

The Death Penalty

Submitted by: The Advocates for Human Rights and The World Coalition Against the Death Penalty

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Summary: Antigua and Barbuda retains mandatory capital punishment for murder, treason, and certain military offenses, but court rulings and sentencing guidelines limit capital punishment to the “rarest of the rare” circumstances. Authorities have not carried out any executions since 1991, and no person is currently under sentence of death. The government previously stated that abolition of the death penalty was unnecessary, but it supported the 2024 UN General Assembly resolution calling for a global moratorium, and the Prime Minister publicly expressed opposition to the death penalty in 2025. Overcrowding and aging infrastructure continue to worsen prison conditions.

Antigua and Barbuda should move from *de facto* moratorium to abolition.

- Domestic law mandates the death penalty for murder, treason, and certain military offenses. The Defence Act of 2006 authorizes the death penalty for military offenses not resulting in death, such as espionage or mutiny.
- In *Hughes and Spence v. The Queen* (2001), the Eastern Caribbean Supreme Court held that mandatory capital punishment for murder was unconstitutional. The High Court of Justice in Antigua and Barbuda applied *Hughes and Spence* in *The Queen v. Monelle* (2008). As a result, the death penalty is a discretionary maximum sentence for murder. Antigua and Barbuda adheres to the Eastern Caribbean Supreme Court’s 2020 practice direction and sentencing guidelines on homicide offenses, stating courts should consider the death penalty in only the “worst of the worst” and “rarest of the rare” circumstances.
- Antigua and Barbuda has not executed a person since 1991. Since then, authorities have held several people under sentence of death but by the end of 2016, they had released or resentenced everyone on death row. Prosecutors most recently sought the death penalty in 2011 but were unsuccessful. No person is currently on death row.
- In its third-cycle UPR in 2021, Antigua and Barbuda stated “[t]here is no need for a moratorium if in fact the penalty is not being applied” and “it is unnecessary to abolish [the death penalty] via the national law” because it is not applied in practice. In 2024, however, Antigua and Barbuda voted in favor of the UN General Assembly resolution calling for a global moratorium on the death penalty. In March 2025, Prime Minister Gaston Browne stated in a media interview that he was not in favor of the death penalty, even in the face of public pressure from a high-profile killing of a child. The woman accused of murdering the child will stand trial in May 2026, but it is unclear whether the prosecution will pursue the death penalty. According to news reports, she did not receive legal representation until approximately six months after her arrest.

Harsh prison conditions persist.

- The sole prison facility in Antigua and Barbuda, His Majesty's Prison, has a capacity of 150 people. In 2024, the prison held approximately 300 people. Detention conditions are harsh due to overcrowding and outdated infrastructure resulting in extreme heat and inadequate hygiene. Since the court system is slow, people spend prolonged periods in pre-trial detention.
- In its third-cycle UPR, Antigua and Barbuda accepted that a new prison is needed but cited funding as a barrier to improving conditions.

Recommendations

- Officially abolish the death penalty and replace it with penalties that are fair, proportionate, and consistent with international human rights standards.
- In the interim:
 - Seek technical assistance to initiate, with the participation of civil society, a comprehensive awareness-raising campaign on the death penalty, including public and parliamentary debates highlighting relevant human rights concerns and misconceptions about deterrence;
 - Amend the Defence Act 2006 to eliminate references to the death penalty that are inconsistent with Section 4(1) of the Constitution;
 - Institute a *de jure* moratorium on executions; and
 - Ensure that every person charged with murder, treason, or any other potentially capital crime receives prompt and timely access to qualified legal counsel.
 - Codify gender-specific defenses and mitigation in capital trials, encompassing trauma, gender-based violence, economic pressures, and family caretaking responsibilities.
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.
- Continue to vote in favor of the UN General Assembly resolution calling for a global moratorium on the use of the death penalty.
- Prioritize reforms of the criminal legal system to reduce the use and length of pre-trial detention, with a view to alleviating overcrowding in detention.
- Dedicate additional resources to improving hygiene at His Majesty's Prison.