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## U.S. Department of State

### Antigua and Barbuda Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

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#### ANTIGUA AND BARBUDA

Antigua and Barbuda is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. A prime minister, a cabinet, and a bicameral legislative assembly compose the Government. A Governor General, appointed by the British monarch, is the titular head of state, with largely ceremonial powers. Prime Minister Lester B. Bird's Antigua Labour Party (ALP) has controlled the Government and Parliament since 1976. During the last elections in March 1994, the ALP retained power by capturing 10 of 17 parliamentary seats, down from the 15 it held under the administration of V.C. Bird Sr., the current Prime Minister's father. The Governor General appoints the 15 senators, 11 with the advice of the Prime Minister and 4 with the advice of the opposition leader. The judiciary is independent.

Security forces consist of a police force and the small Antigua and Barbuda Defence Force. The police are organized, trained, and supervised according to British law enforcement practices and have a reputation for respecting individual rights in the performance of their duties.

Antigua and Barbuda has a mixed economy with a strong private sector. Tourism is the most important source of foreign exchange earnings. The country is burdened by a large and growing external debt, which remains a serious economic problem. Per capita gross domestic product was about \$8,500 in 1997.

Although the Government generally respected constitutional provisions for political and civil rights,

opposition parties complained that they received limited coverage or opportunity to express their views on the government-controlled electronic media. Societal discrimination and violence against women also continued to be problems.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political or other extrajudicial killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The Constitution prohibits such practices, and the authorities generally respected these prohibitions.

Conditions at the lone, 18th-century prison are primitive. In November 1997, following prison riots and reports of serious security breaches, the Government decided to privatize the prison and hired a foreign security company. All prison officials, with the exception of a small administrative staff and women's prison officials, were replaced by Trinidadians.

Prison conditions reportedly have improved since the change in prison management. Death row inmates are restricted to 1 hour of exercise per day, but all other prisoners are able to exercise throughout the day. Prisoners receive three meals a day and have opportunities to take literacy classes. Prisoners are also permitted to supplement their diet if their relatives are able to bring food to the prison. There are about 190 prisoners and 38 prison officials.

The Government permits prison visits by independent human rights monitors.

#### **d. Arbitrary Arrest, Detention, or Exile**

The Constitution prohibits arbitrary arrest and detention, and the Government respects these provisions in practice. Criminal defendants have the right to a judicial determination of the legality of their detention. The police must bring detainees before a court within 48 hours of arrest or detention.

There were no reports of involuntary exile.

#### **e. Denial of Fair Public Trial**

The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The judicial system is part of the Eastern Caribbean legal system and reflects historical ties to the United Kingdom. The Privy Council in London is designated by the Constitution as the final court of appeal, which is invariably employed in the case of death sentences. There are no military or political courts.

The Constitution provides that criminal defendants receive a fair, open, and public trial. In capital cases only, the Government provides legal assistance at public expense to persons without the means to retain a private attorney. Courts can reach verdicts quickly, with some cases coming to conclusion in a matter of days.

There were no reports of political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices. Government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

### **Section 2 Respect for Civil Liberties, Including:**

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech, of the press, and other forms of communication. Although the authorities generally respect these provisions in practice, the Government has restricted opposition parties' access to electronic media, effectively denying them equal coverage. The Government owns one of the two general interest radio stations and the single television station. A religious station broadcasts without impediment. One of the Prime Minister's brothers owns the second radio station, and another brother is the principal owner of the sole cable television company. The government-controlled media report regularly on the activities of the Government and the ruling party, but limit the coverage and access of opposition parties.

These restrictions led opposition leader Baldwin Spencer to initiate a constitutional challenge in 1993. In 1997 the High Court determined that the Government had denied Spencer his constitutional right to freedom of expression and called on the Government to provide the opposition with greater media access in the future. However, this ruling has had limited impact in practice. The Government continues to restrict opposition access to the media and there continue to be allegations of censorship. The opposition party requested that a fixed number of hours per week be allocated for opposition use prior to the next general elections that are required under the Constitution by March 1999. The Prime Minister responded negatively to this request and instead, in October proposed allowing press releases, press conferences, and paid political advertisements of a maximum of 30 seconds per advertisement. By year's end, this counterproposal had not been put into effect, and the opposition continued to face difficulties gaining access to the media. In December the opposition alleged that the Prime Minister directed a local television station owned by the Prime Minister's brother to withdraw from a contract signed with the opposition party to broadcast paid political advertisements.

