

# **Antigua and Barbuda 2023 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in Antigua and Barbuda during the year.

There were no credible reports of significant human rights abuses.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The constitution prohibited such practices, and there were no credible reports that government officials employed them.

### **Prison and Detention Center Conditions**

Prison and detention center conditions were harsh due to overcrowding and outdated infrastructure.

**Abusive Physical Conditions:** The country's sole prison, built in 1735, was grossly overcrowded. Some juveniles were held with adults. Prison officials reported that outdated, inadequate infrastructure was the main problem, in addition to contraband and corruption.

**Administration:** The superintendent of prisons reviewed reports of mistreatment and forwarded them to a prison-visiting committee for further investigation.

**Independent Monitoring:** The government permitted prison visits by independent nongovernmental observers.

## **d. Arbitrary Arrest or Detention**

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or

detention in court. The government generally observed these requirements.

## **Arrest Procedures and Treatment of Detainees**

The law permitted police to arrest a person without a warrant, based on a suspicion of criminal activity. Police were required to bring detainees before a court within 48 hours of arrest or detention or file a motion requesting an extension. The law stipulated that prisoners be released if these time limits were not met. There was a functioning bail system, but a person charged with murder did not have the right to bail. The government paid for the cost of a lawyer in capital cases if a defendant was unable to afford one.

## **e. Denial of Fair Public Trial**

The constitution provided for an independent judiciary, and the government generally respected judicial independence and impartiality.

## **Trial Procedures**

The constitution provided for the right to a fair and public trial, and the judiciary generally enforced this right.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **f. Transnational Repression**

Not applicable.

## **g. Property Seizure and Restitution**

Not applicable.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibited such actions, and there were no reports that the government failed to respect these prohibitions.

# **Section 2. Respect for Civil Liberties**

## **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution provided for freedom of expression, including for the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members. According to election observers, there was a need to “de-politicize the media landscape” and to provide equal access to all media.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection

and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law did not provide for the granting of asylum or refugee status, and the government had not established a system for providing protection to refugees. The government handled asylum requests on an ad hoc basis.

**Temporary Protection:** The government provided temporary protection to approximately 700 individuals from Africa who may not qualify as refugees.

## **Section 3. Freedom to Participate in the Political Process**

The constitution provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

**Abuses or Irregularities in Recent Elections:** The most recent national elections, held on January 18, were reported to be generally fair and free of abuses. Independent observer groups, however, noted some irregularities regarding accuracy and transparency of the voters list.

## Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, but the government did not implement the law effectively. There were isolated reports of government corruption.

**Corruption:** The government pursued corruption cases, but media noted public discontent that allegations of high-level corruption were not properly investigated or punished.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were generally cooperative and responsive to the views of these groups.

**Government Human Rights Bodies:** An independent ombudsman appointed by parliament handled public complaints against police, government officials, and government offices. The ombudsman took complaints, conducted investigations, and made recommendations to the relevant authorities. Civil society groups generally considered the ombudsman relatively independent with limited effectiveness.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalized rape of women, as well as domestic or intimate partner rape and other forms of domestic and sexual violence, including so-called corrective rape of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons. The law established sentences ranging from 10 years' to life imprisonment for conviction. Spousal rape was illegal under certain limited circumstances, such as after a legal separation, with a punishment of 15 years' imprisonment. Rape of men was prosecuted under sexual assault and violence statutes. The government generally enforced the law effectively.

Violence against women, including rape and spousal abuse, was a serious problem. The law prohibited domestic violence but was not enforced. Nongovernmental organizations (NGOs) reported a 15 to 20 percent increase in sexual assaults of women.

Authorities stated they had several domestic violence programs, including training for law enforcement officers, health-care professionals, counselors, social workers, immigration officers, and army officers. An NGO reported the government provided a hotline, counseling, social services, and psychosocial care to survivors but noted there was no dedicated safe house.

**Other Forms of Gender-based Violence or Harassment:** The law prohibited sexual assault but did not prohibit sexual harassment.

