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2010 Human Rights Report: Barbados

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

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Barbados is a parliamentary democracy with a population of approximately 276,000. In January 2008 general elections the Democratic Labour Party (DLP), which had been in opposition since 1994, defeated the Barbados Labour Party (BLP), and DLP leader David Thompson became prime minister. In October Thompson died in office and was replaced by Deputy Prime Minister Freundel Stuart. Security forces reported to civilian authorities.

Human rights problems included occasional use of excessive force by the 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. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings, but on rare occasions, there were police killings in the line of duty. All such killings were investigated and referred to a coroner's inquiry when appropriate.

Both the June and December 2009 police killings of Hugh Springer and Denzil Headley, respectively, remained under investigation at year's end. The hearing in the Springer case began in November; one in the Headley case had not been scheduled by year's end. There was no information available about the outcome of investigations into the 2007 police killing of Michael Davis or the 2006 killing of Richard Gordon.

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 inhuman or degrading punishment or other treatment, but sometimes there were reports that police used excessive force. Most complaints against the police alleged unprofessional conduct and beating or assault. Police occasionally were accused of beating suspects to obtain confessions, and suspects often recanted their confessions during their 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.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards. Dodds Prison, built in 2007 in St. Philip, was designed to meet modern international standards with a capacity of approximately 1,250 prisoners. According to prison officials, in October it held 910 prisoners, including pretrial detainees. Although prisoners occasionally complained about the quality of the food, Dodds has a canteen program permitting family members to make deposits into inmate accounts, and inmates may purchase popular food, snacks, toiletries, and dry goods. Prisoners may submit complaints to the officer in charge. If that officer cannot resolve the problem, it is referred to the warden.

There were 37 female prisoners held in a separate wing. There were separate juvenile facilities for boys and girls.

Authorities permitted reasonable access to visitors, and the government permitted prison visits by independent human rights monitors.

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

At year's end the Royal Barbados Police Force (RBPF) numbered 1,452--including 74 special constables--and is responsible for internal law enforcement. While still a male-dominated profession, the number of female recruits increased to 238. The small Barbados Defence Force (BDF) protects national security and may be called upon to maintain public order in times of crisis, emergency, or other specific need. The RBPF reports to the minister of home affairs, and the BDF reports to the minister of defense and security. Although the police largely were unarmed, special RBPF foot patrols in high-crime areas carried firearms. An armed special rapid-response unit continued to operate. The law provides that the police can request BDF assistance with special joint patrols.

In 2004 the Police Complaints Authority (PCA) replaced the Office of Professional Responsibility in handling public complaints of inappropriate police conduct. The authority is headed by a retired judge. The authorities did not report the number of cases the PCA handled but stated that several cases have been heard. There were no convictions of police for unlawful conduct or abuse of authority.

There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention

Police are authorized to arrest persons suspected of criminal activity; a warrant is typically required. The constitution permits detainees to be held without charge for up to five days; however, once charged, detainees must be brought before a court without unnecessary delay. There is a functioning bail system. Criminal detainees were given prompt access to counsel and were advised of that right immediately after arrest. Access to family members generally was permitted.

Police procedures provide that, except when expressly permitted by a senior divisional officer to do otherwise, the police may question suspects and other persons they hold only at a police station. An officer must visit detainees at least once every three 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.

There were between 50 and 100 persons in pretrial detention at various times during the year. While length of pretrial detention can vary from one case to another, there were no reports of extended periods of pretrial detention or abuse of the practice.

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution provides that persons charged with criminal offenses be given a fair public hearing without unnecessary delay by an independent, impartial court and a trial by jury. The government generally respected these rights in practice. Defendants have the right to be present and to consult with an attorney in a timely manner. The government provided free legal aid to the indigent in family matters, child support, serious criminal cases such as rape or murder, and all cases involving minors. Defendants are allowed to confront and question witnesses and present 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 and have the right of appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Magistrate's courts have both civil and criminal jurisdiction, but the civil judicial system experienced heavy backlogs. Citizens can seek redress for human rights or other abuses through the civil system.

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

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

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 respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

In March 2009 the director of public prosecutions officially dropped the charges against two journalists who were arrested when attempting to cover the arraignment of a police officer charged with drug possession and trafficking charges in 2008.

The government restricted the receipt and importation of foreign publications deemed to be pornographic.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to the International Telecommunication Union, there were 74 Internet users per 100 inhabitants in 2010.

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 freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

For a complete description of religious freedom, see the 2010 *International Religious Freedom Report* at www.state.gov/g/drl/rls/rpt/.

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

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

The law prohibits forced exile, and it was not used.

Protection of Refugees

The government has not established a system for providing protection to refugees. The government did not expel or return refugees to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion, although no known cases occurred.

