

BARBADOS 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Barbados is a multi-party, parliamentary democracy. In national elections February 21, voters re-elected Prime Minister Freundel Stuart of the Democratic Labour Party (DLP). Observers considered the vote generally in accordance with international standards, despite press reports of small-scale vote buying. Security forces reported to civilian authorities and generally did not commit human rights abuses.

The most serious human rights problems were unprofessional conduct by police, violence against women, and discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals.

Other human rights problems included child abuse.

The government took steps to punish officials who committed abuses, and there was not a widespread perception of impunity for security force members.

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, and police reported no killings in the line of duty through November. Authorities investigate all such killings and refer them to a coroner for inquiry when appropriate. Delays in receiving case files from the police impeded timely completion of such inquiries.

On June 10, authorities launched an inquiry into the April 2012 police killing of Jamar Andre Maynard during an attempted robbery. One of the two suspects drew a firearm, and the police fired on the suspects. The officers involved in the incident remained on active duty pending completion of the inquiry.

A court adjourned until February 2014 the September 2012 case against three Coast Guard officers – Corey Broome, Romerio Gasin, and Shem Chapman – charged with manslaughter in connection with the 2010 killing of Percival Louie.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices, but there were complaints against the police alleging unprofessional conduct, intimidation, and beating or assault. Police occasionally were accused of beating suspects to obtain confessions, and suspects often recanted their confessions during trial. In many cases the only evidence against the accused was a confession. Suspects and their family members continued to allege coercion by police, but there was no evidence of systematic police abuse. Anecdotal reports indicated that crime often went unreported and that police officers pressured victims not to formally report crimes. There were also reports that some witnesses refused to testify in court against police officers.

On October 6, the Caribbean Court of Justice awarded Jamaican national Shanique Myrie 75,000 Barbados dollars (BBD) (\$37,500) in damages, stating that Caribbean Community nationals have a right to access member states “without harassment or the imposition of impediment.” Myrie brought suit against the government asserting freedom of movement within the Caribbean Community. She alleged sexual assault while in detention at the airport by a female immigration officer who performed a body-cavity search.

Police suspended two on-duty police officers who offered four foreign women a ride back to their home in a police vehicle in December 2012. The women alleged the officers sexually assaulted them and stole property before departing their home. Authorities charged the officers with indecent assault, burglary, criminal damage, and willful misconduct.

Court proceedings continued regarding the 2011 rape of a Jamaican national detained at the Central Police Station on drug trafficking charges. Authorities charged Constable Jonathan Barrow with serious indecency and Constable Melanie Denny with aiding and abetting an offense of serious indecency and suspended both from the force.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, and the government allowed prison visits by independent human rights monitors.

Physical Conditions: 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, it held 1,054 sentenced prisoners at the end of 2012. Although prisoners occasionally complained about the quality of the food, they had access to potable water. Dodds had a canteen program permitting family members to make deposits into inmate accounts, and inmates could purchase food, toiletries, and dry goods.

In October 2012 there were 39 female prisoners held in a separate wing. There were separate juvenile facilities for boys and girls.

Administration: Prison record keeping was adequate, and there were alternative sentencing measures for nonviolent offenders. Authorities permitted reasonable access to visitors, although there were reports that police obstructed some lawyers from visiting their clients in detention. Prisoners could observe their religious practices. Prisoners may submit complaints to the officer in charge. If that officer cannot resolve the problem, it is referred to the warden. There was no specific ombudsman, but prisoners could submit complaints to judicial authorities.

On September 6, the Cuban government accepted the repatriation request of former prisoner Raul Garcia, who completed a 15-year sentence for drug trafficking in 2010. When Cuba initially denied Garcia repatriation, authorities released him into the custody of a local family, where he was required to check in at regularly scheduled intervals with both police and the Immigration Department.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The Royal Barbados Police Force (RBPF) is responsible for internal law enforcement. The small Barbados Defense 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.

Civilian authorities maintained effective control over the RBPF and the BDF, and the government has effective mechanisms to investigate and punish abuse and corruption.

