

BARBADOS 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Barbados is a multiparty, parliamentary democracy. In the 2013 national elections, voters re-elected Prime Minister Freundel Stuart of the Democratic Labor Party. Observers considered the vote generally in accordance with international standards, despite allegations of small-scale vote buying. Civilian authorities maintained effective control over the security forces.

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

Other human rights problems included child abuse and discrimination against persons with disabilities.

The government took steps to punish officials who committed abuses, and impunity for security force members did not appear to be a problem.

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

a. Arbitrary or Unlawful Deprivation of Life

There was one report that the government or its agents allegedly committed an arbitrary or unlawful killing. In May, Constable Everton Gittens was charged with the murder of Selwyn Knight and the wounding of Knight's son, Junior. The case was scheduled for trial in December.

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 assault. Suspects occasionally accused police of beating them 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 crimes often went unreported and police officers pressured victims not to formally report crimes. There were also reports some witnesses refused to testify in court against police officers.

As of November police reported that the case of alleged police torture in March 2014 of Adrian Mottley and Jamar Headley was in an advanced stage of investigation and would be forwarded to the Office of the Director of Public Prosecutions.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, although prisoners occasionally complained about the quality of the food. There were no separate facilities for asylum seekers.

Administration: Two agencies--the Office of the Ombudsman and the Prison Advisory Board--are responsible for investigating credible allegations of inhuman conditions. There were no such allegations during the year.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers.

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, including migration and border enforcement. The Barbados Defense Force (BDF) protects national security and may be called upon to maintain public order in times of crisis, emergency, or other specific needs. The RBPF reports to the attorney general, and the BDF reports to the minister of defense and security. Although the police were largely unarmed, special RBPF foot patrols in high-crime areas carried firearms. An armed special rapid response unit continued to operate. The law provides that police may request BDF assistance with special joint patrols.

A 10 percent increase in crime in the first seven months of the year, specifically related to gun violence and illegal drugs, created concerns about the ability of the RBPF to respond to societal violence.

Civilian authorities maintained effective control over the RBPF and BDF, and the government has effective mechanisms to investigate and punish abuse and corruption. Allegations against police were investigated and brought to the Police Complaints Authority, a civilian body in the Office of Professional Responsibility. In the first six months of the year, 70 complaints were filed by the public against the police force, five of which were dismissed as being unsubstantiated.

Arrest Procedures and Treatment of Detainees

The law authorizes police to arrest persons suspected of criminal activity; a warrant is typically required. Police procedure permits authorities to hold detainees without charge for up to five days, but once persons are charged, police must bring them before a court 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 for police to question suspects and other persons only at a police station, except when expressly permitted by a senior divisional officer to do otherwise. An officer must visit detainees at least once every three hours to inquire about their condition. After 24 hours the detaining authority must submit a written report to the deputy commissioner. The authorities must approve and record all movements of detainees between stations.

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 their choice in a timely manner. The government provided free legal aid to the indigent in family matters

(excluding divorce), child support cases, serious criminal cases such as rape or murder, and all cases involving minors. The constitution prescribes that defendants have adequate time and facilities to prepare a defense. These timelines may be set by the court on arraignment. In court defendants may 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.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Magistrates' courts have civil and criminal jurisdiction, but the civil judicial system experienced heavy backlogs. Citizens primarily sought redress for human rights or other abuses through the civil system, although human rights cases were sometimes decided in the criminal court.

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 Expression

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 promote freedom of speech and press.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 66.7 percent of households had internet

access, and the World Bank reported 76.7 percent of citizens used the internet in 2014.

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/religiousfreedomreport/.

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, or other persons of concern.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that right.

Elections and Political Participation

Recent Elections: In the 2013 general elections, the Democratic Labor Party (DLP) won 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 charges. Observers considered the elections to be in accordance with international standards.

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: There were no reports of government corruption during the year.

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

Public Access to Information: No law provides citizens access to government-held information. While government websites provided access to information, responses often were slow to requests for specific government information by citizens, the media, and other interested parties.

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

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

Government Human Rights Bodies: The Ombudsman's Office hears complaints against government offices for alleged injuries or injustices resulting from administrative conduct. The governor general appoints the ombudsman on the recommendation of the prime minister and in consultation with the opposition. Parliament must approve the appointment. The ombudsman submits to the Parliament annual reports, 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, sex, religion, political opinion, and national or social origin, and the government effectively enforced these provisions. The constitution permits the deprivation of personal liberty for preventing the spread of communicable diseases.

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 due to fear of further violence, retribution, and societal stigma. There were no forensic nursing services offered to assist rape investigations. There were reports perpetrators paid off survivors of rape or sexual assault in exchange for not pressing charges, especially in cases involving minors. In addition, sources reported survivors were at times reluctant to report crimes to police because of their perceived ineffectiveness.

