

Antigua & Barbuda



LGBTIQ+ Rights

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MECHANISM

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Summary: In 2022, the Eastern Caribbean High Court decriminalized consensual same-sex sexual activity (CSSSA), marking a major victory in the struggle for lesbian, gay, bisexual, transgender, intersex, queer, and other sexual- and gender-minority (LGBTIQ+) equality. Despite this progress, significant challenges remain. The Government of Antigua and Barbuda does not sufficiently protect LGBTIQ+ people from widespread social stigma and discrimination, which can lead to violations of LGBTIQ+ Antiguan and Barbudans' human rights, including their rights to health and safety.

The Government of Antigua and Barbuda inadequately protects LGBTIQ+ people's human rights.

- The Antiguan and Barbudan Government does not officially recognize transgender or non-binary identities, and gender-diverse people are unable to change their gender markers.
- Despite the decriminalization of CSSSA, officials within the Antiguan and Barbudan Government have stated that the Government does not intend to legalize same-sex marriage or adopt further protections for LGBTIQ+ people. Officials argue that doing so would be incompatible with public opinion, but the Government has also not provided any public education campaigns to reduce stigma against LGBTIQ+ people.
- Antigua and Barbuda does not have any anti-discrimination legislation that explicitly prohibits discrimination on the basis of sexual orientation, gender identity, gender expression, and/or sex characteristics (SOGIESC). Although courts interpret prohibitions on discrimination on the basis of "sex" to include sexual orientation and gender identity, the Government has not codified these protections.
- Antigua and Barbuda does not prohibit so-called "conversion therapies," which may amount to torture. Certain churches and Christian communities encourage LGBTQ+ individuals to undergo these so-called "therapies."
- LGBTIQ+ people frequently face hate-motivated violence and harassment. When LGBTIQ+ people do report violations of their human rights to police, police often further harass the LGBTIQ+ victims or do not properly investigate the reported violations.

The Government of Antigua and Barbuda does not adequately protect LGBTIQ+ people's right to health care.

- Gender-affirming care is not available to transgender or gender-diverse individuals. Gender-affirming care is not available through the public health system, and there are no known specialized clinics in the country.

- Antigua and Barbuda does not restrict or prohibit non-medically necessary interventions on intersex youth with the aim to conform their sex characteristics to binary endosex sex characteristics without their informed consent.
- The Government has not adopted comprehensive sexuality education in line with international standards, which may have contributed to sustained transmission rates of HIV. Additionally, institutional stigma in the public healthcare system continues to deter HIV/AIDS patients from seeking essential care.

Recommendations

- **In consultation with LGBTIQ+ civil society organizations, enact comprehensive antidiscrimination legislation that explicitly prohibits discrimination based on sexual orientation, gender identity, gender expression, and sex characteristics in all aspects of public life, and that includes positive actions to address substantive inequalities, provide the procedural safeguards necessary for the effective functioning of the rights protected therein, and provide redress to victims of discrimination.**
- **In consultation with LGBTIQ+ civil society organizations, draft and enact legislation that provides legal gender recognition and recognition of non-binary identities.**
- In consultation with LGBTIQ+ civil society organizations, draft and enact legislation that prohibits non-medically necessary interventions on intersex youth with the aim to conform their sex characteristics to binary endosex sex characteristics without their informed consent.
- Provide legal recognition to same-sex couples, ensuring that benefits traditionally accorded to different-sex married partners – including those related to marriage, adoption, immigration, pension, taxation, and inheritance – are accorded on a nondiscriminatory basis.
- Implement comprehensive sexuality education in line with international standards that include unbiased and scientific information on LGBTIQ+ sexualities and the risk of sexually transmitted diseases like HIV/AIDS, in order to help destigmatize them.
- **Provide transgender individuals with access to adequate health care, including gender-affirming procedures and treatment.**
- Enact legislation that bans so-called “conversion therapies.”
- Enact legislation that explicitly prohibits incitement to hatred or violence based on sexual orientation, gender identity, gender expression, and sex characteristics.
- Conduct prompt, thorough investigations of incidents of hate-motivated violence against LGBTIQ+ persons, hold perpetrators to account, and provide redress to victims.
- Develop and fund mandatory police training and procedures for responding to claims of discrimination and violence against LGBTIQ+ individuals in a manner consistent with international human rights standards.