Arrest Procedures and Treatment of Detainees

The law authorizes police to arrest persons suspected of criminal activity; a warrant is typically required. The constitution permits authorities to hold detainees without charge for up to five days; however, once persons are charged, police must bring them before a court without unnecessary delay. There is a functioning bail system. Criminal detainees received prompt access to counsel and were advised of that right immediately after arrest. Authorities generally permitted family members access to detainees.

Police procedures provide that, except when expressly permitted by a senior divisional officer to do otherwise, the police may question suspects and other persons 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.

Pretrial Detention: There were 441 persons in pretrial detention at the end of 2012. While length of pretrial detention may 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.

Trial Procedures

The constitution provides that persons charged with criminal offenses receive a fair public hearing without unnecessary delay by an independent, impartial court and a trial by jury. The government generally respected these rights. Defendants have the right to be present and to consult with an attorney of choice 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. The law permits defendants to confront and question witnesses and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their case. Defendants are presumed innocent until proven guilty, have the right of appeal, and cannot be compelled to testify or confess guilt.

The constitution and law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

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.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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 credible reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. According to the International Telecommunication Union, 55 percent of households had internet access, and the World Bank reported 73 percent of citizens used the internet in 2012.

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.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

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

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

Protection of Refugees

Access to Asylum: The government has not established a system for providing protection to refugees. The government did not grant refugee status or asylum during the year.

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 through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In general elections held February 21, the DLP returned to power for a second term, winning 16 of the 30 seats in the parliament's House of Assembly, and DLP leader Freundel Stuart retained his post as prime minister. After a voter took a picture of his ballot with a cell phone, authorities investigated allegations of small-scale vote buying by supporters of both parties but did not levy any charges. Observers considered the vote in accordance with international standards.

Participation of Women and Minorities: Three cabinet members were women, and there were four women in the House of Assembly. There were five women and four members of minority groups in the 21-member appointed Senate.

Section 4. Corruption and Lack of Transparency in Government

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

Corruption: The parliament's Public Accounts Committee and the auditor general conduct investigations of all government public accounts, which include ministries, departments, and statutory bodies.

Whistleblower Protection: No law provides protection for persons who make internal disclosures or lawful public disclosures of evidence of illegality.

Financial Disclosure: No law subjects public officials to financial disclosure.

Public Access to Information: No law provides citizens access to information held by the government. While government websites provide access to information, 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.

Government Human Rights Bodies: The Ombudsman's Office hears complaints against government offices for alleged injuries or injustices resulting from administrative conduct. The governor general appoints the ombudsman on the recommendation of the prime minister in consultation with the leader of the opposition; the parliament must approve the appointment. The ombudsman submits annual reports to the 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

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

Women

Rape and Domestic Violence: The law criminalizes rape, and the maximum penalty is life imprisonment. There were legal protections against spousal rape for women holding a court-issued divorce decree, separation order, or nonmolestation order. Rape was underreported for fear of further violence, retribution, and societal stigma. A former member of the Justice Department reported that perpetrators commonly made payoffs to survivors of rape or sexual assault in exchange for not pressing charges. In addition, sources reported that victims were sometimes reluctant to report crimes to police because of their perceived ineffectiveness. Authorities charged 74 persons with sex-related offenses through October, compared with 99 in all of 2012. Authorities brought charges in 25 cases of rape, compared with 56 in 2012; 18 cases of sex with a minor, compared with three in 2012; and 31 cases of indecent assault, compared with 38 in 2012. Many cases remained pending in the courts for months or years.

Violence and abuse against women continued to be significant social problems. The law prohibits domestic violence and provides protection to all members of the family, including men and children. While it applies equally to marriages and to common-law relationships, the law does not protect those in informal 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 cases resulting in

death of a victim. 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, consisting of civilian volunteers, that offered assistance primarily to female victims of violent crimes, but reports indicated that services provided were inadequate. Victims reporting a sexual assault were subject to lengthy waiting procedures at the police station and for examinations at the hospital staffed primarily by male doctors. There were also several reports that police did not respond promptly or adequately to complaints of sexual assault.

Two highly publicized murders inspired public debate about the treatment of women in society. In May a man stabbed his Guyanese girlfriend to death as she sought refuge at a friend's house. Three days earlier, the victim reported to the police that she had survived an attack by the same man at a bus terminal, and observers criticized police inability to prevent the subsequent attack. On August 19, a man allegedly killed his girlfriend at a fish market, where the woman worked as a vendor. The broad daylight killing spurred public demonstrations, a rarity in the country. Commentators called on the government not only to improve law enforcement response to domestic violence complaints but also to address broader societal attitudes toward women.

