

BARBADOS 2016 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Barbados is a multiparty parliamentary democracy. In the 2013 national elections, voters re-elected Prime Minister Freundel Stuart of the Democratic Labour Party. Observers considered the vote generally in accordance with international standards, despite allegations of small-scale vote buying.

Civilian authorities maintained effective control over the security forces.

The most serious human rights problems were unprofessional conduct by police and violence against women and children.

Other human rights problems included child abuse; trafficking in persons; discrimination against persons with disabilities and against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals.

The government took steps to investigate and prosecute officials who committed abuses. Impunity for security force members did not appear to be a problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings

There was one report that the government or its agents allegedly committed an arbitrary or unlawful killing. According to media reports, on July 26, police shot and killed Romario Lashley while executing an arrest warrant. As of October the matter was under investigation.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, but there continued to be complaints against the police alleging assault, intimidation, and other unprofessional conduct.

According to human rights activists, suspects occasionally accused police of beating them to obtain confessions, and suspects often recanted their confessions during trial. In many cases the only evidence against the accused was a confession. Suspects and their family members continued to allege coercion by police, but there was no evidence of systematic police abuse.

Activists reported that police brutality cases received coverage in the news only when the victim had some form of evidence, such as a photograph. As of October only one case had received media coverage, and it was under investigation.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Administration: Two agencies--the Office of the Ombudsman and the Prison Advisory Board--are responsible for investigating credible allegations of inhuman conditions. There were no such allegations during the year.

Independent Monitoring: Although prison officials reported there was no monitoring by either governmental or nongovernmental agencies, human rights organizations stated they were allowed access and monitored prison conditions.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and imprisonment, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The Royal Barbados Police Force (RBPF) is responsible for internal law enforcement, including migration and border enforcement. The Barbados Defense Force (BDF) protects national security and may be called upon to maintain public order in times of crisis, emergency, or other specific needs. The RBPF reports to the attorney general, and the BDF reports to the minister of defense and security. Although police were largely unarmed, special RBPF foot patrols in high-crime areas carried firearms. An armed special rapid response unit continued to operate. The law provides that police may request BDF assistance with special joint patrols.

Civilian authorities maintained effective control over the RBPF and BDF, and the government has effective mechanisms to investigate and punish abuse and corruption. Allegations against police were investigated and brought to the Police Complaints Authority, a civilian body in the Office of Professional Responsibility. Two police officers were awaiting trial for indecent assault and misconduct in public office for assaulting tourists and demanding money.

Arrest Procedures and Treatment of Detainees

The law authorizes police to arrest persons suspected of criminal activity; a warrant issued by a judge or justice of the peace based on evidence is typically required. Police procedure permits authorities to hold detainees without charge for up to five days, but once persons are charged, police must bring them before a court within 24 hours, or the next working day if the arrest occurred during the weekend. There was a functioning bail system. Criminal detainees received prompt access to counsel and were advised of that right immediately after arrest. Authorities generally permitted family members access to detainees.

Police procedures provide for police to question suspects and other persons only at a police station, except when expressly permitted by a senior divisional officer to do otherwise. An officer must visit detainees at least once every three hours to inquire about their condition. After 24 hours the detaining authority must submit a written report to the deputy commissioner. Authorities must approve and record all movements of detainees between stations.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: By law detainees or arrested persons, regardless of whether on criminal or other grounds, are entitled to challenge in court the legal or arbitrary nature of their detention. If the court finds persons to have been detained unlawfully, they are entitled to prompt release, compensation, or both.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence.

