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Barbados

Country Reports on Human Rights Practices

Bureau of Democracy, Human Rights, and Labor

2001

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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 of the Barbados Labour Party (BLP) is the head of government and governs with an appointed cabinet. The judiciary is generally independent.

The Royal Barbados Police Force is charged with maintaining public order. The small volunteer Barbados Defense Force (BDF) is responsible for national security and can be employed to maintain public order in times of crisis, emergency, or other specific need; the BDF supported the police during the year. Police committed some human rights abuses.

The country's population is approximately 275,000. The economy is based on tourism, services, light manufacturing, and agriculture. The country has registered 8 successive years of sustained economic growth. Tourism increased by 8 percent in 2000, and foreign reserves rose to \$500 million (BDS\$1 billion). Per capita gross domestic product (GDP) was \$9,667 in 2000. Real GDP growth in 2000 was 3.7 percent, compared with 2.3 percent in 1999. The Central Bank projected an economic growth rate of 2.5 percent during the year. The unemployment rate was 9 percent.

The Government generally respects constitutional provisions regarding human rights; however, there were problems in a few areas. There continued to be occasional instances of excessive use of force by police. Societal violence against women and children are problems. There was also an increase in spousal abuse during the year.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

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 March students at the University of the West Indies barricaded the main campus road and clashed with the police; there were reports that police in riot gear attacked students (see Section 2.b.). Lawyers for the students filed assault charges against one police officer. Following the incident, then-Attorney General David Simmons called for improved training of the police force and sponsored a bill to establish an independent police review body.

In 2000 the Police Commissioner promised to investigate the alleged beating of a prisoner being held by police on a marijuana charge after his mother stated on a radio program that the police had mistreated her son brutally. No further information was available about the status of any investigation at year's end.

In May the press reported that a magistrate dismissed, for lack of prosecution witnesses, the outstanding case against five police officers charged in 1998 with committing serious bodily harm and assault occasioning actual bodily harm against two foreigners. The Government's prosecutor requested an adjournment and additional time to contact the plaintiffs; however, the motion was dismissed.

The majority of complaints against the police allege 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 1998 the Attorney General instituted a working group, which in 2000 submitted recommendations to the Cabinet regarding the establishment of an independent complaints authority. The legislation, which would establish an independent body to address complaints about police abuse, was debated in Parliament but had not been approved by 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.

For a decade, the authorities have issued firearms to special foot patrols in high crime areas in response to public concern. In 2000 the Attorney General created an armed special rapid response unit, which continued to operate during the year. Aside from this exception, the police force is mostly unarmed, in keeping with its British traditions. A joint unit with the BDF also was active during the year, including during the annual "Crop Over" carnival period. This unit usually is created, by law, for a specific period of time and purpose on the

In 2000 the Government created a special task force to address illegal weapons and crimes involving firearms, and during the year Parliament amended the Firearms Act to make possession of an illegal weapon a serious felony punishable by a fine of up to \$125,000 (BDS\$250,000) or imprisonment for 20 years.

Prison conditions are very inadequate. The sole prison (Glendairy) is antiquated and overcrowded, with more than 700 male and 92 female inmates in a 150-year-old structure built for 350 inmates. The Caribbean Human Rights Network confirmed that alternatives to imprisonment (such as community service) to alleviate the problem of severe overcrowding, which were codified and first implemented in 2000, continued to be implemented during the year. In December the authorities suspended 14 prison officers, including the acting Chief Officer and two senior aides, following an investigation into the alleged beating of 36 inmates in November.

There are separate areas for pretrial detainees and convicted prisoners at the prison; however, there is occasional mixing due to space constraints.

There is a separate wing for female prisoners at the prison, and there are separate detention facilities for boys and girls.

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 Constitution prohibits the use of exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and it is generally 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 generally 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.

In 2000 Parliament approved a package of new legislation intended to strengthen the powers of law enforcement officials. One of the new laws allows the Director of Public Prosecutions to appeal sentences in criminal cases that he considers too lenient.

The Government provides free legal aid to the indigent, with the exception of a limit of approximately \$2,150

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 interfere routinely 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 Government generally respects 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 range of issues. The Government prohibits the production of pornographic materials.

The Government does not restrict access to the Internet.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly and the Government generally respects this right in practice; however, there was one case in which police used force against protesters. Political parties, trade unions, and private organizations function and hold meetings and rallies generally without hindrance.