There were public and private counseling services for victims of domestic violence, rape, and child abuse. There were programs to sensitize clergy who counsel abuse victims, to encourage hairdressers to identify domestic violence and direct women to seek expert assistance, to offer domestic violence awareness training for high school students, and to prevent elder abuse for workers in geriatric hospitals. According to the acting police commissioner, since the June establishment of a Family Conflict Intervention Unit, the RBPF addressed 96 cases, arrested 58 alleged offenders, facilitated issuance of 12 protection orders, and referred several cases to other state entities and nongovernmental organizations (NGOs). The Ministry of Family implemented a Partnership for Peace program that targets perpetrators of domestic abuse. The NGO Business and Professional Women's Club (BPW) operated a crisis center staffed by trained counselors and provided legal and medical referral services. In addition to a 24-hour hotline, the BPW operated a walk-in crisis center designed to provide psychological, social, and legal services, and meant to be a conduit for other responders to gender-based violence. The government provided some funding for a shelter for battered women, also operated by the BPW, which housed 20-25 persons at any given time, and occasionally reached 35 persons, including 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 inadequate mechanisms for collecting and evaluating data on incidents of domestic violence as major impediments to tackling gender-based violence.

Sexual Harassment: The law does not specifically address sexual harassment. There were no statistics available on the prevalence of sexual harassment cases. Media reports often indicated that women avoided reporting sexual harassment because they feared retribution in the workplace.

Reproductive Rights: 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 was widely available, as was access to information on contraception.

Discrimination: The Bureau of Gender Affairs in the Ministry of Family, Culture, Sports, and Youth worked to protect 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, although some discrimination persisted. Reports indicated that women earned significantly less than men for comparable work. The law does not mandate equal pay for equal work.

Children

Birth Registration: Citizenship is obtained by birth in the country and/or from one's parents. There was universal birth registration.

Child Abuse: Violence and abuse against children remained serious problems. The Child Care Board has a mandate for the care and protection of children, which involved investigating daycare 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 board vocally advocated stricter regulations to protect children.

Forced and Early Marriage: The legal minimum age for marriage is 18. Observers estimated the rate of underage marriage at less than 1 percent.

Sexual Exploitation of Children: The government does not have a policy framework to combat the sexual exploitation of children. The minimum age for consensual sex is 16. The Ministry of Family, Culture, Sports, and Youth acknowledged that child prostitution occurred; however, there was no research to document that problem. Pornography is illegal, but no information was available concerning specific prohibitions dealing with child pornography.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

No laws 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. 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. Although persons with disabilities continued to face social stigma preventing them from fully participating in society, attitudes were slowly evolving. Persons with disabilities generally experienced hiring discrimination as well as difficulty in achieving economic independence.

The Barbados Council for the Disabled, the Barbados National Organization for the Disabled, and other NGOs indicated that access and transportation remained the primary challenges facing persons with disabilities. Many public areas lacked the necessary ramps, railings, parking, and bathroom adjustments to accommodate such persons, and affordable, reliable transportation for them remained elusive. Some measures addressed transportation concerns through private transportation providers and NGOs advocating rights for persons with disabilities.

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 Barbados Council for the Disabled and other NGOs promoted and implemented sensitization and accessibility programs designed to improve inclusion and services for persons with disabilities.

The 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.

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

Although rarely enforced, the law criminalizes consensual same-sex sexual activity between adults with penalties of up to life imprisonment. No laws prohibit discrimination against a person on the basis of real or perceived sexual orientation in employment, housing, education, or health care. Activists reported that stigma against LGBT persons persisted. While they maintained a low profile, one LGBT NGO noted no impediments to the organization's activities.

Activists reported few violent incidents but suggested that social stigma and fear of retribution or reprisal due to their sexual orientation rendered the problem underreported. Anecdotal evidence suggested LGBT persons faced discrimination in employment, housing, and access to education and health care. Activists suggested that while many individuals lived open LGBT lifestyles, disapprobation by police officers and societal discrimination against LGBT persons occurred. For instance, in May a police officer made anti-LGBT remarks to individuals stopped for making too much noise during a late-night LGBT group's "bus crawl" event. On August 5, unidentified individuals hurled stones and homophobic slurs at one of the flag bearers during the annual "Grand Kadooment" parade.