Trial Procedures

The constitution provides that persons charged with criminal offenses receive a fair public hearing without unnecessary delay by an independent, impartial court and a

trial by jury. The government generally respected these rights, although prosecutors expressed concerns about the increasing delays before a defendant is tried. Civil society representatives reported that wait times could be as long as five or six years before trial. Defendants have the right to be present and to consult with an attorney of their choice in a timely manner. The government provided free legal aid to the indigent in family matters (excluding divorce), child support cases, serious criminal cases such as rape or murder, and all cases involving minors. The constitution prescribes that defendants have adequate time and facilities to prepare a defense. These timelines may be set by the court on arraignment. In court defendants may confront and question witnesses and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their case. Defendants are presumed innocent until proven guilty, have the right of appeal, and cannot be compelled to testify or confess guilt. Defendants have the right to free interpretation as necessary from the moment charged through all appeals. The law extends these rights to all defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Magistrates' courts have civil and criminal jurisdiction, but the civil judicial system experienced heavy backlogs. Citizens primarily sought redress for human rights or other abuses through the civil system, although human rights cases were sometimes decided in the criminal court. Individuals and organizations may appeal adverse domestic decisions to regional human rights bodies.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

Press and Media Freedoms: Independent media were active and expressed a wide variety of views. Civil society representatives, however, reported that journalists who were overly critical of the government would be denied access to press conferences or denied the opportunity to ask questions of government officials.

Censorship or Content Restrictions: Civil society representatives reported media practiced self-censorship in matters relating to corruption due to fear that making allegations could invite a defamation lawsuit.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 76 percent of citizens used the internet in 2015.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedoms of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government was prepared to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees, asylum seekers, or other persons of concern.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. The Immigration Department was responsible for considering refugee or asylum claims.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections.

Elections and Political Participation

Recent Elections: In the 2013 general elections, the Democratic Labour Party (DLP) won 16 of the 30 seats in Parliament's House of Assembly, and DLP leader Freundel Stuart retained his post as prime minister. Observers considered the elections to be in accordance with international standards.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and women and minorities did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. As of October, however, the Prevention of Corruption Act of 2012 had not been proclaimed by the governor general and consequently was not in force. According to a civil rights activist, the existing legislation was outdated.

Corruption: There were no formal reports of government corruption during the year. Nevertheless, two civil society activists reported corruption was a major

concern and noted specific allegations of corruption were scant because persons were afraid to make accusations due to fear of facing a slander or defamation lawsuit.

Financial Disclosure: No law requires public officials to disclose income or assets.

Public Access to Information: No law provides citizens access to government-held information. While government websites provided access to information, responses often were slow to requests for specific government information by citizens, media, and other interested parties.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: The Ombudsman's Office hears complaints against government offices for alleged injuries or injustices resulting from administrative conduct. The governor general appoints the ombudsman on the recommendation of the prime minister and in consultation with the opposition. Parliament must approve the appointment. The ombudsman submits annual reports to Parliament, which contain recommendations on changes to laws and descriptions of actions taken by the Ombudsman's Office.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape, and the maximum penalty is life imprisonment. There are legal protections against spousal rape for women holding a court-issued divorce decree, separation order, or nonmolestation order. Rape was underreported due to fear of further violence, retribution, and societal stigma. In addition, sources reported survivors were at times reluctant to report crimes to police because of perceived ineffectiveness of the police and delays in investigating complaints.

Violence and abuse against women continued to be significant social problems. The law prohibits domestic violence and provides protection to all members of the family, including men and children. The law applies equally to marriages and to common-law relationships. Amendments to the law provide for easier issuance of protective orders and mandatory investigation into any claims. The new amendments empower police to make an arrest after receiving a complaint, visiting the premises, and having some assurance that a crime was committed.

Penalties depend on the severity of the charges and range from a fine for first-time offenders (unless the injury is serious) up to the death penalty for cases resulting in death of a victim. Victims may request restraining orders, which the courts often issued. The courts may sentence an offender to jail for breaching such an order. The police have a Victim Support Unit, consisting of civilian volunteers, that offers assistance primarily to female victims of violent crimes, but reports indicated the services provided were inadequate. There is also a Family Conflict Unit. Victims reporting a sexual assault were subject to lengthy waits at the police station and for examinations at the hospital, staffed primarily by male doctors.