The Public Order Act of 1970 requires police approval for public assemblies; previously it had been enforced rarely. However, in March students at the University of the West Indies, demonstrating to address campus issues, barricaded the main campus access road and clashed with police. Police, some in riot gear and on horseback, arrested a clerk, eight law students from across the Caribbean, and a law lecturer, Dr. Rose-Marie Antoine (the wife of St. Lucia's Prime Minister). Following the arrests, print media reported that police in riot gear attacked students. The incident prompted negative reaction from some regional governments, officials,

abuse, brutality, and the use of excessive force. The authorities charged the students and lecturer with impeding the public road access by barricading the main campus access road in violation of the Road Traffic Act; lawyers for the students filed assault charges against a police officer and also filed a constitutional motion asserting that statements made by the Prime Minister prejudiced their chances of a free trial. At year's end, the motion had not yet been heard, and all parties remained free on bail.

The Constitution provides for the right of association, and the Government generally respects this right in practice.

c. Freedom of Religion

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

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

The Constitution provides for these rights, and the Government generally respects them in practice. 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 during the year. There were no reports of the forced return of persons to a country where they feared persecution.

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 compete in free and fair elections by secret ballot at least every 5 years. In the 1999 elections, the BLP won a decisive victory, gaining a 26-to-2 majority over the Democratic Labour Party. Traditionally, the ruling party has fared badly in by-elections, but in a parish by-election in September the BLP representative gained 68 percent of the vote. There are no impediments to participation in the political process, and all citizens over the age of 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.

The percentage of women in government or politics does not correspond to their percentage of the population. There are four female members of the Cabinet and Parliament; the Deputy Prime Minister, who also serves concurrently as Foreign Minister, is a woman, as is the former Minister of Education, who became the Attorney General in August. As part of a September cabinet reshuffle by the ruling party, a female former senator was appointed as the Minister of State in the Ministry of Education, and a female former Minister of Health was reinstated as the Minister of Physical Development and the Environment. The Attorney General was named third in command of the Government.

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. However, at year's end, this organization reported that it was on the verge of disbanding and had curtailed

The government 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 in consultation with the Leader of the Opposition; Parliament must approve the appointment. The Ombudsman serves a 5-year term, which may be extended for 1 additional year. The office is prohibited from involvement in issues involving foreign affairs, immigration questions, and certain other matters. The office can investigate complaints of inappropriate behavior by police.

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 generally respected these rights in practice.

Women

Violence and abuse against women continued to be significant social problems. Few statistics are available to illustrate the magnitude of the problem; according the Nation newspaper, there was an increase in spousal abuse during the year. Women's rights groups report that victims of sexual assaults, domestic violence, incest, and rape are often reluctant to report such incidents. Spousal abuse remained a significant criminal activity during the year. According to press reports, a union official asserted that 30 percent of women are abused by their husbands or companions.

The 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, in theory, are the same regardless of the sex of the offender or the victim. However, in practice the Director of Public Prosecution has noted that female offenders usually receive lighter sentences than their male counterparts for similar offenses. 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.

Press accounts report that the number of complaints of rape made to the police has declined in the past several years. Spousal rape is not a crime, despite efforts by a nongovernmental organization to have such a law enacted. In September a high court judge criticized the fact that sentences for incest are sometimes less than those for rape and petty theft. There are public and private counseling services for victims of domestic violence, rape, and child abuse. The Business and Professional Women's Club 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 established a shelter for battered women, which opened in 1999 and accommodates 20 women and children; there are plans to expand the shelter to accommodate demand for its services. The shelter offers psychological and physiological counseling by trained counselors to victims of domestic violence. The counselors accompany victims to the hospital and other agencies if necessary.

Prostitution is illegal, but it is a problem, fueled by poverty and tourism.

Sexual harassment in the workplace is a problem, but no statistics were available. The new Bureau of Gender Affairs reported that it had received three complaints of sexual harassment late in the year. The Labor Ministry was considering draft legislation aimed at preventing sexual harassment in the workplace. In addition, the

Barbados Workers Union began to seek guidelines on sexual harassment in contracts and agreements it concludes with employers.

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 is an affiliate of the Caribbean Women's Association, a regional women's organization.

