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1999 Country Reports on Human Rights Practices

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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. In the March elections, the ALP retained power by capturing 12 of 17 parliamentary seats, 2 more than it won in the previous elections in 1994. The Governor General appoints the 15 senators in proportion to the parties' representation in Parliament and with the advice of the Prime Minister and the leader of the opposition. 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.

The country 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 \$7,500 in 1998.

The Government generally respected the human rights of its citizens; however, problems remained in several areas. Prison conditions are poor, and there were allegations of abuse of prison inmates. 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; however, there were allegations of abuse by prison guards.

Prison conditions are poor. Conditions at the lone, 18th-century prison considerably worsened when a fire destroyed most of the facility in January. Prisoners allegedly started the fire to protest random searches by prison guards. Following earlier prison riots and serious security breaches in 1997, the Government decided to privatize the prison and hired a foreign security company, which replaced all prison officials, with the exception of a small administrative staff and women's prison officials, with its own employees.

The severe damage to the prison from the January fire required prisoners to be scattered to a number of holding areas, including a factory shell, a former army headquarters building, and the main police station. The conditions in the alternative holding areas were overcrowded and inadequate for proper detention. Repairs to the prison continued throughout the year, and prefabricated buildings were installed to house some prisoners. However, the facility, which holds approximately 182 prisoners, remained overcrowded.

In addition, there were increased allegations of abuse of inmates by prison guards. In June six prisoners were hospitalized. Prison guards allegedly caused the injuries, which included severe bruising of one inmate's genitalia, broken legs due to rubber bullets fired at close proximity, broken ribs and limbs, and severe bruising of the face and head. Two inmates allegedly suffered broken jawbones. The Government removed the prison superintendent and investigated the incidents of abuse; a final report was pending at year's end.

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.

The Government does not use forced 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 Constitution designates the Privy Council in London as the final court of appeal, which always is employed in the case of death sentences. There are no military or political courts.

The Constitution provides that criminal defendants should 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 their coverage of and access by 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 March report of the Commonwealth observer group that monitored the general elections noted that the governing ALP party received the greatest share of political coverage by the government-controlled electronic media. The report also indicated that fair and equal access to publicly owned electronic media did not appear to be available to opposition party figures.

However, print media, including daily and weekly newspapers, are active and offer a range of opinion, often publishing vigorous criticism of the Government. Nevertheless, efforts by print media to expand into electronic media have been restricted. In 1996 a daily newspaper attempted to start a radio station but has been unable to secure a license to operate. The authorities charged the owners with operating a radio station without a license. The case went to trial, and the judge found in favor of the Government, charging the newspaper owners with criminal conduct and finding them liable for damages. 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. In 1998 the owners appealed the case, pointing out that a progovernment station had recently been granted a license. During the year, the owners submitted an appeal to the Privy Council in the United Kingdom; their case was still pending at year's end.

The police still have not issued a report of their investigations in three possible arson attacks in 1998. On November 19, 1998, an arsonist 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's outdoor convention site mysteriously was set afire.

In March a newspaper dismissed two journalists due to a controversy surrounding a news story critical of the Government. The foreign-born newspaper publisher dismissed the reporters for making public their opposition to the publisher's decision not to publish the article critical of the Government just prior to the general elections. The Caribbean Association of Media Workers criticized the dismissals as undermining the newspaper's editorial independence and as a threat to press freedoms.

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 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

In 1998 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; the last general elections were held in March. 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 led to the merger of three opposition political parties into the United Progressive Party.

The Commonwealth observer group that monitored the March elections issued a report noting irregularities in the electoral process. The report indicated that the voters' register stood at 52,348 voters, of a total population of approximately 69,000 persons. Since 40 percent of the population were estimated to be below voting age, the voting rolls appeared to be inflated. According to the observer group, the voter registration period, which is limited to only a week every July, appeared too restrictive and potentially disfranchises citizens, such as persons who would reach the voting age of 18 after July but before the elections. The observer group recommended the establishment of an independent electoral commission to improve the voter registration process.

There are no impediments to participation by women in government and politics, but they are underrepresented. 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 220 cases, twice that of 1998 and the highest number since the office was created. The office of the Ombudsman generally is 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. However, Parliament approved domestic violence legislation in January, and organizations such as the Government's Directorate of Women's Affairs sought to increase women's awareness of their rights under the law. 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 restricted legally, 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 stills plans to establish a committee on children's rights and indicated it intends to strengthen monitoring and implementation of the U.N. Convention on the Rights of the Child. The U.N. 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

No specific laws mandate accessibility for the disabled, but constitutional provisions 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 enforce the constitutional antidiscrimination provisions visibly.

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. Approximately 70 percent of workers belong to a union, and the 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 allied rather loosely 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 that the court 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.

An export processing zone, first proposed in 1994, had not yet started full operation as of year's end. The same labor laws will apply in that zone as elsewhere throughout the country.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids slavery and forced labor, including that by 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 16 years, which corresponds with the provisions of the Education Act. 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. The law prohibits forced or bonded child labor, and it is enforced effectively (see Section 6.c.).

e. Acceptable Conditions of Work

Minimum wage rates, which were established by law for various work categories in 1981, have never been revised and generally are viewed as irrelevant to current economic conditions. 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. The Ministry of Labor periodically surveys average minimum wages paid in various sectors; it issues these as guidelines to prevailing market wages. The guidelines are not compulsory; the Ministry provides them to reflect increasing wage expectations in the labor market and to offset the failure to update the 1981 minimum wage rates. In 1999

these guidelines indicated that employers pay an average salary of \$92.60 (EC\$250) per week, although the range of actual salaries varies widely, depending on level and experience. There was consideration of reactivating the tripartite advisory board to review the outdated 1981 rates.

The law provides that workers are not required to work more than a 48-hour, 6-day workweek, but in practice the standard workweek is 40 hours in 5 days. The law stipulates that workers receive a minimum of 12 days of annual leave. The law requires employers to provide maternity leave with 40 percent of wages for 6 weeks of leave, while social service programs provide the remaining 60 percent of wages. The employer's obligation ends after the first 6 weeks, but social services will continue to pay 60 percent of wages for an additional 7 weeks, covering a total of 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 been implemented yet. There is no specific provision for a worker to leave a dangerous workplace situation without jeopardy to continued employment.

f. Trafficking in Persons

There are no laws that specifically address trafficking in persons. There were no recent reports that persons were trafficked in, to, or from the country.

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[Latin America, the Caribbean, and Canada Index](#) | [Table of Contents](#) | [1999 Report Homepage](#) | [Human Rights Reports Index](#)