I. General Information

Antigua and Barbuda is a constitutional monarchy with a parliamentary system based on the English model.² The country is composed of three islands, Antigua, Barbuda and Redonda, and has a total area of 442 km². World Bank data give the country a population of approximately 81,000 in 2005,³ which is 5.2% higher than in 2000. According to ECLAC, 38.4% of the nation’s inhabitants live in urban areas.⁴ Information from the 2001 census⁵ shows that 28.3% of the population is between the ages of 0 and 14, 33.4% is between 15 and 34, 21.5% is between 35 and 49, 9.8% is between 50 and 64, and 6.9% is over the age of 65. Also, 0.37% of the country’s inhabitants belong to an indigenous group.

In 1998, 12% of the population of Antigua and Barbuda was living in poverty.⁶ The country was ranked 59th in the high group of the Human Development Index.⁷ The 1997 Gini Coefficient was 0.573.⁸ In 2000, the unemployment rate was 8.1%.⁹ The previous year, 88% of those over the age of 15 were literate.¹⁰ In 2005 the country’s GDP was US$885 million, up 41.14% since 2000.¹¹ Per capita GDP also rose to US$10,920, or 34.4% more than in 2000.¹² Per capita GDP in 2004 based on purchasing power parity was US$12,586.¹³

II. Judicial System Highlights

- In 2004, public spending was approximately US$199,157,647, with US$4,833,540, or almost 2.5%, allocated to the justice sector.¹⁴
- According to the Office of Criminal Files, 3,256 criminal complaints were received by the courts in 2004.
- In 2005, there were 690 police officials, 125 of whom (18%) also served as firefighters. That year there were 851.8 police officers per 100,000 inhabitants.
- In 2004, there were 239.5 inmates per 100,000 inhabitants.
- Violent crimes perpetrated against women, including domestic violence, were among the incidents that received the most attention.
- In 2004 a new law was passed that limited judges’ powers to grant protection orders other than pretrial custody for certain types of crimes. This increased the number of individuals held while awaiting trial.
- In 2006, it took an average of 297 days to enforce the terms of a contract from the moment the complaint was filed to the receipt of payment.¹⁵

III. Institutions

1. Overall Structure and Operation of the Judicial System

Antigua and Barbuda is a member of the Caribbean Community (CARICOM), the British Commonwealth and the Organization of Eastern Caribbean States (OECS).

It has a common law tradition, an adversarial justice system and the final court of appeal is the Judicial Committee of the Privy Council until the constitutional changes needed to transfer this authority to the appellate jurisdiction of the Caribbean Court of Justice are enacted.

2. Judicial Branch

The country’s Judicial Branch is composed of the Eastern Caribbean Supreme Court, which includes a Court of Appeal with unlimited jurisdiction over appeals in criminal and civil cases, and the High Court, with unlimited jurisdiction over criminal and civil cases.

It also has its own Magistrates Courts, with limited jurisdiction over lesser criminal, civil, family law and juvenile cases.

There is also an Industrial Court that handles labor disputes regulated by the Labor Code.16

3. Attorney General and Ministry of Legal Affairs17

This Ministry represents the Executive Branch in legal matters. Its director serves as Attorney General. It includes the Chambers of the Director of Public Prosecutions, which investigates and prosecutes crimes, and monitors legal reform matters and international agreements.

3.1. Chambers of the Director of Public Prosecutions

This office oversees and manages public prosecution of crimes before the courts. The prosecution of crimes is the responsibility of the Attorney General.

The agency’s 2004 budget was EC$ 999,905, which is equivalent to US$ 369,031.58.

4. Police18

4.1. Institutional Structure

The police force maintains public order, keeps the peace, protects life and property and prevents and investigates crimes. It also enforces the law and captures those who break it.

4.2. Budget

The police force’s 2004 budget was EC$ 31,048,624 or US$ 11,427,959.81.19

4.3. Human and Material Resources

In 2005, there were 690 police officials, 125 (18%) of whom also served as firefighters.20 That year there were 851.8 police officers per 100,000 inhabitants.

According to the organization Freedom House, police force training and operation are modeled after British practices. In its 2001 report, the organization affirmed that the police gather basic statistics, which are held confidential.21

The country has forensic laboratories, and although the Direction of Public Prosecutions investigates crimes, in some cases the police may also initiate investigations and serve as prosecutors.22

5. Office of the Ombudsman23

5.1. Institutional Structure

The Office of the Ombudsman does not fall under the purview of any government ministry. It reports to Parliament once a year through the Speaker and President of the Senate. It does not actively participate in legal procedures, but investigates and issues recommendations on complaints presented by members of the community regarding unfair administrative decisions of government officials. If the recommendations are adopted the Ombudsman informs the Prime Minister and later Parliament, and a report on the matter may be made available to the community.

The office’s human resources include the Ombudsman, a legal official, an investigator, an executive official, a senior secretary, two junior secretaries, and support staff.

5.2. Budget

The office’s 2004 budget was EC$ 496,124 or US$ 182,607.24

IV. Criminal Procedure

1. Description

Criminal proceedings in Antigua and Barbuda are adversarial and guided by the principles of immediacy and the use of oral hearings.

2. Prison Situation25

Her Majesty’s Prison is Antigua and Barbuda’s sole prison. In 2005, it housed 194 inmates (188 men and six women), or 239.5 per 100,000 inhabitants.

In 2004, a law was passed limiting judges’ powers to issue protection orders other than pretrial custody for certain types of crimes. This increased the number of individuals held while awaiting trial.

