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Country:

Antigua and Barbuda

Year:

2015

FIW Status:

F

PR Rating:

2

CL Rating:

2

Aggregate Score:

80

Combined Freedom Score:

2.0

Overview:

Antigua and Barbuda held successful elections in June 2014, and the Antigua Labour Party (ALP) defeated the incumbent United Progressive Party (UPP). The leader of the ALP, Gaston Browne, was installed as prime minister. The ALP accused the UPP of engaging in unlawful acts to influence the elections, and challenged the constitutionality of numerous government initiatives, including the alleged gerrymandering of boundaries, de-registration of voters, and unconstitutional amendments to the law governing the Electoral Commission. However, the Organization of American States (OAS) praised the high voter turnout and the peaceful manner in which elections were conducted.

Political Rights and Civil Liberties:

Political Rights: 31 / 40 [Key]

A. Electoral Process: 11 / 12

The 1981 constitution establishes a parliamentary system, with a governor-general representing the British monarch as ceremonial head of state. The bicameral Parliament is composed of an appointed 17-seat Senate and the House of Representatives, which has 17 directly elected members (16 seats for Antigua, 1 for Barbuda) and an appointed speaker.

Antigua and Barbuda's prime minister is typically the leader of the majority party or coalition that emerges from the legislative elections.

In the June 2014 elections, the opposition ALP captured 14 out of 17 directly elected parliamentary seats, while the UPP took 3 seats. Despite some controversies and political tensions in the run-up to the elections, observers deemed them free and fair.

In December 2013, the High Court ruled that proposed changes to 15 electoral boundaries in advance of the 2014 elections were constitutional and permissible. The changes had been challenged by the ALP, which denounced them as gerrymandering in favor of the UPP. The ALP also challenged the constitutionality of 2010 amendments to electoral laws that required voters to re-register for the 2014 elections. Re-registration began in September 2013, and was fraught with obstacles, including power outages, long lines, and computer failures, and needed to be extended for a fifth week. In its report on the 2014 election, the OAS indicated that continuous registration should have been provided to ensure political inclusion. In April 2014, the Eastern Caribbean Supreme Court of Appeal affirmed the High Court's ruling, upholding the changes to the electoral boundaries and registration process.

B. Political Pluralism and Participation: 13 / 16

Political parties can organize freely, and there is a significant opposition vote and representation in the government. In 2004, the UPP defeated the long-ruling ALP and the prime minister at the time, Lester Bird, marking the end of a political dynasty that lasted over half a century. In party elections held in 2012, Bird lost his position as ALP leader to Browne, representing the first time in 66 years that the party will not be led by a member of the Bird family.

C. Functioning of Government: 7 / 12

In 2013, four government-appointed senators voted with the opposition in an attempt to defeat the UPP administration's plan to implement its Citizenship by Investment Program, which allows investors to acquire citizenship by investing in Antigua. Two of the senators were dismissed for not supporting the policies of their own party, a move that Baldwin Spencer, the prime minister at the time, defended as compliant with the Westminster system of parliamentary governance. The other two senators offered to resign but were allowed to retain their positions. One senator dismissed by Spencer, Anthony Stuart, was reappointed to Parliament following the ALP's electoral victory in 2014. The Citizenship by Investment Program has been operational since 2013.

In 2012, American investor R. Allen Stanford was convicted of fraud and sentenced to 110 years in prison for encouraging clients to invest in certificates of deposit from the Stanford International Bank of Antigua with false promises of security and high returns. In 2013, a group of defrauded investors sued the government of Antigua and Barbuda, claiming that top officials were aware of Stanford's scheme and benefited from it.

While the government has since taken steps to reform the country's financial regulatory environment, no Antiguan officials connected to the Stanford case have been brought to trial. Leroy King, former chief executive of Antigua's Financial Services Regulatory Commission

(FSRC), was charged in the United States in 2009 for accepting bribes from Stanford and has resisted multiple attempts at extradition. In May 2014, it was reported that King engaged in preliminary discussion with US officials regarding a possible plea agreement in the case.

Civil Liberties: 49 / 60

D. Freedom of Expression and Belief: 14 / 16

Antigua and Barbuda generally respects freedom of the press. However, defamation remains a criminal offense punishable by up to three years in prison with hard labor, and politicians often file libel suits against opposing party members. In 2013, now-Prime Minister Browne pledged to the International Press Institute that if elected, his ALP government would repeal criminal defamation legislation within three months of taking power. Attorney General Steadroy Benjamin indicated in September that a bill to decriminalize defamation would be tabled at the next sitting of the House of Representatives, but no action was taken by year's end.

On March 3, 2013, a freelance journalist working for the online news website Caribarena was reportedly shot at after covering a West Indies cricket match, although doubts surrounding the authenticity of his claims led the site to sever their relationship. A series of alleged cyberattacks shut down the website in July 2013, and the editors fled the country following harassment of their families and the vandalism of their homes when they published articles alleging high-level government corruption. Media outlets are concentrated among a small number of firms affiliated with either the current government or its predecessor. There are no restrictions on access to the internet.

The government generally respects religious and academic freedoms.

E. Associational and Organizational Rights: 9 / 12

Freedom of association and assembly are guaranteed under the Constitution, and the government generally respects these rights in practice. Nongovernmental organizations (NGOs) are active but inadequately funded and often influenced by the government. Demonstrators are occasionally subject to police harassment. Labor unions can organize freely and bargain collectively. The Industrial Court mediates labor disputes.

F. Rule of Law: 13 / 16

The country's legal system is based on English common law. In recent years, the Antiguan courts have increasingly asserted independence through controversial decisions against the government.

Crime continues to be a problem. The government has responded with increased community policing, the reintroduction of roadblocks, and stiffer fines for firearms violations. An increase in gun-related crimes and the shooting of a woman at her workplace in 2013 prompted the

Minister of National Security to announce government plans to enforce the death penalty for the first time since 1991. The country's prison is at 247 percent occupancy, and conditions are very poor. The abuse of inmates has been reported, though visits by independent human rights groups are permitted. In late 2014, concerned staff reached out to local media to report rampant corruption among the prison's management and guards, who allegedly smuggle drugs and other contraband for prisoners with the knowledge of their superiors. A protest by inmates in September 2014 was dispersed with tear gas and rubber bullets. In November, the Prime Minister announced that funds from the Citizenship by Investment Program would be used to upgrade prison facilities.

Same-sex sexual activity remains criminalized under a 1995 law, and there have been cases of excessive force and discrimination based on sexual orientation by police in the past.

G. Personal Autonomy and Individual Rights: 13 / 16

The 2005 Equal Opportunity Act bars discrimination on the basis of race, gender, class, political affinity, or place of origin. However, societal discrimination and violence against women remain problems. Only one woman holds a seat in the House of Representatives. Antigua and Barbuda serves as both a destination and transit country for the trafficking of men, women, and children for the purposes of forced labor and sexual exploitation.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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