

**Status of Human Rights in Antigua and Barbuda
for the 39th Session of the
Universal Periodic Review**

Introduction:

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to discuss the status of human rights in Antigua and Barbuda for the 39th session of the Universal Periodic Review (UPR).

Background

2. Antigua and Barbuda are two islands and one country located in the Caribbean with an estimated population of 98, 493 people¹. The country is predominately Christian, with an estimated 68.3% of the population identifying as Protestant, 8.2% as Catholic, 12.2% as other, 5.9% as none, and 5.5% as unspecified².

3. Antigua and Barbuda's previous review was held on 9 May 2016³. As a result of the review Antigua and Barbuda received 115 recommendation 37 of which were supported by Antigua and Barbuda⁴. One recommendation, which was noted by Antigua and Barbuda, was that the government “[r]atify the International Covenant on Civil and Political Rights”⁵. It was also recommended that Antigua and Barbuda “[e]nsure effective implementation of the legislation against trafficking of human beings and enhance support to the victims of trafficking, especially women and children,” and “[c]ontinue to implement laws, policies and programmes targeted at combatting trafficking in persons, prosecute the identified perpetrators and provide rehabilitation for victims of trafficking in persons”⁶. Both of these recommendations regarding human trafficking were supported by Antigua and Barbuda.

Legal Framework

4. Article 6 of the Constitution states that “[n]o person shall be held in slavery or servitude. No Person shall be required to perform forced labour”⁷. Furthermore, under Article 7 “[n]o person shall be subjected to torture or to inhuman or degrading punishment or other such treatment”⁸.

5. In 2010, Antigua and Barbuda passed the Trafficking In Persons (Prevention) Act, 2010, the purpose of which is to:

. . . give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organised Crime, 2000; to combat the trafficking in persons within and across the borders of Antigua and Barbuda; to provide for the offence of trafficking in persons and other offences associated with trafficking in persons; to provide measures to protect and support trafficked persons and for incidental and connected purposes⁹.

6. Article 3 of the Act states the main objectives:
- (a) to give effect to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons;
 - (b) to provide for the prosecution of persons involved in trafficking in persons and related offences and for appropriate penalties;
 - (c) to provide for the prevention of trafficking in persons and for the protection of and assistance to trafficked persons;
 - (d) to provide for effective enforcement measures; and
 - (e) generally to combat trafficking in persons¹⁰.

7. Article 4 of the Act, makes the Act applicable to those trafficked domestically within Antigua and Barbuda, as well as also those being trafficked from Antigua and Barbuda to another country or trafficked from another country into Antigua and Barbuda¹¹.

8. On 3 July 2019, as was recommended during the previous UPR cycle, Antigua and Barbuda ratified the International Covenant on Civil and Political Rights (ICCPR)¹². This ratification is important, as Antigua and Barbuda are bound to uphold the principles within the ICCPR, including those found in Articles 7 and 8:

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation¹³.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. No one shall be required to perform forced or compulsory labour¹⁴;

Human Trafficking in Antigua and Barbuda

9. Antigua and Barbuda serves as both a destination and transit country for human trafficking¹⁵. Specifically, women are targeted for sexual exploitation in bars and night clubs¹⁶. John McKinnon, one member of the local Trafficking in Persons Prevention Committee, reported that “[m]ost of the human trafficking victims are women and most of the cases that we have seen are sexual exploitation. We have had one recent domestic servitude case and that too was a female”¹⁷.

10. One of the reasons prosecution and investigations are difficult in Antigua and Barbuda is that many of the victims come from other countries. As such, Antigua and Barbuda must work both with foreign agencies and the victims. Many of the victims who have been rescued return to their home country making it difficult for authorities to prosecute perpetrators¹⁸. As explained by McKinnon, “[w]e have never had a victim who has elected to remain in Antigua and Barbuda. So, when the case is called, we have to track down that victim and getting them to come back to testify has proven difficult in the past”¹⁹.

11. For example, in June of 2018 Antigua and Barbuda police forces arrested a woman for human trafficking²⁰. She was charged with four counts of human trafficking between 2017 and 2018. The charge came after operations were carried out against a night club she owned²¹. Despite some prosecution, however, Antigua and Barbuda has yet to secure one conviction of human trafficking²².

Conclusion

12. It is critical that Antigua and Barbuda further implement procedures and allocate resources so that Antigua and Barbuda can be better prepared and equipped to investigate and prosecute cases of human trafficking. Furthermore, now that Antigua and Barbuda has ratified the ICCPR, it must begin working to uphold the principles to which it has committed.

¹ *Antigua and Barbuda Population 2021 (Live)*, WORLD POPULATION REVIEW, available at <https://worldpopulationreview.com/countries/antigua-and-barbuda-population>.

² *Antigua and Barbuda Religions*, INDEXMUNDI, available at https://www.indexmundi.com/antigua_and_barbuda/religions.html.

³ Universal Periodic Review – Antigua and Barbuda, available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/AGIndex.aspx>.

⁴ UPR of Antigua and Barbuda – Second Cycle Thematic List of Recommendations, available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/AGIndex.aspx>.

⁵ UPR of Antigua and Barbuda – Second Cycle Thematic List of Recommendations A/HRC/33/13 – Para. 77, available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/AGIndex.aspx>.

⁶ *Id.*

⁷ The Constitution of Antigua and Barbuda, 1981, art. 6, available at <https://www.iidh.ed.cr/capel2016/media/1140/constitucion-pol%C3%ADtica-antigua-y-barbuda.pdf>.

⁸ *Id.* art. 7.

⁹ The Trafficking in Persons (Prevention) Act, 2010, available at <http://laws.gov.ag/wp-content/uploads/2019/02/a2010-6.pdf>.

¹⁰ *Id.* at art. 3.

¹¹ *Id.* art. 4.

¹² *Antigua and Barbuda*, UNSDG, available at <https://unsdg.un.org/un-in-action/antigua-and-barbuda>.

¹³ International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 7.

¹⁴ *Id.* at art. 8.

¹⁵ *Freedom in the World 2020 Antigua and Barbuda*, FREEDOM HOUSE, available at <https://freedomhouse.org/country/antigua-and-barbuda/freedom-world/2020>.

¹⁶ *Human Trafficking Remains a Concern for Antigua*, ANTIGUA BREAKING NEWS (31 Jul 2020), available at <https://268today.com/local-news/human-trafficking-remains-a-concern-for-antigua/>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *J'can Arrested in Antigua on Human Trafficking Charges*, JAMAICA OBSERVER (4 Jun. 2018), available at http://www.jamaicaobserver.com/latestnews/jcan_arrested_in_antigua_on_human_trafficking_charges.

²¹ *Id.*

²² *Human Trafficking Remains a Concern for Antigua*, ANTIGUA BREAKING NEWS (31 Jul 2020), available at <https://268today.com/local-news/human-trafficking-remains-a-concern-for-antigua/>.