The government did not grant refugee status or asylum during the year. 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, and other persons of concern.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

In general elections held in January 2008, the DLP, which had been in opposition since 1994, defeated the BLP, led by then prime minister Owen Arthur. The DLP won 20 of the 30 seats in the parliament's House of Assembly, and DLP leader David Thompson became prime minister. Following Thompson's death in October, the DLP parliamentary group selected Deputy Prime Minister Freundel Stuart to become prime minister.

There were no restrictions on the political opposition. Individuals and parties were free to declare their candidacy and stand for election.

Two cabinet members were female; there were three women in the House of Assembly. There were four women and three minorities in the 21-member appointed Senate.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively.

After she was fired in August, the National Housing Corporation's (NHC) former board chairman alleged that the minister of housing improperly bypassed the NHC board in issuing insurance and building contracts. The opposition BLP threatened to draft a resolution of investigation and bring the matter to the Public Accounts Committee of Parliament.

There is no law that subjects public officials to financial disclosure. Parliament's Public Accounts Committee and the auditor general conduct investigations of all government public accounts, which include ministries, departments, and statutory bodies.

There is no law providing citizens access to information held by the government. While access to information was provided on government Web sites, responses to requests for specific government information by citizens and other interested parties often were slow.

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

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

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 in consultation with the leader of the opposition; Parliament must approve the appointment. The ombudsman submits annual reports to Parliament, which contain both recommendations on changes to laws and descriptions of actions taken by the Ombudsman's Office.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equal treatment regardless of race, origin, political opinion, color, creed, or sex, and the government effectively enforced these provisions.

Women

The law criminalizes rape, including spousal rape, and the maximum penalty for it is life imprisonment. There were legal protections against spousal rape for women holding a court-issued divorce decree, separation order, or nonmolestation order. Authorities charged 112 persons with sex-related offenses, compared with 109 in 2009. Charges were brought in 44 cases of rape, compared with 65 in 2009; 19 cases of sex with a minor, compared with 17 in 2009; 42 cases of indecent assault, compared with 35 in 2009; and seven cases on other charges, compared with five in 2009 (some persons faced more than one charge). Many cases were pending in the courts for months or years.

Violence and abuse against women continued to be significant social problems. The law prohibits domestic violence, provides protection to all members of the family, including men and children, and applies equally to marriages and to common-law relationships. 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 a killing. Victims may request restraining orders, which the courts

often issued. The courts can sentence an offender to jail for breaching such an order. The police have a victim support unit, made up of civilian volunteers, which offered assistance primarily to female victims of violent crimes.

There were public and private counseling services for victims of domestic violence, rape, and child abuse. The Business and Professional Women's Club operated a crisis center staffed by trained counselors and provided legal and medical referral services. The government funded one shelter for battered women, operated by nongovernmental organizations (NGOs), which accommodated up to 20 women and children. The shelter offered the services of trained psychological counselors to victims of domestic violence.

The Bureau of Gender Affairs cited a lack of specific information and an appropriate mechanism for collecting and evaluating data on incidents of domestic violence as the major impediments to tackling gender-based violence.

The law does not specifically address sexual harassment, which was a problem. There were no statistics available on the prevalence of sexual harassment cases. Media reports often indicated that women were afraid to report sexual harassment because they feared retribution in the workplace.

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Skilled attendance at delivery and in postpartum care were widely available, as was access to information on contraception. According to UN data, there were an estimated 64 maternal deaths per 100,000 live births in 2008. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV/AIDS.

The Office of Gender Affairs in the Ministry of Family worked to ensure the rights of women. Women have equal property rights, including in a divorce settlement. Women actively participated in all aspects of national life and were well represented at all levels of the public and private sectors. According to the World Economic Forum's *2010 Global Gender Gap Report*, women earned 26 percent less than men for comparable work. A government poverty eradication fund focused on encouraging entrepreneurial activities to increase employment for women and youth.

Children

Citizenship is obtained by birth in the country. There was universal birth registration.

Violence and abuse against children remained serious problems.

Pornography is illegal, but there was no information available about any specific prohibitions dealing with child pornography.

The Ministry of Labor did not receive any complaints about child labor during the year. The Ministry of Family, Culture, Youth and Sports acknowledged that child prostitution occurred; however, there was no research to document that problem.

The Child Care Board has a mandate for the care and protection of children, which involved investigating day care centers and cases of child abuse or child labor and providing counseling services, residential placement, and foster care. The Welfare Department offered counseling on a broad range of family related issues, and the Child Care Board conducted counseling for child abuse victims.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html, as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

The Jewish community was very small, and there were no reports of anti-Semitic acts.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

There are no laws that specifically prohibit discrimination against persons with disabilities in employment, education, or the provision of other state services, other than constitutional provisions asserting equality for all. In practice persons with disabilities faced some discrimination. The Ministry of Social Care, Constituency Empowerment and Community Development operated a disabilities unit to address the concerns of persons with disabilities, but parents complained of added fees and transport difficulties for children with disabilities at public schools.