There were public and private counseling services for victims of domestic violence, rape, and child abuse. The Ministry of Social Care, Constituency Empowerment, and Community Development maintained a Partnership for Peace program, a psychosocial rehabilitation program for perpetrators of domestic abuse. The nongovernmental organization (NGO) Business and Professional Women's Club of Barbados (BPW) operated a crisis center staffed by trained counselors and provided advocacy, crisis and police intervention, and referral services to community resources including legal, medical, addiction, and substance abuse. The BPW also operated a walk-in crisis center to provide psychological, social, and legal services, and to serve as a conduit for other responders to gender-based violence. The government provided funding for a shelter, also operated by the BPW, for women who had faced violence. The shelter offered the services of trained psychological counselors to survivors of domestic violence and other crisis intervention services. The shelter also served victims of human trafficking and others forms of gender-based violence.

The Bureau of Gender Affairs cited a lack of specific information and inadequate mechanisms for collecting and evaluating data on incidents of domestic violence as major impediments to dealing with gender-based violence. Human rights activists noted a decrease in the number of reported cases of rape in those cases where the victim did not know the perpetrator. They also praised the bureau's programs,

including the victim shelter and the public awareness campaign, and noted a marked improvement in societal attitudes and efforts to improve reporting.

Sexual Harassment: No law contains penalties specifically for sexual harassment. Common law, however, may be used to provide remedies to persons who are victims of sexual harassment in the workplace by reliance on the relevant law of torts. Human rights activists reported that sexual harassment continued to be of serious concern.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

Discrimination: The law provides for the same legal status and rights for women as for men. Women actively participated in all aspects of national life and were well represented at all levels of the public and private sectors, although some discrimination persisted. The law does not mandate equal pay for equal work, and reports indicated that women earned significantly less than men for comparable work. Under nationality laws Barbadian women not born in Barbados do not transfer citizenship to their children.

Children

Birth Registration: Citizenship is obtained by birth in the country, from a citizen father or from a citizen mother if she was born in Barbados. There was universal birth registration.

Child Abuse: Violence and abuse against children remained serious problems and appeared to be on the rise. As reasons for the increase, NGOs cited a heightened social awareness of child abuse and encouragement to report cases, rather than a rise in the incidence of abuse.

The Child Care Board has a mandate for the care and protection of children, which involved investigating daycare centers and allegations of child abuse or child labor, as well as providing counseling services, residential placement, and foster care. The Welfare Department also offered counseling on a broad range of family-related issues. The Child Care Board advocated stricter regulations to protect children; however, a grave shortfall of staffing and finances impeded the board's efforts to respond appropriately to each report.

Early and Forced Marriage: The legal minimum age for marriage is 18 years.

Sexual Exploitation of Children: The government does not have a policy framework to combat the sexual exploitation of children. The minimum age for consensual sex is 16 years. The Ministry of Family, Culture, Sports, and Youth acknowledged child prostitution occurred; however, there were no official statistics to document the problem. Newspaper reports suggested the number of young teenage girls engaged in transactional sex was increasing. Pornography, including child pornography, is illegal.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

The Jewish community was very small. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

Other than constitutional provisions asserting equality for all, no laws specifically prohibit discrimination against persons with disabilities in employment, education, or the provision of other state services. Legislation to implement obligations arising from 2013 ratification of the Convention on the Rights of Persons with Disabilities had yet to be enacted.

Persons with disabilities experienced discrimination. Although the Ministry of Social Care operated a National Disabilities Unit to address these concerns, the Barbados Council for the Disabled stated that without legislation the impact of the unit was limited. The government and the council offered free bus services for children with disabilities; nonetheless, transportation difficulties at public schools continued to be a serious concern. The Ministry of Labor, Social Security, and Human Resource Development conducted workshops to address discrimination in

hiring. Although persons with disabilities continued to face social stigma, attitudes continued to evolve with positive developments noted in hiring practices and general awareness. Individual government agencies were reportedly working on regulations to include persons with disabilities.

