

## **ANTIGUA AND BARBUDA**

Antigua and Barbuda is a multiparty, parliamentary democracy with a population of approximately 100,000. In parliamentary elections in March 2009, which observers described as generally free and fair, the United Progressive Party (UPP) defeated the ruling Antigua Labour Party (ALP), and Baldwin Spencer was reelected as prime minister. Security forces reported to civilian authorities.

There were human rights problems in some areas, including excessive use of force by police, poor prison conditions, some limits on press freedom, societal discrimination and violence against women, sexual abuse of children, and discrimination against homosexuality.

### **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 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 persons on basis of sexual orientation or gender identity, and allegations of abuse by prison guards.

In response to several incidents during 2009 involving foreign citizens in which police used excessive force and threats of violence, police received training regarding international conventions and consular access, the latter of which reportedly improved.

In 2008 authorities placed a police officer on administrative leave for the beating of a 17-year-old. The deputy police commissioner promised an investigation, and the officer retired. Although the officer faced criminal charges, he was never prosecuted.

#### Prison and Detention Center Conditions

Prison conditions were very poor. Her Majesty's Prison, the country's only prison, was overcrowded, did not have toilet facilities, and slop pails were used in all 122 cells. It held 295 convicted prisoners as of December 15.

Prison overcrowding was attributed in part to a law that limits the ability of magistrates to grant bail to those accused of certain offenses. This resulted in an increase in the number of persons held on remand or awaiting trial. Due to space limitations, authorities sometimes held persons on remand together with convicted prisoners.

Seven female prisoners were held in a separate section and were not subject to the same overcrowding problems encountered in the men's prison. Seven juvenile prisoners were held with adult inmates.

Prisoners and detainees had reasonable access to visitors, were permitted religious observances, and had reasonable access to complaint mechanisms and the ability to request inquiry into conditions.

The government investigated and monitored prison conditions and permitted prison visits by independent human rights observers, although no such visits were known to have occurred during the year.

#### 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, the small Antigua and Barbuda Defence Force, and the Office of National Drug Control Policy, which coordinates law

enforcement and prosecutorial action to counter narcotics trafficking. The police force had approximately 750 officers.

The police discipline department, which investigates complaints against the police, is headed by the deputy police commissioner and decides whether an investigation is conducted. The police fall under the prime minister's area of responsibility; the prime minister can call for an independent investigation into an incident as needed.

#### Arrest Procedures and Treatment While in 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. There were cases in which authorities denied foreign national criminal detainees prompt consular access and delayed notification of detention to the foreign government, although training appeared to improve access and notification. In 2009 some foreign national detainees claimed police used excessive force and threats of violence against them while in detention; the government investigated these allegations and found no evidence to support them. The bail system requires 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.

#### Trial Procedures

The constitution provides that criminal defendants should receive a fair, open, and public trial, and an independent judiciary generally enforced this right. 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.

#### 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 EC\$1,500 (\$550); three magistrate's courts deal with summary offenses and civil cases of not more than EC\$500 (\$185) in value. Persons may apply to the High Court for redress of alleged violations of their constitutional rights.

- 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, but the government respected these rights on a somewhat limited basis. Privately owned print media, including daily and weekly newspapers, were active and offered a range of opinion. Politicians in both parties often filed libel cases against members of the other party.

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. The ALP claimed that government-operated ABS TV and Radio did not allow fair access to the opposition.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. There were 75 Internet users per 100 inhabitants, according to Internet World Statistics.

### Academic Freedom and Cultural Events

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

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

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

#### c. Freedom of Religion

For a complete description of religious freedom, see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt/](http://www.state.gov/g/drl/irf/rpt/).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

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

### Protection of Refugees

The government has not established a system for providing protection to refugees. The government did not expel or return refugees to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; however, no such cases arose during the year.

The government did not grant refugee status or asylum during the year. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers, but normally the government immediately deported foreigners who could not provide legal documentation.

### 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 March 2009 elections the then opposition UPP won nine of 17 seats in the House of Representatives and 50 percent of the popular vote. Members of the Organization of American States observer group reported that the elections were generally free and fair. After the opposition ALP challenged the results of election, the Court of Appeal upheld the decision despite some technical problems in the election process.

Political parties could operate freely without restriction or outside interference.

There were two women in the 19-seat House of Representatives and five women appointed to the 17-seat Senate. The governor general, the speaker of the House of Representatives, and the president of the Senate, all appointed positions, were women. There were two women in the cabinet.

There was one member of a minority in parliament.

### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year. Both political parties frequently accused the other of corruption, but investigations yielded little or no results.

The Integrity in Public Life Act requires public officials to disclose all income, assets (including those of spouses and children), and personal gifts while in public office. The law established an Integrity Commission, appointed by the governor general, to receive and investigate complaints regarding noncompliance with or contravention of any provisions of this law or the Prevention of Corruption Act. The commission responded to isolated reports of corruption, administered the act, and received the required disclosure reports.

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 citizens found it difficult to obtain documents, possibly due to government funding constraints rather than obstruction.

#### Section 5 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.

The government cooperated with international organizations and consulted regularly with UN representatives.

There is an ombudsman, an independent authority appointed by the prime minister, to deal with complaints regarding police and other government officials. However, the office lacked the resources to provide effective oversight for the entire government and did not produce regular reports.

