

BARBADOS 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Barbados is a multiparty parliamentary democracy. In the May national elections, voters elected Prime Minister Mia Mottley of the Barbados Labour Party (BLP). Observers considered the vote generally free and fair.

Civilian authorities maintained effective control over the security forces.

Human rights issues included reports of torture by some police officers to obtain confessions, and consensual same-sex activity between men, although this was not enforced during the year.

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 were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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. Suspects and their family members continued to allege coercion by police, but there was no evidence of systematic police abuse.

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 mistreatment. The Prison Advisory Board conducted monthly visits.

Independent Monitoring: Authorities allowed human rights organizations access to monitor prison conditions.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and imprisonment and provides for the right of any person to challenge the lawfulness of his or her conviction in court, and the government generally observed these requirements.

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. 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. Any allegations of abuse by police were investigated and brought to the Police Complaints Authority, a civilian body in the Office of Professional Responsibility.

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.

Official procedures allow 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.

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution provides that persons charged with criminal offenses receive a timely, fair, and public hearing by an independent, impartial court and a trial by jury. The government generally respected these rights, although prosecutors expressed concerns about increasing pretrial delays. 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. Defendants may confront and question witnesses and present witnesses and evidence on their own behalf. 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 assistance of an interpreter.

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 court 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 Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Censorship or Content Restrictions: The press reported extensively on corruption issues. Civil society representatives raised concerns that defamation lawsuits could lead to self-censorship in some cases.

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, 82 percent of citizens used the internet in 2017.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution provides for freedoms of peaceful 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

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

The government indicated a willingness 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, but 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.

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 held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In the May general election, the BLP won all 30 seats in Parliament's House of Assembly, and BLP leader Mia Mottley became the next prime minister. Observers considered the elections to be in accordance with international standards.

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

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. As of September, 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 investigations of government corruption during the year. A government minister with the previous administration was arrested in the United States on charges of laundering proceeds from bribes paid in Barbados. Civil society point to defamation lawsuit and the lack of whistleblower protection legislation as disincentives for reporting allegations of corruption.

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

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

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 ministries, departments, or other authorities 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 of women, and the maximum penalty is life imprisonment. Separate legislation addresses male rape. There are legal protections against spousal rape for women holding a court-issued divorce decree, separation order, or nonmolestation order. The government generally enforced the law effectively.

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. The law empowers police to make an arrest after receiving a complaint, visiting the premises, and having some assurance that a crime was committed, and police made numerous arrests for domestic violence.

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.

Violence and abuse against women continued to be significant social problems. Police have a victim support unit, but reports indicated the services provided were inadequate.

There were public and private counseling services for victims of domestic violence, rape, and child abuse. The government provided funding for a shelter, for women who had faced violence. The shelter also served victims of human trafficking and others forms of gender-based violence.

Sexual Harassment: No law contains penalties specifically for sexual harassment except in the workplace. Human rights activists reported sexual harassment continued to be a serious concern.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides the same legal status and rights for women and men, except that Barbadian women not born in Barbados do not transfer citizenship to their children. 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.

Children

Birth Registration: Citizenship is derived by birth within the country's territory, or to a person born outside the country to a Barbadian mother or father, though there are some exceptions. There was universal birth registration.

Child Abuse: The law does not prohibit violence or abuse against children, and such abuses appeared to be on the rise.

The Child Care Board (CCB) 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. Civil society activists stated the CCB was not properly staffed or resourced.

Early and Forced Marriage: The legal minimum age for marriage is 18 years. Persons between the ages of 16 to 18 can be married with parental consent.

Sexual Exploitation of Children: The law provides for the protection of children from sexual exploitation and abuse and makes child pornography illegal. The minimum age for consensual sex is 16 years. The Ministry of Social Care, Constituency Empowerment, and Community Development 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.

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, but it does not extend to education or the provision of other state services. A

separate law provides for employers to ensure the safety and health of persons with disabilities.

The Barbados Council for the Disabled, the Barbados National Organization for the Disabled, and other nongovernmental organizations indicated that transportation remained the primary challenge facing persons with disabilities. The government and council offered free bus services for children with disabilities; nonetheless, there was limited enforcement of this provision.

Although many public areas lacked the necessary ramps, railings, parking, and bathroom adjustments to accommodate persons with disabilities, the council had begun implementation of the Fully Accessible Barbados initiative, which had some success in improving accessibility. 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.

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.

Civil society groups reported that lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons faced discrimination in employment, housing, and access to education and health care. Activists stated that while many individuals were open about their sexual orientation or gender identity, police disapproval and societal discrimination made LGBTI persons more vulnerable to threats, crime, and destruction of property. According to civil society groups, LGBTI women were particularly vulnerable to discrimination and unequal protection under the law.

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 employers to recognize unions or to accept collective bargaining. The law prohibits antiunion discrimination and provides protection for workers engaged in union activity. A tribunal may order reinstatement, re-engagement, or compensation, although no cases of antiunion discrimination were reported during the year. The law permits all private-sector employees to strike but 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. 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 law gives persons the right to have instances of alleged unfair dismissals tried before the Employment Rights Tribunal. 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 punishment for labor or sex trafficking of adults is the same: 25 years in prison, a fine of one million BBD (\$500,000), or both. Forced labor or sex trafficking of children is punished by a fine of two million BBD (one million dollars), life imprisonment, or both. 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 age 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 employing children of compulsory school age (through 16) during school hours. The law also prohibits young persons from working 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 who are not in school. Under the Recruiting of Workers Act, children between 14 and 16 could engage in light work with parental consent. The law does not provide a list of occupations constituting light work.

Ministry of Labor inspectors may initiate legal action against an employer found employing underage workers. Employers found guilty of violating the law 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, observers commented that children may have been engaged in the worst forms of child labor, namely 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

The 2017 Employment (Prevention of Discrimination) Act prohibits discrimination on grounds of race, sex, gender, or sexual orientation. The 2013 employment law 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. Anecdotal information indicated persons with disabilities felt their disabilities were used to discriminate against them and that employers used other reasons not to hire them.

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 2017 International Monetary Fund Article IV Consultation Report estimated that 19.3 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 of paid holiday after five years of service. The law requires overtime payment of time and a half for hours worked in excess of the legal standard 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. The ministry 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. These penalties were inadequate to ensure compliance. 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.

Office environments received additional attention from the Ministry of Labor due to indoor air quality concerns. Trade unions monitored existing safety problems to ensure the enforcement of safety and health regulations and correction by management.

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.