The Barbados Council for the Disabled, the Barbados National Organization for the Disabled, and other NGOs indicated that transportation remained the primary challenge facing persons with disabilities. Although many public areas lacked the necessary ramps, railings, parking, and bathroom adjustments to accommodate persons with disabilities, the council implemented the Fully Accessible Barbados initiative, which had some success in improving accessibility. Affordable, reliable transportation remained elusive; private transportation providers addressed some transportation concerns.

While no legislation mandates provision of accessibility to public thoroughfares or public or private buildings, the Town and Country Planning Department set provisions for all public buildings to include accessibility for persons with disabilities. As a result most new buildings had ramps, reserved parking, and accessible bathrooms for persons with disabilities. The council and other NGOs conducted sensitization and accessibility programs designed to improve inclusion and services for persons with disabilities.

The disabilities unit and NGOs continued numerous programs for persons with disabilities, including Call-a-Ride and Dial-a-Ride public transportation programs, sensitization workshops for public transportation operators, inspections of public transportation vehicles, sign language education programs, integrated summer camps, and accessibility programs.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual activity between adults, with penalties up to life imprisonment, but there were no reports of the law being enforced during the year. The law does not prohibit discrimination against a person based on real or perceived sexual orientation or gender identity in employment, housing, education, or health care. Activists reported that stigma against LGBTI persons persisted.

Activists reported few violent incidents based on sexual orientation or gender identity but suggested that social stigma and fear of retribution or reprisal led

LGBTI persons to underreport the problem. Anecdotal evidence suggested that LGBTI persons faced discrimination in employment, housing, and access to education and health care. Activists claimed that while many individuals lived open LGBTI lifestyles, disapprobation by police officers and societal discrimination against LGBTI persons occurred. Anecdotal evidence indicated that LGBTI persons were vulnerable to crime, specifically destruction of property, and that LGBTI persons received threats.

Activists reported that many LGBTI persons were homeless, as families often were not accepting of LGBTI children, some of whom became involved in the commercial sex trade.

HIV and AIDS Social Stigma

The government continued a countrywide media campaign to discourage discrimination against HIV/AIDS-infected persons and others living with them, and it reported that the campaign had decreased social stigma against HIV/AIDS. While there was no systematic discrimination, HIV/AIDS-infected persons did not commonly disclose the condition due to lack of social acceptance.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutes, provides for the right of workers to form and join unions and conduct legal strikes but does not specifically recognize the right to bargain collectively. Moreover, the law does not obligate companies to recognize unions or to accept collective bargaining, and no specific law prohibits antiunion discrimination or requires reinstatement of workers fired for union activity. A tribunal may order reinstatement, re-engagement, or compensation under the Employment Rights Act, although no cases of antiunion discrimination were reported during the year. All private-sector employees are permitted to strike, but the law prohibits workers in essential services, such as police, firefighters, and electricity and water company employees, from engaging in strikes.

In general the government effectively enforced the law in the formal sector, but there was no information as to the adequacy of resources or inspections. Penalties for violations include fines up to \$1,000 Barbados dollars (BBD) (\$500), imprisonment up to six months, or both. The penalties were sufficient to deter

violations. The Employment Rights Act of 2013 gives persons the right to have unfair dismissals tried before the Employment Rights Tribunal. As of October the tribunal had concluded three cases. One case involved a class action suit in which the tribunal determined that 140 persons were severed without due process. The process was often subject to lengthy delays. A tripartite group of labor, management, and government representatives met regularly. The group dealt with social and economic issues as they arose, worked to formulate legislative policy, and played a significant role in setting and maintaining harmonious workplace relations.

With a few exceptions, workers' rights generally were respected. Unions received complaints of collective bargaining agreement violations, but most were resolved through established mechanisms.

Although employers were under no legal obligation to recognize unions, most major employers did so when more than 50 percent of the employees made a request. Although companies were sometimes hesitant to engage in collective bargaining with a recognized union, in most instances they would eventually do so. Smaller companies often were not unionized.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor. The government generally enforced such laws.