**Discrimination:** The law provided the same legal status and rights for women as for men, and the law was generally respected. The law did not specifically prohibit sexual harassment in the workplace. The labor code stipulated it was unlawful for an employer to discriminate against an individual because of their gender.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

There were no legal barriers to accessing contraception, but some religious beliefs created social barriers that made it difficult for individuals to access contraception. Sexual and reproductive health information and services were generally affordable and accessible to all.

The government provided access to sexual and reproductive health services, including emergency contraception and postexposure prophylaxis for survivors of sexual violence.

## Systemic Racial or Ethnic Violence and Discrimination

The law protected all citizens from broad forms of discrimination, and the government enforced the law effectively. According to government officials, systemic racial or ethnic discrimination was not a concern. There were no reports of systemic discrimination.

## Children

**Child Abuse:** The law stipulated a significant fine or three years in prison for conviction of child abuse. The law included provisions regarding child-care services and the placing of abused children in the care of government authorities. The government enforced the law effectively.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage was 18. The government enforced the law effectively. Children ages 16-17 could marry with parental consent.

**Sexual Exploitation of Children:** The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking. The law prohibited child pornography or other forms of online child sexual exploitation and abuse. The government generally enforced the law effectively. Child pornography was illegal and subject to fines and up to 20 years in prison. The minimum age for consensual sex was 16.

## Antisemitism

The Jewish community was very small, and there were no known reports of antisemitic incidents.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

**Criminalization:** Sections of the law that criminalized certain sexual activities between same-sex consenting adults were ruled unconstitutional in 2022 by the Eastern Caribbean Supreme Court, but as of year's end, the law was not amended. Sodomy was criminalized under indecency statutes, with a maximum penalty of 15 years' imprisonment, and consensual same-sex sexual conduct between men or between women was criminalized, with a maximum penalty of five years' imprisonment. The law regarding sodomy and same-sex sexual conduct was not enforced; however, the existence of the law fostered stigma and discrimination against persons who engaged in homosexual acts or who were perceived to be LGBTQI+ persons.

**Violence and Harassment:** There were no reports of violence or harassment committed by police, other government agents, or nonstate actors against LGBTQI+ persons due to their actual or perceived sexual orientation. NGO representatives reported a reduction in antagonistic behavior towards LGBTQI+ persons. They noted the general community and family members were more accepting following the Eastern Caribbean Supreme Court judgment.

**Discrimination:** The law did not prohibit discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. NGOs reported that LGBTQI+ persons faced problems finding employment.

The law did not explicitly recognize LGBTQI+ couples and their families or grant them rights equal to other persons.

**Availability of Legal Gender Recognition:** There were no legal processes that enabled individuals to change their gender identify marker on legal and identification documents to align with their self-identified gender identity.

**Involuntary or Coercive Medical or Psychological Practices:** There was no reported practice of so-called conversion therapy to change a person's sexual orientation or gender identity or expression. There were no reports of medically unnecessary and irreversible "normalization" surgeries performed on children or nonconsenting adult intersex persons.

## **Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

There were no laws or other restrictions on freedom of expression, association, or peaceful assembly regarding LGBTQI+ matters.

## **Persons with Disabilities**

NGOs and private citizens reported that individuals with disabilities faced unequal access to education, employment, health services, public buildings, and transportation. The law prohibited any form of discrimination based on disability and stipulated a moderate fine or two years' imprisonment for violations. Authorities stated the law required that persons with disabilities be able to access education, health services, public buildings, and transportation on an equal basis with all other persons; however, the law was not fully implemented or enforced. Antigua amended legislation to mandate reserved parking spaces for persons with disabilities. This legislation was partially implemented.

NGOs reported that a small percentage of children with disabilities attended public schools, especially at the secondary level and above. Learners with disabilities usually attended specialized schools because traditional public schools did not have the resources to assist them. NGOs reported that families unable to pay for private education often kept children with disabilities hidden away at home.

