women entering the workforce.

Children

While the government repeatedly expressed its commitment to children's rights, its efforts to protect those rights in practice were limited. The government provided free, compulsory, and universal education for children through the age of 16. Schools faced many shortages, however, and parents typically provided desks and chairs. Although shared textbooks were provided, parents often purchased books; parents also provided uniforms. More than 95 percent of school-age children attended school, and most children achieved a secondary education.

Boys and girls had equal access to health care and other public services.

Child abuse remained a problem. The press reported regularly on the rape and sexual abuse of children. Adult men having regular sexual relations with young girls was also a problem. According to one regional human rights group, the girls were often the daughters of single mothers with whom the perpetrators also had regular sexual relations.

Trafficking in Persons

There are no laws that specifically address trafficking in persons. Although there were no reports that persons were trafficked from or within the country, there were a number of brothels staffed mostly by women from the Dominican Republic. Others came from Barbados, Dominica, Guyana, and Jamaica, and they traveled to Antigua as "entertainers" or "dancers." In October authorities took close to 40 women into custody and found that most held fraudulent immigration documents or no passports at all. It is possible that in some cases brothel owners retained these documents to exert influence over the victims.

Persons with Disabilities

There was no reported discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. Although the constitution contains antidiscrimination provisions, no specific laws prohibit discrimination against, or mandate accessibility for, persons with disabilities.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to form labor unions. Approximately 60 percent of workers belonged to a union. In 2005 the owner of Caribbean Star Airlines, based in the country, fired nine pilots and five stewardesses who had organized a union. At year's end the matter was still before the Industrial Relations Court.

b. The Right to Organize and Bargain Collectively

Labor organizations were free to organize and bargain collectively. The Labor Code applied equally to workers in the country's free trade zones.

The Labor Code provides for the right to strike, but the Industrial Relations Court may limit this right in a given dispute. Workers who provide essential services (including bus, telephone, port, petroleum, health, and safety workers) must give 21 days' notice of intent to strike. Once either party to a dispute requests that the court mediate, strikes are prohibited under penalty of imprisonment. Because of the delays associated with this process, unions often resolved labor disputes before a strike was called. In addition an injunction may be issued against a legal strike when the national interest is threatened or affected.

c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law stipulates a minimum working age of 16 years, which corresponds with the provisions of the Education Act. In addition persons under 18 years of age must have a medical clearance to work and may not work later than 10 p.m. The Ministry of Labor, which is required by law to conduct periodic inspections of workplaces, effectively enforced this law. The labor commissioner's office also had an inspectorate that investigated exploitive child labor matters.

e. Acceptable Conditions of Work

The Labor Code provides that the minister of labor may issue orders, which have the force of law, to establish a minimum wage. The minimum wage was \$2.22 (EC\$6.00) an hour for all categories of labor, which provided a barely adequate standard of living for a worker and family. In practice the great majority of 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, but in practice the standard workweek was 40 hours in five days. Laws provide for overtime work in excess of the standard workweek; excessive overtime is not specifically prohibited.

Although the government had not developed occupational health and safety laws or regulations, apart from those regarding child labor, a section of the Labor Code includes some provisions regarding occupational safety and health. While not specifically provided for by law, workers could leave a dangerous workplace situation without jeopardy to continued employment.