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. The law applies equally to marriages and to common-law relationships but 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 may sentence an offender to jail for breaching such an order. The police have a Victim Support Unit, consisting of civilian volunteers, that offers assistance primarily to female victims of violent crimes, but reports indicated services provided were inadequate. There is also a Family Conflict Unit. Victims reporting a sexual assault were subject to lengthy waits at the police station and for examinations at the hospital staffed primarily by male doctors. There were also several reports police did not respond promptly or adequately to complaints of sexual assault and domestic violence.

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 salon professionals, masseuses, and masseurs 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 by workers in geriatric hospitals.

The Ministry of Social Care, Constituency Empowerment, and Community Development maintained a Partnership for Peace program, a psychosocial rehabilitation program for perpetrators of domestic abuse. The nongovernmental organization (NGO) Business and Professional Women's Club of Barbados (BPW Barbados) operated a crisis center staffed by trained counselors and provided advocacy, crisis and police intervention, and referral services to community resources including legal, medical, addiction, and substance abuse. The BPW also operated a walk-in crisis center designed to provide psychological, social, and legal services, and to serve as a conduit for other responders to gender-based violence. The government provided funding for a shelter for battered women, also operated by the BPW. The shelter offered the services of trained psychological counselors to survivors of domestic violence and other crisis intervention services. The shelter also served victims of human trafficking and others forms of gender-based 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: No law contains penalties specifically for sexual harassment. Common law, however, can be used to provide remedies to persons who are victims of sexual harassment in the workplace by reliance on the relevant law of torts. Media reports often indicated women avoided reporting sexual harassment because they feared retribution in the workplace.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

Discrimination: The law provides for the same legal status and rights for women as for men, including under family, labor, property, and inheritance laws. Women actively participated in all aspects of national life and were well represented at all levels of the public and private sectors, although some discrimination persisted. The law does not mandate equal pay for equal work (see section 7.d.), and reports indicated that women earned significantly less than men for comparable work.

Under nationality laws (naturalized) Barbadian women not born in Barbados do not transfer citizenship to their children.

Children

Birth Registration: Citizenship is obtained by birth in the country or from one citizen parent if at least one of the parents is a Barbadian citizen born in Barbados. There was universal birth registration.

Child Abuse: Violence and abuse against children remained serious problems. The Child Care Board reported 823 referrals of abuse in 2014, compared with 648 cases in 2013. NGOs cited an increased social awareness of child abuse and encouragement to report cases as reasons for the increase, rather than a rise in the incidence of child abuse.

The Child Care Board (CCB) has a mandate for the care and protection of children, which involved investigating daycare centers and allegations of child abuse or child labor, as well as providing counseling services, residential placement, and foster care. The Welfare Department also offered counseling on a broad range of family-related issues. The CCB vocally advocated stricter regulations to protect children; however, a grave shortfall of staffing and finances impeded the board's efforts to respond appropriately to each report.

In June six-year-old Jahan King died in the hospital. The press reported that he had suffered a number of injuries, including broken fingers, an eye injury, bruising, and an injured mouth. King's grandmother told the press that she had reported to the CCB on several occasions that her grandson was being physically abused but that the board had taken no action. In July the board stated that it had received the reports and that an investigation was underway at the time of King's death.

Early and Forced Marriage: The legal minimum age for marriage is 18 years.

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 years. The Ministry of Family, Culture, Sports, and Youth acknowledged child prostitution occurred; however, there were no official statistics to document the problem. Pornography, including child pornography, is illegal.

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/rls/tiprpt/.

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. Legislation to implement obligations arising from 2013 ratification of the Convention on the Rights of Persons with Disabilities had yet to be enacted.

Persons with disabilities experienced discrimination. The Ministry of Social Care, Constituency Empowerment, and Community Development operated a unit to address the concerns of persons with disabilities, but parents complained of added fees and transport difficulties at public schools for children with disabilities. Although persons with disabilities continued to face social stigma that prevented 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 (see section 7.d.).

The Barbados Council for the Disabled (BCD), 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 persons with disabilities, and affordable, reliable transportation for them remained elusive. Private transportation providers addressed some transportation concerns.

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 for persons with disabilities. As a result most new buildings had ramps, reserved parking, and accessible bathrooms for persons with disabilities. The BCD and other NGOs

conducted sensitization and accessibility programs designed to improve inclusion and services for persons with disabilities.

The disabilities unit and NGOs 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.

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

The law criminalizes consensual same-sex sexual activity between adults, with penalties up to life imprisonment, but there were no reports of the law being enforced during the year. The law does not prohibit discrimination against a person based on real or perceived sexual orientation or gender identity in employment, housing, education, or health care (see section 7.d.). Activists reported that stigma against LGBTI persons persisted.

Activists reported few violent incidents based on sexual orientation or gender identity but suggested that social stigma and fear of retribution or reprisal led LGBTI persons to underreport the problem. Anecdotal evidence suggested that LGBTI persons faced discrimination in employment, housing, and access to education and health care. Activists claimed that while many individuals lived open LGBTI lifestyles, disapprobation by police officers and societal discrimination against LGBTI persons occurred. Anecdotal evidence indicated that LGBTI persons were vulnerable to crime, specifically destruction of property, and that LGBTI persons received threats.