**Institutionalized Children:** Children and adults with disabilities were sometimes placed in residential institutions by their families. There were allegations that some individuals were forced to stay in such institutions against their will.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provided for the right of workers to form and join independent unions. The law also provided for the right to bargain collectively and a limited right to conduct legal strikes. The Court of Industrial Relations could limit the right to strike in a dispute. Once either party to a dispute requested the court to mediate, no strikes were allowed. Due to delays associated with this process, unions often resolved labor disputes before a strike was called. The law prohibited antiunion discrimination by employers but did not specifically require reinstatement of workers illegally fired for union activity.

Freedom of association and the right to collective bargaining were generally respected for citizen workers, as well as migrant laborers. There were no reports of antiunion discrimination, nor were there reports of violations of collective bargaining rights.

Workers who provided essential services (including water, electricity, hospital, fire, prison, air traffic control, meteorology, telecommunications, government printing office, and port authority) were required to give two weeks' notice of intent to strike. The definition of essential services was broader than what the International Labor Organization generally considered essential. If either party to a dispute requested court mediation, strikes were prohibited under penalty of imprisonment for any private-sector worker and some government workers. The Industrial Relations Court could issue an injunction against a legal strike when the national interest was threatened or affected. The law prohibited retaliation against strikers.

Penalties for violating labor laws ranged from a minor fine to two months in prison and were commensurate with those for denials of other civil rights. Penalties were regularly applied against violators. The government enforced the right of association and collective bargaining. Administrative and judicial procedures, however, were often subject to lengthy delays and appeals.

## **b. Prohibition of Forced or Compulsory Labor**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

Laws collectively prohibited the worst forms of child labor, but specific details were not in any single statute. The government enforced child labor laws, and there were no confirmed reports during the year of the worst forms of child labor. Penalties against violators were regularly applied.

The law stipulated a minimum working age of 16, although work prohibitions did not apply to family businesses. In some circumstances, children younger than 16 were eligible for employment with restrictions, such as not working during school hours and working a maximum number of hours. Persons younger than 18 were not allowed to work past 10 p.m., except in certain sectors, and in some cases were required to have a medical clearance to obtain employment. No list of types of hazardous work existed for the protection of those younger than 18.

The law required the Ministry of Labour to conduct periodic inspections of workplaces. There were no reports of illegal child labor; however, there were no child labor inspections. The law allowed for a small financial penalty or three months in prison for violations. Penalties were less than for analogous serious crimes.

## **d. Discrimination (see section 6)**

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provided for a minimum wage for all categories. The minimum wage was more than the official estimate by the World Bank for the poverty income level.

The law provided that workers were not required to work more than a 48-hour, six-day workweek. The law required that employees be paid for overtime work at one and one-half times their basic hourly wage after exceeding 40 hours in the workweek. The Ministry of Labour put few limitations on overtime, allowing it in temporary or occasional cases, but did not allow employers to make regular overtime compulsory. Penalties for illegal overtime did not effectively deter labor violations.

**Occupational Safety and Health:** The law included occupational safety and health (OSH) provisions, but some were out of date. Government entities responsible for verifying OSH compliance identified unsafe conditions and responded to workers' OSH complaints. The Ministry of Labour reported that workers were allowed to remove themselves from unsafe situations that endangered their health or safety without jeopardizing their employment. The ministry had the authority to require special safety measures not otherwise defined in the law for worker safety.

**Wage, Hour, and OSH Enforcement:** The government exercised limited enforcement of minimum wage, overtime, and OSH laws. Penalties were commensurate with those for similar crimes such as fraud or negligence. Penalties were sometimes applied against violators. Labor inspectors were responsible for enforcement of labor laws in the formal and informal sectors. The government reported there were four labor inspectors, which was insufficient to enforce full compliance per International Labor Organization benchmarks. Inspectors had the authority to conduct unannounced inspections and initiate sanctions.

The government estimated that 15 percent of the workforce was in the informal sector. The government exercised limited enforcement of labor laws in this sector.