#### Section 6 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

Rape, including spousal rape, is illegal and carries maximum sentences (rarely imposed) ranging from 10 years' to life imprisonment. It was a pervasive problem, with multiple rapes reported every month. The Directorate of Gender Affairs, part of the Ministry of Labor, Public Administration, and Empowerment, established and publicized a crisis hotline for victims and witnesses to sexual assault, and managed a sexual assault center that coordinates responses to sexual assault. When rape cases are reported to the police, a female police officer accompanies the victim for both questioning and medical examinations at the center. Once the doctor's report is completed, an investigation commences. If a suspect is arrested, he is placed in a line-up and must be identified by the victim face to face, without use of a one-way mirror. There were nine rape cases and 37 cases of unlawful sexual intercourse reported, of which four rape cases and 30 unlawful sexual intercourse cases led to prosecution during the year. In situations where the victim did not know her assailant, the cases rarely came to trial.

Violence against women, including spousal abuse, was a problem. The law prohibits and provides penalties for domestic violence, but many women were reluctant to testify against their abusers. 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 hotline and worked with a nongovernmental organization (NGO) to provide safe havens for abused women and children. Services for victims of domestic violence included counseling and an advocacy case worker who accompanied the victim to the hospital and police station.

Sexual harassment is illegal, but it was rarely prosecuted. According to the Labor Department, there was a high incidence of sexual harassment incurred by employees in both the private and public sectors. However, only approximately 20 cases were formally reported during the year; the small number was believed to result from concerns about retaliation.

Reproductive rights of women were protected. Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of their children and had the information to do so free from discrimination, coercion, and violence. There was adequate access to contraception. Most pregnant women had at least one antenatal care visit, and most women gave birth in hospitals. A 2008 UNICEF report indicated that skilled attendance at birth was 100 percent and estimated the contraceptive prevalence rate at 53 percent. Incidence of maternal mortality was not available. Women were equally diagnosed and treated for sexually transmitted infections, including HIV.

Women in society enjoy the same rights as men under the law. However, 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. Despite these limitations, women were well represented in the private and public sectors. There was no legislation requiring equal pay for equal work, but women faced no restrictions involving ownership of property. The Directorate of Gender Affairs is charged with promoting the rights of women.

### Children

Citizenship is acquired by birth in the country, and all children were registered at birth. Children born to citizen parents abroad can be registered by either of their parents.



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.

Statutory rape is illegal; the minimum age for consensual sex is 14. Despite a maximum penalty of 10 years to life, authorities brought charges against few offenders, and those convicted did not serve long jail terms due to lack of witness cooperation. Child pornography is illegal and subject to fines of up to EC\$250,000 (\$92,500) and 10 years in prison.

The government is not a party to the 1980 Hague Convention on International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html), as well as country specific information at [http://travel.state.gov/abduction/country/country\\_3781.html](http://travel.state.gov/abduction/country/country_3781.html).

#### Anti-Semitism

The Jewish community was very small, and there were no reports of anti-Semitic acts.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### 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.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexual acts for both sexes are illegal under indecency statutes, and some male homosexual acts are also illegal under anal intercourse laws. Indecency statutes carry a maximum penalty of five years, and anal intercourse carries a maximum penalty of 15 years in prison.

Societal attitudes towards homosexuality impede operation and free association of lesbian, gay, bisexual, and transgender (LGBT) organizations. Some LGBT persons claimed that being openly LGBT would result in discrimination and possible violence. However, there were no reports of actual violence or discrimination based on sexual orientation.

#### Other Societal Violence or Discrimination

Rastafarians complained of discrimination, especially in hiring and in schools, but the government took no specific action to address such complaints.

Some LGBT persons claimed that homophobia impairs the willingness of HIV-positive persons to obtain treatment; however, there were no reports of violence or discrimination directed toward persons with HIV/AIDS. The Ministry of Health supported local NGO efforts to register human rights complaints and seek assistance related to cases of discrimination against those with HIV/AIDS. The Ministry of Labor encouraged employers to be more sensitive to employees with HIV/AIDS.

#### Section 7 Worker Rights

##### a. The Right of Association

Workers have the right to associate freely and to form labor unions. Approximately 60 percent of workers in the formal sector belonged to a union. Unions were free to conduct their activities without government interference. Labor unions formed an important part of the base of both political parties.

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 court mediation, strikes are prohibited under penalty of imprisonment. Because of the delays caused by mediation and required notice periods, unions often resolved

labor disputes before calling a strike. The Industrial Relations Court may issue an injunction against a legal strike when the national interest is threatened or affected.

Labor law prohibits retaliation against strikers, and the government effectively enforced this prohibition.

b. The Right to Organize and Bargain Collectively

The law allows labor organizations to organize and bargain collectively without interference, and the government protected this right. The law prohibits antiunion discrimination by employers but does not specifically require reinstatement of workers illegally fired for union activity.

There were no special laws or exemptions from regular labor laws in export processing zones (EPZs). There was one inactive EPZ, with no workers.

c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, including by children. For more information, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

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 child labor.

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. Tripartite consultations helped set the minimum wage. The minimum wage was EC\$7.00 (\$2.59) 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 or compulsory overtime is not specifically prohibited.

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