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## Barbados

### Country Reports on Human Rights Practices

Bureau of Democracy, Human Rights, and Labor

1999

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Barbados is a constitutional democracy with a multiparty, parliamentary form of government and is a member of the Commonwealth of Nations. The Queen is head of state and is represented by an appointed Governor General. Prime Minister Owen Arthur is the head of government and governs with an appointed cabinet. The judiciary is independent.

The Royal Barbados Police Force is charged with maintaining public order. The small volunteer Barbados Defence Force (BDF), responsible for national security, can be employed to maintain public order in times of crisis, emergency, or other specific need. There continued to be infrequent reports of abuses by police.

The economy is based on tourism, services, light manufacturing, and agriculture, which makes it vulnerable to external economic developments. Per capita gross domestic product (GDP) was about \$7,350 in 1998. The country has experienced a continued strong recovery after a recession in the early 1990's. Estimated GDP growth in the first half of the year was 2.5 percent, and it was expected to be between 2.5 and 3 percent for the year.

The Government generally respects constitutional provisions regarding human rights; however, there were problems in a few areas. Principal human rights problems continued to be occasional instances of excessive use of force by police and societal violence against women and children.

### RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution specifically prohibits torture and cruel, inhuman, or degrading treatment or punishment; however, credible reports continued that law enforcement officials sometimes used force during detention to extract confessions from detainees.

In December 1998, the police took two foreign citizens into custody for questioning in connection with a bank burglary. According to eyewitnesses, both individuals were in good health when the police apprehended them. However, 2 days later, the police took both men to the local hospital following complaints of abdominal pain. One man suffered severe injury to his abdomen, liver, and colon and had to undergo extensive emergency surgery for life-threatening internal bleeding. Doctors treated the second man for injuries to the abdomen and groin. Both men asserted that they were beaten while in police custody. They allegedly were taken to separate rooms, where their heads were covered and hands taped, and they were each forced to lie down on a desk while five to six men beat them with blunt instruments. The police force's Criminal Investigation Department conducted an investigation and presented a report to the Director of Public Prosecutions in February. The authorities filed charges against five police officers and started trial proceedings.

In February 1998, two youths were rushed unconscious to the hospital after being held in choke holds during a police raid. In June 1998, another youth was shot in the shoulder during another alleged raid. The police investigated both cases and submitted reports to the Director of Public Prosecutions. After study, the prosecutor did not advise bringing the cases to trial. The police claimed that the medical evidence was inconclusive and, as a result, took no disciplinary action against the police officers involved in the cases.

The majority of complaints against the police fall into the categories of unprofessional conduct and beating or assault. While the police force has a complaints and discipline department headed by a superintendent to deal with matters of inappropriate police conduct, there is no independent body to review complaints against the police. However, in December 1998, the Attorney General instituted a working group to make recommendations regarding the establishment of an independent complaints authority. The group's recommendations still were pending at year's end.

Police procedures provide that the police may question suspects, and other persons they hold, only at a police station, except when expressly permitted by a senior divisional officer. An officer must visit detainees at least once every 3 hours to inquire about the detainees' condition. After 24 hours, the detaining authority must submit a written report to the Deputy Commissioner. The authorities must approve and record all movements of detainees between stations. The authorities generally adhere to these basic principles, although officials occasionally used excessive force.

The authorities issued firearms to special foot patrols in high-crime areas in response to public concern over violent incidents that occurred during the year. Aside from this, the police force is still mainly unarmed, in keeping with its British traditions.

The only prison is antiquated and overcrowded, with over 700 inmates in a structure built for 350 inmates. The Caribbean Human Rights Network has called for reform of the penal system and advocates the development of alternatives to imprisonment such as community service to alleviate the problem of severe overcrowding. During the year, government officials discussed introducing alternative, noncustodial sentencing.

The Government allows private groups to visit prisons to ascertain conditions.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and imprisonment and requires detainees to be brought before a court of law within a reasonable time, and the Government generally respects these provisions in practice. Criminal defendants have

the right to counsel, and attorneys have ready access to their clients.

The authorities do not use exile as a punishment or means of political control.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and it is free of intervention by other branches of government.

The judiciary includes the Supreme Court, which consists of the high court and court of appeal. The Governor General, on recommendation of the Prime Minister and after consultation with the leader of the opposition, appoints the Chief Justice and other judges. Judges serve until the age of 65.

The Constitution provides that persons charged with criminal offenses be given a fair public hearing within a reasonable time by an independent and impartial court, and the Government respects this right in practice. The judicial system provides for the right of due process at each level. The law presumes defendants innocent until proven guilty. The Government provides free legal aid to the indigent with the exception of a limit of about \$2,150 (1,300 pounds sterling) on expenses incurred for appeals by death row prisoners to the Privy Council in London. Two inmates have challenged this limit and are suing the Government on the grounds that it effectively deprives them of their right to due process.

There were no reports of political prisoners.

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

The Constitution prohibits arbitrary entry, search, or seizure, and the law requires warrants to be issued before privately owned property may be entered and searched.

