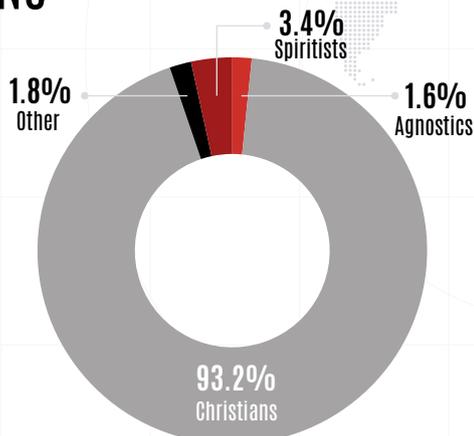




ANTIGUA AND BARBUDA

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

In the Preamble of its constitution,¹ Antigua and Barbuda is defined as a sovereign nation that acknowledges “the supremacy of God, the dignity and worth of the human person” and “the fundamental rights and freedoms of the individual”.

Pursuant to Article 3, everyone has the right to the protection of their fundamental human rights and freedoms without distinction of race, place of origin, opinions or political affiliations, colour, creed or sex. Such rights include, inter alia, freedom of conscience, expression, peaceful assembly and association, subject to respect for the rights and freedoms of others and the public interest.

Conscientious objection to military service is recognised under Article 6.

According to Article 11 (2), no one can be hindered in the enjoyment of their freedom of conscience. This includes freedom of thought and religion, freedom to change one’s religion or belief, to manifest it and propagate it through worship, teaching, practice and observance, either individ-

ually or collectively, in public or in private.

Except with one’s consent, or that of a parent or guardian in the case of minors under the age of 18, no one attending an educational establishment can be required to receive religious instruction, or take part in religious services or attend religious ceremonies other than those of the religion they profess (Article 11, 2).

No one is required to take an oath against their beliefs or in a manner that is contrary to their religion or belief (Article 11, 3).

Under Article 14 (1, 3), no law may be discriminatory in itself or in its effects, where discrimination means different treatment of people by reason of their race, place of origin, political opinion or affiliation, colour, creed or sex.

Ministers of religion cannot be appointed to the Senate (Article 30) or elected to the House (Article 39).

Good Friday, Easter, Whit (Pentecost) Monday and Christmas are statutory holidays.²

Under Article 19 of the Education Act of 2008,³ students can express any religious, political, moral or other beliefs or opinions, as long as they do not affect the rights of other students or people in the school.

Article 29 stipulates that admission to a public school may not be denied on grounds such as race, place of origin, creed, sex, etc.

Religious instruction is part of the curriculum of public and semi-public schools and is taught according to a study plan adopted by the school, which must not include the distinctive catechism of any particular religion (Article 147). According to Article 11, 2, parents can express their objection if they so wish.

In January 2019, a law⁴ was enacted allowing members of a religious group – including, but not limited to, those who profess the Rastafarian faith – to grow, possess and transport certain amounts of cannabis for religious purposes. Cannabis is also allowed in religious functions. Prior registration with the authorities is required.

INCIDENTS AND DEVELOPMENTS

In August 2018, the Church of God of Prophecy, Act 2018 No. 11 of 2018, was approved.⁵

In January 2019, the Cannabis Act, 2018 (No. 28 of 2018) was approved. The law deals, among other matters, with the religious use of cannabis.⁶

In April 2019, The Misuse of Drugs (Amendment) Act, 2019 No. 2 of 2019 was approved. Under the law, the National Drug Council includes a member drawn from the Antigua and Barbuda Christian Council or another religious organisation.⁷

SOURCES / ENDNOTES

1 Antigua and Barbuda 1981, Constitute Project, https://www.constituteproject.org/constitution/Antigua_and_Barbuda_1981?lang=en; “The Constitution of Antigua and Barbuda (Amendment) Bill, 2018,” Antigua Barbuda Law, <http://laws.gov.ag/wp-content/uploads/2018/10/CONSTITUTION-OF-ANTIGUA-AND-BARBUDA-AMENDMENT-BILL-2018.pdf> (accessed 9th February 2021).

2 “Antigua and Barbuda Public Holidays (Amendment) Bill, 2019, No. 11 of 2019,” Antigua Barbuda Law, <http://laws.gov.ag/wp-content/uploads/2019/10/Public-holiday-Amendment-Bill-2019-Draft-15.10.2019-1.pdf> (accessed 26th March 2020).

3 “The Education Act, 2008,” Antigua Barbuda Law, published in the Official Gazette Vol. XII No. 10 12 February 2009, <http://laws.gov.ag/wp-content/uploads/2019/02/a2008-21.pdf> (accessed 22nd May 2020).

4 “The Cannabis Act No. 28 of 2018,” Antigua Barbuda Law, published in the Official Gazette Vol. XXXIX No. 7, 24th January 2019, <http://laws.gov.ag/wp-content/> (accessed 19th March 2020).

5 “The Church of God of Prophecy (incorporation) Act 2018 No. 11 of 2018,” Ministry of Justice and Legal Affairs, <http://legallaffairs.gov.ag/pdf> (accessed 19th March 2020).

6 “The Cannabis Act No. 28 of 2018,” op. cit.

7 “The Misuse of Drugs (amendment) Act 2019 9 No. 2 of 2019,” Revista Latinoamericana de de derecho y religión, N. 9 (14) June 2019, <http://ojs.uc.cl/index.php/bjur/article/view/1951> (accessed 19th March 2020).

8 “J’can pastor, worshippers breach gathering ban in Antigua,” Jamaica Observer, 2nd April 2020. http://www.jamaicaobserver.com/news/j-can-pastor-worshippers-breach-gathering-ban-in-antigua_191123 (accessed 22nd May 2020).

9 “Antigua and Barbuda COVID-19 state of emergency extended to June 12 with amended regulations,” Antigua & Barbuda High Commission, 14th May 2020, <https://antigua-barbuda.com/antigua-and-barbuda-covid-19-state-of-emergency-extended-to-june-12-with-amended-regulations> (accessed 22nd August 2020); Jascene Dunklet-Malcolm, “Covid-19 update Antigua and Barbuda May 6,” Caricom Today, 6th May 2020, <https://today.caricom.org/2020/05/06/covid-19-update-antigua-and-barbuda-may-6/> (accessed 22nd August 2020).

In March 2020, the Bolans New Testament Church of God Antigua District and the police were involved in an incident in which agents tried to disperse a gathering of more than 25 people in accordance with COVID-19 health regulations. The pastor and three members of the congregation resisted police and were charged. In a letter, the Church’s administrative bishop apologised for the “unfortunate event that took place”. He noted that as an organisation the Church knows that they must uphold the same standards as everyone else and that they must comply with the country’s laws and regulations.⁸

In May 2020, the state of emergency in place across the country was extended until June. However, certain changes were made to the restrictions. Churches were allowed to celebrate their rites, including baptisms, confirmations, weddings, funerals, as long as they complied with the social distancing measures required by health authorities.⁹

PROSPECTS FOR FREEDOM OF RELIGION

No incidents of religious intolerance or discrimination have been reported during the period under review; instead, several legislative developments occurred in terms of freedom of religion, including, among others, the regulation of the religious use of cannabis. The prospects for freedom of religion are positive for the foreseeable future.