

 Antigua & Barbuda		
<p>National Law: <i>Sexual Offences Act 1995</i>¹</p> <ul style="list-style-type: none"> - S12: Buggery² - S15: Serious Indecency³ 	<p>Maximum Penalties:</p> <ul style="list-style-type: none"> - 15 years' imprisonment - 5 years' imprisonment 	<p><u>Treaty Ratification</u></p> <p>CAT</p> <p>CEDAW</p> <p>CRC</p> <p>CEDAW OP</p>
<p>S12 is applicable only to men. S15 is applicable to both men and women.</p>		
<p>Enforcement</p>	<ul style="list-style-type: none"> - 2014: The US Department of State human rights report on Antigua and Barbuda found that 'the law [prohibiting consensual same-sex sexual activity] was not strictly enforced' during 2014.⁴ - 10 January 2014: A report of the Immigration and Refugee Board of Canada indicates that the law is not actively enforced in Antigua and Barbuda. A representative of the Coalition of Vulnerable Communities (CVC) and current worker in the government's Gender Affairs department stated that he was '<i>not aware of any recent arrests or prosecutions for consensual same-sex sexual acts between consenting adults under these laws</i>'. However, another respondent, a worker from the LGBTI rights group, MESH, indicated that some arrests have been made where two people were caught in public, but these individuals were usually released after a couple of days.⁵ 	
<p>Statements by Public Figures</p>	<ul style="list-style-type: none"> - 13 August 2015: Former Queen of Carnival and a national broadcaster with the state-owned Antigua Broadcasting Service, Tasheka Lavann came out as 'gay and proud' in her first video blog. Recalling her early struggles with her sexuality, she said '<i>regardless of what society says I am going to live for me and I am going to be with who I truly want to be with</i>'.⁶ - 1 March 2014: Attorney General, Justice L. Simon, has claimed that gay visitors are safe travelling to Antigua and Barbuda. In reaction to calls to decriminalise, he responded: '<i>Give us time, and stop bullying. What is clear is that the law, which incidentally is an English colonial relic dating back to 1873, has not been enforced - at least not in recent times</i>'.⁷ - 5 October 2011: The Attorney General made the following statement in respect 	

	<p>to decriminalisation in Antigua and Barbuda: <i>‘[W]e do not have a political mandate to change the laws at this stage but that we will continue, in terms of informing and educating the public, in terms of international treaty principles which are being accepted and adopted elsewhere’</i>.⁸ In an earlier report, he was suggested to have said: <i>‘There will be no change in the law on buggery in Antigua & Barbuda, at least not if I can help it. Being gay is morally wrong, and to be honest personally, I am still homophobic.’</i>⁹</p> <ul style="list-style-type: none"> - April 2011: Sir Clare Roberts, former president of the Inter-American Commission on Human Rights, criticised the Government of Antigua & Barbuda for failing to join 85 other states in signing a statement expressing their concern at human rights violations perpetrated against LGBT people. <i>‘Government has to set the trend. It can’t just follow the sentiments of the populace; you have to do the right thing and lead people in the right direction’</i>.¹⁰
<p>Persecution and Discrimination</p>	<ul style="list-style-type: none"> - 2014: The US Department of State Human Rights Report on Antigua and Barbuda for 2014 found <i>‘there were limited reports of discrimination based on sexual orientation or gender identity in a variety of settings. There were no reports of violence committed against LGBT persons during the year due to their real or perceived sexual orientation.’</i>¹¹ - 2013: The United States Country Report on Antigua and Barbuda found no instances of violent persecution of sexual minorities. However, this may be due to a lack of reporting.¹² The Immigration and Refugee Board of Canada, in correspondence with representatives of LGBTI groups in Antigua and Barbuda, found reports of violence and general societal discrimination. According to the report: <i>‘many LGBT people do not report violence to the police for multiple reasons, such as fear of revealing their sexual orientation, fear of stigma and discrimination or fear due to past experience with police or hearing the experiences of other LGBT people.’</i> One case that was reported involved a man who had a bottle thrown at his head. In another, a man was stabbed and robbed. Sometimes police would take longer to respond in cases involving LGBTI people than in others.¹³
<p>Legislative News</p>	<ul style="list-style-type: none"> - 2012: (UPR) The Government rejected recommendations to decriminalise consensual same-sex conduct: <i>‘The Government of Antigua and Barbuda seeks to recognize the human rights of all citizens. However the issue of discrimination based on sexual orientation is one which remains a matter of concern and is of the view that implementing polices based on sexual orientation requires extensive public consultation and education given the current pre- disposition of its people and their religious influences and indoctrination.’</i>¹⁴

¹ Text of the law is :

<http://ilo.org/dyn/natlex/docs/ELECTRONIC/42538/79312/F1146620290/ATG42538.pdf>.

² *Sexual Offences Act 1995 s12: '(1) A person who commits buggery is guilty of an offence and is liable on conviction to imprisonment - (a) for life, if committed by an adult on a minor; (b) for fifteen years, if committed by an adult on another adult; (c) for five years, if committed by a minor.*

(2) In this section "buggery" means sexual intercourse per anum by a male person with a male person or by a male person with a female person.'

³ *Sexual Offences Act 1995 s15: '(1) A person who commits an act of serious indecency on or towards another is guilty of an offence and is liable on conviction to imprisonment - (a) for ten years, if committed on or towards a minor under sixteen years of age; (b) for five years, if committed on or towards a person sixteen years of age or more.'*

⁴ Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2014: Antigua and Barbuda*, (US Department of State, 2014)

⁵ Canada: Immigration and Refugee Board of Canada, *Antigua and Barbuda: Treatment of sexual minorities by society and authorities; legal recourse and protection available (2010-2013)*, 10 January 2014, ATG104715.E, : <<http://www.refworld.org/docid/52eb82e84.html>> accessed 19 July 2014

⁶ Antigua Observer Online, 'Former carnival queen comes out as gay', (*The Daily Observer* 13 August 2015) <<http://antiguaobserver.com/former-carnival-queen-comes-out-as-gay/>> accessed 18 September 2015

⁷ Shaked, O., 'AG Says Homosexuals Safe in Antigua', (*Caribantigua* 1 March 2014)

<<http://www.caribantigua.com/antigua/news/latest/106125-ag-says-homosexuals-safe-in-antigua.html>> accessed 19 July 2014

⁸ *Observer News*, 'AG: Anti-Buggery Law Here To Stay', (*The Daily Observer* 5 October 2011)

<<http://www.antiguaobserver.com/ag-anti-buggery-law-here-to-stay/>> accessed 19 July 2014

⁹ Armstrong, E., 'Antigua's Buggery Law Unlikely To Change', (*Asylum Law* 3 October 2011)

<<http://www.asylumlaw.org/docs/sexualminorities/Antigua100311.pdf>> accessed 19 July 2014

¹⁰ *The Daily Observer*, 'Sir Clare decries country's non-signing of Gay Rights Declaration', (13 April, 2011), <http://antiguaobserver.com/sir-clare-decries-country%E2%80%99s-non-signing-of-gay-rights-declaration/>.

¹¹ Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2014: Antigua and Barbuda*, (US Department of State, 2014)

¹² Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2013: Antigua and Barbuda*, (US Department of State 2013)

<<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dclid=220413>> accessed 19 July 2014

¹³ Canada: *Immigration and Refugee Board of Canada (n 1)*

¹⁴ UNHRC, *Report of the Working Group on the Universal Periodic Review*, (15 March 2012) UN Doc A/HRC/19/5/Add.1