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 to persons with disabilities. As a result, most new buildings had ramps, reserved parking, and special sanitary facilities for such persons.

The government's National Disabilities Unit 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. In April the unit, along with the Barbados Fire Service, launched a program to install fire detectors in the homes of persons with disabilities.

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

The law criminalizes consensual homosexual relations, and there are no laws that prohibit discrimination against a person on the basis of sexual orientation in employment, housing, education, or health care. Although no statistics were available, anecdotal evidence suggested that societal discrimination against gays and lesbians occurred.

Other Societal Violence or Discrimination

The government continued a large country-wide media campaign to discourage discrimination against HIV/AIDS-infected persons and others living with them. 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. The Right of Association

Workers freely exercised their right to form and belong to trade unions. Approximately 40 percent of the 125,000-person workforce was unionized; unionized workers were concentrated in key sectors such as transportation, government, the hotel sector, and agriculture. There were two major unions, the National Union of Public Workers (NUPW) in the public sector and the Barbados Workers Union (BWU), focused on the private sector, with some overlapping representation in the state-owned enterprise sector. Of the 20,000-member public sector workforce, 50 percent belonged to the NUPW, and an estimated 20 percent of private sector workers also belonged to that union. The unions wielded significant influence. Both unions belong to the Congress of Trade Unions and Staff Associations of Barbados (CTUSAB), which brings

together all unions and staff associations. Police, firefighters, and prison officers are not allowed to unionize, but their associations function as quasi-unions and are members of the CTUSAB.

The law provides for the right to strike, and workers exercised this right in practice. All private sector employees are permitted to strike, but the Trade Union Act and the Better Service Act prohibit essential workers, such as police, firefighters, electricity, and water company employees, from engaging in strikes.

b. The Right to Organize and Bargain Collectively

Workers exercised the legal right to organize and bargain collectively. Negotiated protocols contained provisions for increases in basic wages and increases based on productivity. Government, private sector, and labor representatives signed a fifth such protocol in 2005. At year's end it was still in place, and a sixth protocol was under discussion. The Social Partnership Agreement provides for monthly meetings of labor, management, and government and is chaired by the prime minister or the minister responsible for labor affairs.

The Trade Union Act governs trade union activities. Under the act, companies are not obligated to recognize unions or to accept collective bargaining. Although employers were under no legal obligation to recognize unions, most did so when a significant percentage of their employees expressed a desire to be represented by a registered union. In practice most major employers recognized unions, but smaller companies were often not unionized. The 25,000-member BWU took a number of actions when it had reason to believe companies were not respecting the rights of union members.

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 awarded monetary compensation but rarely ordered reemployment. Labor unions reported some companies engaged in antiunion discrimination and complained to the Labor Ministry on a number of occasions about what they deemed antiunion activity by employers. According to the BWU general secretary, some unspecified foreign firms engaged in antiunion activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law provides for a minimum working age of 16, and this provision generally was observed in practice. Compulsory primary and secondary education policies reinforced minimum age requirements. The Labor Department 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 take legal action against an employer who is found to have underage workers. According to the chief labor inspector, no underage employment cases were filed during the past few years.

e. Acceptable Conditions of Work

The Shop Keepers Act provides for, and the authorities established, minimum wage rates for specified categories of workers. The categories of workers with a formally regulated minimum wage are household domestics and shop assistants. The minimum wage for these employees was BDS5 (approximately \$2.50) per hour, which was only marginally sufficient to provide a decent standard of living for a worker and family. The Ministry of Labor recommended companies use this as the de facto minimum wage, and the prevailing wage on the island was higher than the legal minimum wage. The Labor Department within that ministry was charged with enforcing the minimum wage. There were occasional press

reports alleging that migrant workers received less than the minimum wage, but the chief labor inspector insisted all workers' salaries were above the minimum wage.

The standard legal workweek is 40 hours in five days, and the law requires overtime payment of time and one-half for hours worked in excess. The law prescribes that all overtime must be voluntary.

The 2005 Occupational Safety and Health at Work Act was never promulgated into law, as it was passed at the end of the last administration and was therefore still under review. The Labor Department enforced other health and safety standards, such as those in the 1986 Factories (Amendment) Act, and in most cases followed up to ensure that management corrected problems cited. The law requires that in certain sectors, firms employing more than 50 workers create a safety committee that could challenge the decisions of management concerning the occupational safety and health environment. The Ministry of Labor conducted a two-week basic occupational and safety standards course for business, government, and trade union officials.

Civic organizations such as the Barbados Employer's Confederation worked closely with the government to ensure worker safety was protected despite the nonimplementation of the 2005 law. 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. The Labor Department's Health and Safety Inspection Unit conducted several routine annual inspections of government-operated corporations and manufacturing plants, with no serious problems noted. Workers had the right to remove themselves from dangerous or hazardous job situations without jeopardizing their continued employment.

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