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Antigua and Barbuda

Country Reports on Human Rights Practices - [2005](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 8, 2006

Antigua and Barbuda is a multiparty, parliamentary democracy with a population of approximately 76 thousand. 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, problems remained in a few areas:

- allegations of police brutality
- poor prison conditions
- libel suits brought by officials against critical journalists or media outlets
- high-level corruption
- societal discrimination and violence against women
- sexual abuse of children

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 the 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 law prohibits such practices, and the authorities generally respected these prohibitions in practice. Nonetheless, there were occasional reports of police brutality and threatening behavior and allegations of abuse by prison guards.

In June the family of Antonio Smith alleged that after the police detained the 17-year-old for questioning, they beat him and then nearly shot him after Smith attempted to escape. Also in June the family of Lucien Joseph alleged that the police shot him and then beat him after he fell to the ground. In July police reportedly beat 17-year-old Brian Spencer at a police station, then shot him in the back of the leg after he attempted to escape. These incidents were still under investigation at year's end.

Prison and Detention Center Conditions

Prison conditions were poor. Her Majesty's Prison, the country's only prison, held 194 inmates (188 men and 6 women). The prison did not have toilet facilities, and slop pails were used in all 122 cells. Prison staff complained anonymously to the press about the poor conditions, including a reported increase in the number of prisoners who had HIV/AIDS and charges that certain inmates were made into "sex slaves" by other prisoners.

Prison overcrowding was attributed, in part, to a law that went into effect in 2004 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. In May 42 persons were reportedly being held on remand. According to the prison superintendent, a shortage of space in the prison required placing some of those held on remand 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. In April the minister of justice complained publicly that keeping juvenile offenders with the adult prison population both broke the prison's own rules and placed the juveniles at risk.

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 law 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 Defense Force. The police force comprises 690 officers, 125 of whom are part of the country's fire brigade. In May amid rumors that the new administration wanted to clean up the police force, the prime minister ordered 20 officers, including the former police commissioner, to take forced leave. The government named a new police commissioner at that time. No official explanation was provided for these actions.

Arrest and Detention

The law permits police to arrest without 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.

There were no reports of political detainees.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision 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 London as the final court of appeal, which always is employed in the case of death sentences.

Trial Procedures

The law provides that criminal defendants should receive a fair, open, and public trial. Trials are by jury. Defendants enjoy a presumption of innocence, 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 may reach verdicts quickly, with some cases coming to conclusion in a matter of days.

Political Prisoners

There were no reports of political prisoners.

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

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

Privately owned print media, including daily and weekly newspapers, were active and offered a range of opinion. During the year, however, concerns were raised about possible government efforts to influence news reporting on the government-owned broadcasting service. Members of the government also made statements and took actions that potentially could limit freedom of speech.

The International Press Institute (IPI), in its 2004 year-end report, criticized the government for appearing to seek to influence the government-owned media. The IPI also noted there was continued tension between the government and certain media outlets, particularly ZDK Radio, which is owned by the family of Lester Bird, the former prime minister and leader of the opposition ALP. In October 2004 ZDK Radio was taken off the air briefly for not paying its overdue electricity bill of \$49 thousand (EC\$132 thousand). The ALP complained that the

station was taken off the air for politically motivated reasons.

In February a journalist at the government-owned ABS Television criticized the minister of information for attempting to censor the station's news broadcasts. In October the Inter-American Press Association charged that ABS continued to be "a public relations tool for the ruling party."

During the year members of the government took legal action against the media for defamation. In January the minister of information filed suit against ZDK Radio, charging the station with slander and defamation for statements made on one of its talk radio programs. In June Prime Minister Spencer threatened to take legal action to curb what he characterized as the use of talk radio programs for slander and said he would direct the attorney general to "strengthen legislation to deal with sedition and terrorism." In September the director of public prosecutions (DPP) charged Lennox Linton of Observer Radio with defamation for verbally ridiculing the DPP's office on the air. The Association of Caribbean Media Workers criticized government actions to limit press freedoms throughout the year.