3. Type of Crimes

Violent crimes against women, including domestic violence, received the most attention in Antigua and Barbuda. The Domestic Violence Act of 2004 prohibits and establishes minimum sentences for this type of aggression and others
such as rape and sexual abuse, which can be punished with up to 10 years in prison.

V. Civil Procedures

Civil procedures in Antigua and Barbuda are adversarial and are guided by the principles of immediacy and the use of oral proceedings.

According to the World Bank annual report on enforcing contracts (2006), in Antigua and Barbuda it took an average of 297 days to enforce the terms of a contract from filing to the receipt of payment. The process involved 48 procedures and cost 10.7% of the debt value.26

VI. Legal Profession

The legal profession (education and bar association) of Antigua and Barbuda is the same one established in other Caribbean states with a common law tradition that are members of the British Commonwealth of Nations.

VII. Reform Projects Underway

This country is involved with the reform projects of the Eastern Caribbean Supreme Court described in the introduction to CARICOM.

It is important to note that the Caribbean Court of Justice and Regional Judicial and Legal Services Commission have been installed here. However, this country has yet to make the constitutional reforms necessary to transfer final instance authority to the appellate jurisdiction of the Caribbean Court of Justice.

VIII. Websites

Organization of Eastern Caribbean States
http://www.oecs.org

Official Website of the OECS. Contains the organization’s history, news, publications, job offers, and links to other organizations and related topics. English-language only.

Eastern Caribbean Supreme Court
http://www.eccourts.org/

Information on the mission, operation, and organization of this court. Contains news, publications, job opportunities, and links. English-language only.

OECS Bar Association
www.oecbar.org

General information on the organization’s activities, the text of its Code of Ethics, and a complete directory of justice sector authorities and attorneys in private practice. English-language only.

Ombudsman Office
http://www.ombudsman.gov.ag

Information on the operation of the office as well as reports from the Ombudsman on Antigua and Barbuda. English-language only.

IX. Directory

Eastern Caribbean Supreme Court
Headquarters of the High Court of Antigua & Barbuda
P.O. Box 163
Saint John’s
Antigua, W.I.
Phone: (268) 462-3929 / (268) 462-3146
Fax: (268) 462-3929
Mediation Phone: (268) 462-3929

Office of the Ombudsman
Deanery Place and
Dickenson Bay Street
P.O Box 2049
St. John’s,
Antigua and Barbuda
Phone: (268) 462-9364
Fax: (268) 462-9355

Attorney General
Attorney General’s Chambers
Ministry of Justice & Legal Affairs
Government Complex
Queen Elizabeth Hwy
P O Box 118
St John’s, Antigua, West Indies
Phone: (268) 462 8867
Fax: (268) 462 2465

Solicitor General
Attorney General’s Chambers
Ministry of Justice & Legal Affairs
Government Complex
Queen Elizabeth Hwy
P O Box 118
St John’s, Antigua, West Indies
Phone: (268) 462 0245

Crown Counsel
Office of D.P.P.
Ministry of Justice & Legal Affairs
Government Complex
Queen Elizabeth Hwy
St John’s, Antigua, West Indies
Phone: (268) 462 2464
Fax: (268) 460 8700
Registrar of Lands
Ryan’s Building
High St.
St John’s, Antigua, West Indies
Phone: (268) 562 3894
Fax: (268) 562 3394

Crown Counsel
Criminal Investigation Department (CID)
Police Headquarters
American Road
St. John’s
Phone: (268) 462 5151
Fax: (268) 462 9492

Industrial Court
Friendly Alley
St John’s, Antigua, West Indies
Phone: (268) 462 3928/ 7971
Fax: (268) 462 1486

Senior Deputy Director & Registrar of Ships
Department of Marine Services & Merchant Shipping
Deep Water Harbour
St John’s, Antigua, West Indies
Phone: (268) 462 4353/1273
Fax: (268) 462 4358

Antigua & Barbuda Bar Association
60 Nevis Street
PO BOX 101
St John’s, Antigua West Indies
Phone: (268) 462-0076 / 462-1388
Fax: (268) 462-3077

Notes
2 Antigua and Barbuda, Official Website, http://www.ab.gov.ag
4 ECLAC, Statistical Yearbook of Latin America and the Caribbean 2005.
5 Antigua and Barbuda, Official Website, Complete Summarized Report on the 2001 Census.
6 European Commission. See http://ec.europa.eu/index_es.htm
7 The Human Development Index drafted by UNDP classifies countries into three groups: high human development (rating of 0.8 or over), medium human development (rating of between 0.5 and 0.8) and low human development (rating of 0.5 or less). According to the 2006 version of the Report on Human Development, 63 countries qualify for the first group, 83 for the second, and 31 for the third. See http://undp.org
8 The Gini Coefficient is used to measure concentration of wealth. It is expressed as a value between 0 and 1, where 0 represents perfect equality (everyone has the same income) and 1 represents absolute inequality (one person has all of the wealth and the rest have none). OECS, Human Development Report 2002.
11 World Bank, World Development Indicators. See http://devdata.worldbank.org/data-query
12 World Bank, World Development Indicators, op. cit.
14 This includes the Ministry of Justice, Ministry of Legal Affairs, Department of Criminal Prosecutions, Superior Court, Legal Aid, Magistrates Court, Intellectual Property, Land Registry and Industrial Court.
16 Antigua and Barbuda Labor Code Cap. 27.
17 This point is based in information gathered for the 2004-2005 report and http://www.ab.gov.ag
18 The data for this section were extracted from Country Reports on Human Rights Practices - 2005.
23 This point is based on information compiled for the Report on Judicial Systems in the Americas 2004-2005 and the Ombudsman’s Office Website: http://www.ombudsman.gov.ag