Children born overseas and out of wedlock to Barbadian men are considered citizens. However, Barbadian women married to non-Barbadian men were unable to confer citizenship on their children. Although an act of Parliament in 2000 provided that a child born to a male or a female citizen has immediate citizenship, the act had not yet entered into effect at year's end, and it was not clear if it would be applied retroactively.

Children

The Government is committed to children's human rights and welfare, although violence and abuse against children remain serious problems. The Government provides for compulsory education until the age of 16. The national health insurance program provides children with free medical and dental services for most medical conditions. The Child Care Board has a mandate for the care and protection of children. This involves investigating cases of child abuse or child labor, the provision of counseling services, residential placement, and foster care. Statistics from the Child Care Board show that between April 2000 and March, there were 769 reported cases of alleged child abuse and neglect. The Welfare Department offers counseling on a broad range of family-related issues, and the Child Care Board conducts counseling for victims of child abuse.

Persons with Disabilities

The law does not prohibit discrimination against the physically disabled in employment, education, or the provision of other state services. However, the Ministry of Labor established the Disabilities Unit to address the concerns of persons with disabilities and created an advisory committee on disabilities. The Labor Department, a unit within the Ministry that finds jobs for the disabled, has long advocated the introduction of legislation prohibiting discrimination. In 2000 the Government, labor leaders, and the private sector jointly announced an agreement to promote a code of practice for the employment of persons with disabilities, as part of these groups' continuing social partnership. They also agreed to establish targets and time frames for the employment of persons with disabilities in the private and public sectors. At year's end, the unit met its target of finding employment for 25 persons; however, only 8 had been hired on a full-time basis.

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 such persons.

Section 6 Worker Rights

a. The Right of Association

of the labor force belong to trade unions. Overall union membership declined slightly during the years due to job losses in some industries. 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. Some officers of the largest union, the Barbados Workers' Union, are associated personally with the Democratic Labour Party. Most unions belong to the Congress of Trade Unions and Staff Associations.

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. The International Labor Organization (ILO) has criticized the Better Security Act of 1970, which provides that persons who break a contract are liable for 3 months' imprisonment, on the grounds that it could be invoked in the case of a strike. The ILO asked that it be amended; the Government has not taken any action to do so.

In July 2000, the nonunion Barbados Police Association supported the police in a labor action over unfulfilled promises of increased wages and increased allowances. As of year's end, the Government stated that complete reappraisals of civil service salary scales and the weight attached to various positions were still in process. The Government insists that the police should be included in this exercise and that they should not receive special treatment. In the interim, in keeping with promises made by the then-Attorney General, Parliament approved an allowance package for certain ranks of the police force.

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. Normally, wages and working conditions are negotiated through the collective bargaining process, but in 1993 the Tripartite Prices and Incomes Policy Accord 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 1998 the tripartite partners signed a third protocol covering 1998-2000, which was broadened to address the needs of workers with disabilities 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 express a desire to be represented by a registered union. While there is no specific law that prohibits discrimination against union activity, the courts provide a method of redress for employees who allege wrongful dismissal. The courts commonly award monetary compensation but rarely order reemployment. New legislation that would address the union recognition process had been pending for approximately 3 years at year's end.

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 occurrence during the year.

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 reinforce minimum age requirements (see Section 5). 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. In October 2000, the Government ratified ILO Convention 182 on elimination of the worst forms of child labor.

The law prohibits forced or bonded labor by children, and there were no reports that it occurred (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 are entitled to a minimum wage of \$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 is \$2.13 (BDS\$4.25) per hour and the juvenile minimum wage for shop assistants is \$1.62 (BDS\$3.25) per hour. The minimum wage for shop assistants is marginally sufficient to provide a decent standard of living for a worker and family; most employees earn more. Some persons also receive remittances from relatives abroad or operate cottage industries to supplement their income.

The standard legal workweek is 40 hours in 5 days, and the law requires overtime payment for hours worked in excess. The Government accepts ILO conventions, standards, and other sectoral conventions regarding maximum hours of work. However, there is no general legislation that covers all occupations. Employers must provide 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 the officially recognized occupational safety and health standards. The Labor Department enforces health and safety standards and follows up to ensure that management corrects problems cited. 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. The Barbados Workers Union accused government-operated corporations in particular of doing a "poor job" in health and safety. The Government has pledged to undertake inspections of government-operated corporations and manufacturing plants, and the Labor Department's Inspections Unit conducted several routine annual inspections of such corporations. 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 to, from, or within the country.

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