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 seized the equipment. At year's end the matter was still before the courts, and the equipment had not been returned.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

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

The opposition ALP attempted to hold a march protesting several issues during the first week of November, but was denied permission, because the police stated they were unable to provide adequate security as the planned march coincided with the annual independence celebration. The ALP was allowed to stage its protest later in the month.

c. Freedom of Religion

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

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community was very small.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law 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

Although the country is a signatory of the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the government has not established a system for providing protection to refugees or asylum seekers. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government did not routinely 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 law 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 the 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.

The Directorate of Gender Affairs participated in workshops to encourage women to become active in politics. Voters elected 1 woman to the 17-seat House of Representatives; there were 2 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, although two women served as ministers of state.

Government Corruption and Transparency

High-level corruption was a problem, particularly during the former ALP administration. The Spencer administration began numerous high profile corruption investigations following the 2004 election. These investigations hindered the new government because the losing ALP party stripped many government offices of key files and documents. Since coming to power, the Spencer administration implemented an aggressive anticorruption program and passed legislation dealing with corruption and ethics. In March the government brought three counts of conspiracy charges against an advisor to a UPP minister for alleged improper approaches to the government tender board.

In 2004 the Spencer administration passed legislation on government transparency to provide access to government information. At year's end, however, implementation lagged, and the UPP was criticized for not fulfilling its campaign promises regarding transparency.

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

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 law 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 (NGO) to provide safe havens for abused women and children.

Violence against women came into sharp focus at the end of October, when Senate President Hazelyn Francis was assaulted and raped in her home. The prime minister vowed to bring the full force of the law against the perpetrator of the crime, and police had identified suspects but not charged anyone by year's end. Francis was also the victim of an attempted robbery at her residence earlier in the year. Francis and other female members of parliament requested personal security details, but the government did not provide any.

The Directorate of Gender Affairs launched an education campaign to "Break the Silence" and in November held a march against domestic violence. Senators Hazelyn Francis and Joanne Massiah, Labor Minister Jaqui Quinn-Leandro, and Dr. Ermina Osoba participated in the march and following candlelight vigil in remembrance of victims who died as a result of domestic violence.

Prostitution is prohibited, but it remained a problem. During the year there were reports of a prostitution ring involving teenagers and young men. 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; 54 percent of the public service and more than half the permanent secretaries--the most senior career positions--were female. In addition 41 percent of bar association members were female. There was no legislation requiring equal pay for equal work. Women faced no restrictions involving ownership of property. The Directorate of Gender Affairs was tasked with 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. However, schools faced many shortages, 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. In June four girls were not allowed to attend their graduation because they were pregnant.

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, including the gang rape of a 15-year-old girl in May. This incident led a local NGO to call for the country to address the issue of adults preying on children for sex. 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. A case in which a 40-year-old man was having a long-term relationship with a young girl received considerable attention during the year. It came to public awareness when neighbors alerted police to the fact that the man and girl were living together as a couple. According to press reports, police failed to take action. A spokesperson for the government's Citizens Welfare Division stated that police routinely ignored such cases because they considered them to be consensual and not criminal acts.

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. After complaints by local religious leaders, authorities raided four brothels in August, arrested 70 alleged prostitutes and clients, and deported those working or present illegally back to the Dominican Republic, Trinidad, Jamaica, and Guyana.

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 75 percent of workers belonged to a union. During the year 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 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. The International Labor Organization's Committee of Experts repeatedly requested the government to amend certain paragraphs of the Industrial Courts Act and the extensive list of essential services in the Labor Code, asserting that these provisions excessively limit the right to strike.

c. Prohibition of Forced or Compulsory Labor

The law forbids slavery and 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 exploitative 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. In 2002 upon recommendation from a tripartite committee of representatives from employers, employees, and government, the minister of labor set the minimum wage at \$2.22 (EC\$6.00) an hour for all categories of labor. The minimum wage provided a barely adequate standard of living for a worker and family, and 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, 6-day workweek, but in practice the standard workweek was 40 hours in 5 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 may leave a dangerous workplace situation without jeopardy to continued employment.

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