On November 19, an arson attack destroyed an opposition newspaper that published a story about large shipments of arms and ammunition imported by the Government. Several days later, a fire of suspicious origin badly damaged the Ministry of Information, and shortly thereafter the opposition United Progressive Party (UPP) outdoor convention site was mysteriously set afire. The police were investigating these incidents but had released no reports by year's end.

Daily and weekly newspapers offering a range of opinion are active and often publish vigorous criticism of the Government without government interference. Nevertheless, when the only daily newspaper tried to start a radio station in 1996, it was unable to secure a license to operate. After waiting for more than 1 year for a license, the station began broadcasting and the police closed it after 1 day. The authorities charged the owners with operating a radio station without a license; the charges were still pending at

year's end. The owners sued the State in December 1996 for illegal search and seizure and claimed that their constitutional right to broadcast had been violated. In December 1997, the judge ruled that constitutional rights had not been violated even though the owners could rightly claim significant delay; the judge found that the Government had not been inconsistent in this case, since it had not granted other licenses. The owners appealed the case, pointing out that a progovernment station had recently been granted a license. The appeal was still pending at year's end.

The Government does not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly. The police normally issue the required permits for public meetings, but sometimes deny them in order to avert violent confrontations. While the authorities placed some restrictions on demonstrations in the past, the opposition held numerous rallies, public meetings, and a large march with no interference.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

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

The law provides for these rights, and the Government respects them in practice.

There were no reports of forced expulsion of anyone having a valid claim to refugee status. The issue of provision of first asylum did not arise. The Government assesses all claims by refugees under the provisions of the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol.

The Government accepted approximately 3,500 residents of Montserrat who fled volcanic eruptions. This influx placed a serious burden on the country's social services, and the Government asked the United Kingdom for assistance in meeting these needs. Despite the additional burdens, the Government continued to welcome Montserrat refugees.

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

The Constitution provides for a multiparty political system accommodating a wide spectrum of political viewpoints. All citizens 18 years of age and older may register and vote by secret ballot. The Constitution requires general elections at least every 5 years, which means the next general elections must take place by March 1999. The law obligates the Government to hold voter registration during a fixed period (of only 5 days) each year, and parties conduct their own registration drives free of government interference.

Except for a period in opposition from 1971 to 1976, the Antigua Labour Party has held power continuously since 1951. The opposition has charged that the ALP's longstanding monopoly on patronage and its influence over access to economic opportunities make it extremely difficult for opposition parties to attract membership and financial support. In 1992 public concern over corruption in government spawned the merger of three opposition political parties into the United Progressive Party. The UPP increased its representation to seven seats from five during the 1994 election but then lost one seat in a by-election. Opposition parties and the press regularly accuse members of the

Government of corrupt practices. In October the opposition party proposed to the Prime Minister that international observers be present at the next general elections.

No women have been elected or currently serve in the House of Representatives. Two women are senators, which are appointed positions. Eight of the 14 permanent secretaries (the top civil servant position in ministries) are women.

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

While there are no governmental restrictions, no local human rights groups have been formed. There were no requests for human rights investigations or inquiries from individuals or international human rights groups during the year. In 1995 the Government created the post of Ombudsman. During the year, the Ombudsman reviewed 111 cases, the highest number since the office was created. The office of the Ombudsman is generally well regarded. The Ombudsman makes recommendations to the Government based on investigations into citizens' complaints; however, his recommendations often are not implemented to the satisfaction of alleged victims of government abuse and injustice.

#### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The law prohibits discrimination based on race, sex, creed, language, or social status, and the Government generally observed its provisions.

##### **Women**

Violence against women is a recognized social problem. It is treated as a matter of public conscience, and there are nongovernmental social welfare groups focused on the problem. Women in many cases are reluctant to testify against their abusers. There is no domestic violence legislation. Police generally refrain from intervening in cases of domestic violence, and some women have charged credibly that the courts are lenient in such cases.