The Government does not routinely interfere in the private lives of its citizens; however, the police sometimes resorted to searches of homes without warrants. The Government does not censor mail. However, the Government restricts the receipt of foreign publications deemed to be pornographic. Other foreign publications of a nonprurient nature are allowed without restriction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the authorities respect these rights in practice. There are two independent daily newspapers, both of which present opposition political views. The Government regularly comes under criticism in the newspapers and on daily call-in radio programs. There are six radio stations, two of which are owned by the Government. The Caribbean Broadcasting Corporation (CBC) television service (the only television source, excluding direct satellite reception) is government owned. Although CBC is a state enterprise, it regularly reported views opposing government policies. Critics allege that the Government sometimes uses its influence to discourage media reporting on sensitive issues, but the press remained vigorously critical of the Government on a broad span of issues. The Government prohibits the production of pornographic materials.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Government observes the constitutional provisions for peaceful assembly and private association in practice. Political parties, trade unions, and private organizations function and hold meetings and rallies without hindrance.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens and legal residents move freely within the country and leave and enter it without restriction.

The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum did not arise. There were no reports of forced expulsion of anyone having a valid claim to refugee status. However, government practice remains undefined.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have this right in law and exercise it in practice. Political parties freely compete in fair elections by secret ballot at least every 5 years. In the January elections, the Barbados Labour Party won a decisive victory, gaining a 26-to-2 majority over the Democratic Labour Party. There are no impediments to participation in the political process, and all citizens over age 18 may vote. The Prime Minister exercises executive power along with the Cabinet of Ministers that he appoints, balanced by the bicameral Parliament and the judicial system.

Although underrepresented overall, women participate in all levels of government and politics. There are three female members of Parliament; the Deputy Prime Minister, who also serves concurrently as Foreign Minister, is a woman, as is the Minister of Education.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Local groups involved with human rights operate freely and without government hindrance. The Caribbean Human Rights Network, a Caribbean-wide human rights organization which has its headquarters and a small staff in Barbados, investigates and reports on allegations of human rights violations throughout the region.

The Ombudsman's office, established in 1987, hears complaints against government offices for alleged injuries or injustices resulting from administrative conduct. The office is proscribed from involving itself in issues involving foreign affairs, immigration questions, and certain other matters. Because it focuses only on administrative conduct, it does not deal with complaints of police abuse; a separate department within the police force deals with matter of inappropriate police conduct.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal treatment under the law, regardless of race, religion, or sex. The Government respects these rights in practice.

#### Women

that victims of sexual assaults, domestic violence, incest, and rape are often reluctant to report such incidents. There are public and private counseling services for victims of domestic violence, rape, suicide, and child abuse.

The 1992 Domestic Violence Law specifies the appropriate police response to domestic violence, which is intended to protect all members of the family, including men and children. It applies equally to marriages and to common law relationships. Criminal penalties for violent crimes are the same, regardless of the sex of the offender or the victim. The courts heard a number of cases of domestic violence against women involving assault or wounding. Victims may request restraining orders, which the courts often issue. The courts can sentence an offender to jail for breaching such an order. Human rights monitors criticized an inconsistency in sentencing for rape, incest, and statutory rape. They noted that the lack of sentencing guidelines resulted in longer sentences for persons convicted of petty theft than for incest; and lesser sentences for incest than for rape or sexual assault of nonfamily members.

Women actively participate in all aspects of national life and are well-represented at all levels of both the public and private sectors. They form a large percentage of heads of household and are not discriminated against in public housing or other social welfare programs. The National Organization of Women (NOW) is an affiliate of a regional women's organization called the Caribbean Women's Association.

The Business and Professional Women's club, an affiliate of the NOW, runs a crisis center staffed by 30 trained counselors and provides legal and medical referral services. The center also has a hot line for clients who wish to maintain their anonymity. The Government allocated \$190,000 (bds\$380,000) for a new battered women's shelter, which opened in September.

#### Children

The Government provides for compulsory education to the age of 16. The national health insurance program provides children with free medical and dental services for most medical conditions. The Government is committed to children's human rights and welfare, although violence and abuse against children remain serious problems. The Child Care Board is responsible for monitoring and responding to the critical welfare needs, interests, and rights of children. Statistics from the Child Care Board show that approximately 1,000 children suffered abuse in 1998-99.

#### People with Disabilities

The law does not prohibit discrimination against the physically disabled in employment, education, or the provision of other state services. However, in 1997 the Ministry of Labor established the Disabilities Unit to address the concerns of the disabled, and in early 1998 it created an advisory committee on disabilities. The Labor Department, a unit within the Ministry that finds jobs for the disabled, long has advocated the introduction of legislation prohibiting discrimination. In May the Government, labor leaders, and the private sector jointly announced as part of their continuing social partnership an agreement to promote a code of practice on the employment of persons with disabilities. They also agreed to establish targets and time frames for the employment of disabled persons in the private and public sectors.

While there is no legislation mandating provision of accessibility to public thoroughfares or public or private buildings, the Town and Country Planning Department sets provisions for all public buildings to include accessibility to persons with disabilities. As a result, the majority of new buildings have ramps, reserved parking, and special sanitary facilities for the disabled.