Other Societal Violence or Discrimination

The government continued a large countrywide 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. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutes, provides for the right of workers to form and join unions and conduct legal strikes but does not specifically recognize the right to bargain collectively. Moreover, the law does not obligate companies to recognize unions or to accept collective bargaining, and no specific law prohibits antiunion discrimination. All private-sector employees are permitted to strike, but the law prohibits workers in essential services, such as police, firefighters, electricity, and water company employees, from engaging in strikes. Labor laws cover all groups of workers, including migrants, public sector, domestic workers, and those in special trade zones, and the government generally enforced the laws effectively.

In general the government effectively enforced these laws in the formal sector, but there was no information as to the adequacy of resources or inspections. Penalties for violations include fines up to BBD 1,000 (\$500), imprisonment up to six months, or both. The penalties were sufficient to deter violations. Although the courts provided a method of redress for employees alleging wrongful dismissal, they commonly awarded monetary compensation but rarely ordered reinstatement. This process was often subject to lengthy delays. A tripartite group of labor, management, and government representatives met monthly. 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.

Workers faced some challenges in exercising freedom of association or bargaining collectively; however, their rights were generally respected. Worker organizations were independent from government and political parties. Workers exercised the right to conduct legal strikes.

Although employers were under no legal obligation to recognize unions, most major employers did so when 50 percent plus one of the employees made a request. Some unions noted that employers often refused to negotiate collective bargaining agreements with them, even if the company recognized the union. There were reports that some foreign companies refused to recognize unions. In

these cases the Department of Labor tried to influence the company either to recognize the union or to relocate the business to another country. Smaller companies were often 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.

There were no official reports of forced labor occurring during the year. Foreigners remained at risk for forced labor, especially in domestic service, agriculture, and construction sectors. Penalties, including the option for a fine, were not sufficient to deter violations.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law provides for a minimum working age of 16 for certain sectors but does not cover sectors such as agriculture. The law prohibits children under the age of 18 from engaging in work likely to harm their health, safety, or morals, but it does not specifically note which occupations fall under this prohibition. The law prohibits the employment of children of compulsory school age (through age 16) during school hours. The law also prohibits young people from night work (after 6 p.m.). These laws were 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 the ages of 14 and 16 could engage in light work with parental consent. There was no list of occupations constituting light work.

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 found employing underage workers. Employers found guilty of violating statutes of the Employment Act may be fined or imprisoned for up to 12 months. According to the chief labor inspector, no underage employment cases were filed during the past few years. Child labor occurred infrequently, although some children may be engaged in the worst forms of child labor, namely in drug trafficking and as victims of commercial sexual exploitation (see section 6, children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The law provides for minimum wage rates only for household domestics and shop assistants, which was BBD 6.25 (\$3.13) per hour. There was no official poverty income level.

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

The Ministry of Labor is charged with enforcing the minimum wage as well as work hours and did so effectively. It also enforced health and safety standards and in most cases followed up to ensure that management corrected problems cited. A group of 10 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 ensure that wages and working conditions met national standards. Penalties used by the Ministry of Labor include fines of up to BBD 500 (\$250) per offense, imprisonment of up to three months, or a combination of the two. 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 labor rights and provided education and awareness workshops for employers.

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. The construction, industrial, and hospitality sectors were mentioned as problem areas due to the frequency and severity of worksite accidents.

The prevailing wage on the island was higher than the legal minimum wage, but there were occasional press reports alleging that migrant workers received less than

the minimum wage. 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 sometimes forced to work in unacceptable conditions.

There were 10 reports of workplace violence during the year. Office environments also received additional attention from the ministry due to indoor air quality concerns. Trade union monitors identified safety problems for government health and safety inspectors to ensure the enforcement of safety and health regulations and effective correction by management. The Ministry of Labor reported no occupational fatalities but noted that two persons, one self-employed, died due to wounds sustained in the course of their employment. There were three serious industrial accidents.