While the role of women in society is not legally restricted, economic conditions tend to limit women to home and family, particularly in rural areas, although some women work as domestics, in agriculture, or in the large tourism sector. Although the Government pledged to provide better family planning services, educational opportunities, and job training, it has been slow to implement new programs. The Directorate of Women's Affairs exists to help women advance in government and the professions, but progress was slow.

##### **Children**

The Government provides education for children through the age of 16, and children have access to health care and other public services.

Child abuse remains a hidden problem. While the Government has repeatedly expressed its commitment to children's rights, it has done little to protect those rights in practice. The Government pledged to establish a committee on children's rights and indicated it intends to strengthen monitoring and implementation of the United Nations Convention on the Rights of the Child. The United Nations Children's Fund helped support a study of the needs of children and families, and its recommendations are being used to develop a National Plan of Action on Child Survival, Development, and Protection.

## People With Disabilities

There are no specific laws mandating accessibility for the disabled, but there are constitutional provisions that prohibit discrimination against the physically disabled in employment and education. There is no evidence of widespread discrimination against physically disabled individuals, although the Government does not visibly enforce the constitutional antidiscrimination provisions.

## Section 6 Worker Rights

### a. The Right of Association

Workers have the right to associate freely and to form labor unions, and the authorities generally respect these rights in practice. Although fewer than 50 percent of workers belong to unions, the important hotel industry is heavily unionized. There are two major trade unions: the Antigua Trades and Labour Union (ATLU) and the Antigua Workers' Union (AWU). The ATLU is associated with the ruling ALP, while the larger and more active AWU is rather loosely allied with the opposition.

The Labor Code recognizes the right to strike, but the Industrial Relations Court may limit this right in a given dispute. Once either party to a dispute requests the court to mediate, there can be no strike. Because of the delays associated with this process, unions often resolve labor disputes before a strike is called.

Unions are free to affiliate with international labor organizations and do so in practice.

### b. The Right to Organize and Bargain Collectively

Labor organizations are free to organize and bargain collectively. The law prohibits antiunion discrimination, and there were no reports that it occurred. Employers found guilty of antiunion discrimination are not required to rehire employees fired for union activities, but must pay full severance pay and full wages lost by the employee from the time of firing until the determination of employer fault. There are no areas of the country where union organization or collective bargaining is discouraged or impeded.

A proposed export processing zone has yet to be created.

### c. Prohibition of Forced or Compulsory Labor

The Constitution forbids slavery and forced labor, including that of children, and they do not exist in practice.

### d. Status of Child Labor Practices and Minimum Age for Employment

The law stipulates a minimum working age of 13 years, which is respected in practice. The tripartite National Labor Advisory Board recommended in September 1996 that the minimum age be raised to 16, which would correspond with the Education Act. The law prohibits forced or bonded child labor, and it is effectively enforced (see Section 6.c.). The Ministry of Labor, which is required by law to conduct periodic inspections of workplaces, has responsibility for enforcement. There have been no reports of minimum age employment violations. The political strength of the two major unions and the powerful influence of the Government on the private sector combine to make the Ministry of Labor very effective in enforcement in this area.

#### e. Acceptable Conditions of Work

The law established minimum wages for various work categories in 1981. The lowest minimum wage, for domestic workers, is \$0.46 (EC\$1.25) per hour; the highest minimum wage, for skilled labor, is \$1.30 (EC\$3.50) per hour. Most minimum wages would not provide a decent standard of living for a worker and family, but in practice the great majority of workers earn substantially more than the minimum wage. There was consideration of reactivating the tripartite advisory board to review the outdated 1981 rates.

The law permits a maximum 48-hour, 6-day workweek, but in practice the standard workweek is 40 hours in 5 days. The law provides workers a minimum of 12 days of annual leave. There is no law that provides for maternity leave, but general practice arising from the collective bargaining process is to provide up to 13 weeks. Employers generally pay 40 percent of wages for 8 weeks of leave, while social security pays 60 percent. The remaining weeks are paid at 60 percent by social security. Where no collective agreement exists, social security pays 60 percent for 13 weeks.

The Government has not yet developed occupational health and safety laws or regulations. Plans to incorporate comprehensive legislation on safety, health, and the welfare of workers into the existing Labor Code have not yet been implemented. There is no specific provision for a worker to leave a dangerous workplace situation without jeopardy to continued employment.

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