Activists reported that many LGBTI persons were homeless, as families often were not accepting of LGBTI children, some of whom became involved in the commercial sex trade.

HIV and AIDS Social Stigma

During the year the government completed a countrywide media campaign to discourage discrimination against HIV/AIDS-infected persons and others living with them, and it reported that the campaign had decreased social stigma against HIV/AIDS. While there was no systematic discrimination, HIV/AIDS-infected persons did not commonly disclose the condition due to lack of social acceptance.

The Caribbean HIV-AIDS Alliance, a regional NGO that had been active in the region, closed abruptly in 2014, after which civil society reported difficulty in coordinating HIV/AIDS efforts within the region.

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 or requires reinstatement of workers fired for union activity. A tribunal may order re-instatement, re-engagement, or compensation under the Employment Rights Act, although no cases of antiunion discrimination were reported during the year. All private sector employees are permitted to strike, but the law prohibits workers in essential services, such as police, firefighters, and electricity and water company employees, from engaging in strikes.

In general the government effectively enforced the law in the formal sector, but there was no information as to the adequacy of resources or inspections. Penalties for violations include fines up to \$1,000 Barbados dollars (BBD) (\$500), imprisonment up to six months, or both. The penalties were sufficient to deter violations. The Employment Rights Act of 2013 gives persons the right to have unfair dismissals tried before the Employment Rights Tribunal, although as of September it had not concluded any cases. The 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. The Barbados Light & Power (BL&P) restructured its operations and offered redundancy packages to workers. When representatives of the Barbados Workers Union were notified, they requested talks with BL&P, but the company declined to engage with the union on the matter. With a few exceptions, workers' rights generally were respected.

Although employers were under no legal obligation to recognize unions, most major employers did so when more than 50 percent of the employees made a request. Some unions noted employers often refused to negotiate collective bargaining agreements with them, even if the company recognized the union. Smaller companies often were not unionized.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor. The government generally enforced such laws.

Although there were no official reports of forced labor during the year, foreigners remained at risk for forced labor, especially in the domestic service, agriculture, and construction sectors. The Transnational Organized Crime Prevention and Control Act of 2011 provides maximum penalties for forced labor, including life imprisonment if the victim was under 18 years old and a fine of \$1.5 million BBD (\$750,000), 15 years in prison, or both if the victim was over 18 years old. There have been no prosecutions in recent years.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law provides for a minimum working age of 16 years for certain sectors but does not cover sectors such as agriculture. The law prohibits children under the age of 18 years from engaging in work likely to harm their health, safety, or morals, but it does not specify which occupations fall under this prohibition. The law prohibits the employment of children of compulsory school age (through age 16 years) during school hours. The law also prohibits young persons from night work (after 6 p.m.). The law was effectively enforced, and child labor laws were generally observed. Parents are culpable under the law if they have children under 16 years old who are not in school. Under the Recruiting of Workers Act, children between the ages of 14 and 16 years could engage in light work with parental consent. There was no list of occupations constituting light work.

The Ministry of Labor's 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 initiate legal action against an employer found employing underage workers. Employers found guilty of violating

the Employment Act may be fined or imprisoned for up to 12 months. It was unclear whether these penalties were sufficient to deter violations. According to the chief labor inspector, no underage employment cases were filed during the past few years. Although documentation was not available, 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/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

Labor laws do not prohibit discrimination on grounds of race, sex, gender, or sexual orientation. The Employment Rights Act prohibits discrimination on grounds of known or perceived HIV/AIDS status or on account of disability. Nevertheless, employment discrimination against HIV/AIDS patients persisted. Occasional press reports alleged 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 occasionally forced to work in unacceptable conditions. Persons with disabilities generally experienced hiring discrimination, as well as difficulty in achieving economic independence (see section 6, Persons with Disabilities).

e. Acceptable Conditions of Work

While there is no national minimum wage, there is a minimum wage for "Shop Assistants" of \$6.25 BBD (\$3.10) per hour. While there is no official poverty income level, the most recent country assessment (2012) estimated that 19 percent of the population lived in poverty.

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

The Department 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 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 verify that wages and working conditions met national standards. Penalties used by the Ministry of Labor include fines of up to \$500 BBD (\$250) per offense, imprisonment of up to three months, or a combination of the two. The ministry reported it historically relied on education, consensus building, and moral persuasion rather than penalties to correct labor law violations. The ministry delivered presentations to workers to inform them of their rights and provided education and awareness workshops for employers.

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

Office environments 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 two occupational fatalities as of June, both of which were investigated.

The law provides for the right of workers to refuse dangerous work without jeopardy to their employment, and authorities generally protected employees in this situation.