#### Section 6 Worker Rights

Workers freely exercise their right to form and belong to trade unions and to strike. Approximately 30 percent of the labor force belongs to trade unions. Overall union membership appears to have declined slightly in recent years as some workers moved to better-paying positions in higher-technology sectors. There are two major unions and several smaller ones, representing various sectors. The public service union, the National Union of Public Workers, is independent of any political party or the Government. The largest union, the Barbados Workers' Union (BWU), was closely associated with the Barbados Labour Party prior to 1954. After 1954 officers of the BWU became personally associated with the Democratic Labour Party. A new Congress of Trade Unions and Staff Associations was inaugurated in August 1995. Most unions belong to this organization.

The law accords full protection to trade unionists' personal and property rights. All private and public sector employees are permitted to strike, but essential workers may strike only under certain circumstances and after following prescribed procedures. While the industrial relations climate generally remained stable, there were two contentious strikes during the year, as well as several minor strikes in the public and private sectors over wages and workplace conditions.

A 9-day general strike at the government-owned television station challenged management's decision to discipline a station executive for public involvement in a political campaign. Other issues included restraints on the freedom of shop stewards to carry out union activities and outstanding back wages. A negotiated settlement was reached after senior government intervention. In the sugar industry protracted industrial action over wages took place just prior to the beginning of the sugar harvest. A modest wage increase ultimately was granted, but only after the delay in the harvest posed a threat to the annual output and important foreign exchange earnings.

Trade unions are free to form federations and are affiliated with a variety of regional and international labor organizations. The Caribbean Congress of Labor has its headquarters in Barbados.

#### b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively, and the authorities respected it in practice. Normally, wages and working conditions are negotiated through the collective bargaining process, but a tripartite prices and incomes policy accord signed in 1993 established a 2-year wage freeze. A revised (second) protocol contained provisions for negotiated increases in basic wages and increases based on productivity, which covered 1995-97. In May 1998, the tripartite partners signed a third protocol covering 1998-2000, broadened to address the needs of disabled workers and to express support for international efforts against child labor.

Employers have no legal obligation to recognize unions under the Trade Union Act of 1964, but most do so when a significant percentage of their employees signify a desire to be represented by a registered union. Several foreign-owned international data-processing companies challenged union claims in 1997-98 to represent their workforces, highlighting the country's need for legislation outlining the union recognition process. While there is no specific law prohibiting antiunion discrimination, the courts provide a method of redress for employees alleging wrongful dismissal. The courts commonly award monetary compensation but rarely order reemployment.

There are no manufacturing or special areas where collective bargaining rights are legally or administratively impaired. There are no export processing zones. c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced, compulsory, or bonded labor, including that by children, and there were no reports of its use.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum working age of 16 is broadly observed. Compulsory primary and secondary education policies, which require school attendance until age 16, reinforce minimum age requirements. The Labor Department has a small cadre of labor inspectors who conduct spot investigations of enterprises and check records to verify compliance with the law. These inspectors may take legal action against an employer who is found to have underage workers. The law prohibits forced or bonded labor by children, and the authorities effectively enforce it (see Section 6.c.).

#### e. Acceptable Conditions of Work

The law sets and the authorities establish minimum wages for specified categories of workers. Only two categories of workers have a formally regulated minimum wage--household domestics and shop assistants (entry level commercial workers). Household domestics receive a minimum wage of about \$0.75 (bds\$1.50) per hour, although in actual labor market conditions, the prevailing wage is triple that amount. There are two age-related minimum wage categories for shop assistants. The adult minimum wage for shop assistants was raised by 13 percent in June 1997, to \$2.13 (bds\$4.25) per hour; the juvenile minimum wage for shop assistants became \$1.62 (bds\$3.25) per hour. The minimum wage for shop assistants is marginally sufficient to meet minimum living standards; most employees earn more.

The standard legal workweek is 40 hours in 5 days, and the law requires overtime payment for hours worked in excess. The Government accepts International Labor Organization conventions, standards, and other sectoral conventions regarding maximum hours of work. However, there is no general legislation that covers all occupations. Employers must provide workers a minimum of 3 weeks' annual leave. Unemployment benefits and national insurance (social security) cover all workers. A comprehensive, government-sponsored health program offers subsidized treatment and medication.

The Factories Act of 1983 sets out the officially recognized occupational safety and health standards. The Labor Department enforces health and safety standards and follows up to ensure that problems cited are corrected by management. The Factories Act also requires that in certain sectors firms employing more than 50 workers create a safety committee. This committee can challenge the decisions of management concerning the occupational safety and health environment. Trade union monitors identify safety problems for government factory inspectors to ensure the enforcement of safety and health regulations and effective correction by management. Government-operated corporations in particular were accused of doing a "poor job" in health and safety. The Government has promised to undertake inspections of government-operated corporations and manufacturing plants as a priority. Workers have a limited right to remove themselves from dangerous or hazardous job situations without jeopardizing their continued employment.

#### f. Trafficking in Persons

There are no laws specifically addressing trafficking in persons. There were no reports that persons were trafficked in, to, or from the country.

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