Although there were no official reports of forced labor during the year, foreigners remained at risk for forced labor, especially in the domestic service, agriculture, and construction sectors. The law provides maximum penalties for forced labor, including life imprisonment if the victim was under 18 years old and a fine of \$1.5 million BBD (\$750,000), 15 years in prison, or both if the victim was over 18 years old. There were no prosecutions in recent years.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law provides for a minimum working age of 16 years for certain sectors but does not cover sectors such as agriculture. The law prohibits children under the age of 18 from engaging in work likely to harm their health, safety, or morals, but

it does not specify which occupations fall under this prohibition. The law prohibits the employment of children of compulsory school age (through age 16) during school hours. The law also prohibits young persons from work after 6 p.m. The law was effectively enforced, and child labor laws were generally observed. Parents are culpable under the law if they have children under 16 years old who are not in school. Under the Recruiting of Workers Act, children between the ages of 14 and 16 years could engage in light work with parental consent. There was no list of occupations constituting light work.

The Ministry of Labor had a small cadre of labor inspectors who conducted spot investigations of enterprises and checked records to verify compliance with the law. These inspectors may initiate legal action against an employer found employing underage workers. Employers found guilty of violating the Employment Act may be fined or imprisoned for up to 12 months. It was unclear whether these penalties were sufficient to deter violations. According to the chief labor inspector, no underage employment cases were filed during the past few years. Although documentation was not available, some children may be engaged in the worst forms of child labor, namely in drug trafficking and as victims of commercial sexual exploitation (see section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

Labor laws do not prohibit discrimination on grounds of race, sex, gender, or sexual orientation. The Employment Rights Act prohibits discrimination on grounds of known or perceived HIV/AIDS status or on account of disability. Nevertheless, employment discrimination against HIV/AIDS patients persisted. Foreign workers in high-risk sectors, such as domestic service, agriculture, or construction, were sometimes not aware of their rights and protections under the law, and unions expressed concern that domestic workers were occasionally forced to work in unacceptable conditions. Persons with disabilities generally experienced hiring discrimination, as well as difficulty in achieving economic independence (see section 6, Persons with Disabilities).

e. Acceptable Conditions of Work

While there is no national minimum wage, there is a minimum wage for "Shop Assistants" of \$6.25 BBD (\$3.10) per hour. While there is no official poverty

income level, the most recent country assessment (2012) estimated that 19 percent of the population lived in poverty.

The standard legal workweek is 40 hours in five days, and the law provides employees with three weeks of paid holiday for persons with less than five years of service and four weeks' holiday after five years of service. The law requires overtime payment of time and a half for hours worked in excess and prescribes all overtime must be voluntary. The law does not provide a maximum number of overtime hours. The government set occupational safety and health standards that were current and appropriate for its industries.

The Ministry of Labor is charged with enforcing the minimum wage as well as work hours and did so effectively. It also enforced health and safety standards and, in most cases, followed up to ensure management corrected problems cited. A group of nine safety and health inspectors helped enforce regulations, and nine labor officers handled labor law violations. The ministry used routine inspections, accident investigations, and union membership surveys to prevent labor violations and verify that wages and working conditions met national standards. Penalties include fines of up to \$500 BBD (\$250) per offense, imprisonment of up to three months, or both. The ministry reported that it historically relied on education, consensus building, and moral persuasion rather than penalties to correct labor law violations. The ministry delivered presentations to workers to inform them of their rights and provided education and awareness workshops for employers.

The ministry's Health and Safety Inspection Unit conducted several routine annual inspections of government-operated corporations and manufacturing plants, with no serious problems noted. The department mentioned those engaged in child or elderly care, security guards, and factory workers as vulnerable to lower wages and hazardous or exploitive working conditions.

Office environments received additional attention from the Ministry of Labor due to indoor air quality concerns. Trade union monitors identified safety problems for government health and safety inspectors to ensure the enforcement of safety and health regulations and effective correction by management. As of October the ministry reported one occupational fatality, which was under investigation.

The law provides for the right of workers to refuse dangerous work without jeopardy to their employment, and authorities generally protected employees in this situation.