

# **BARBADOS 2014 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Barbados is a multi-party, parliamentary democracy. In the 2013 national elections, voters re-elected Prime Minister Freundel Stuart of the Democratic Labor 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 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, and transgender (LGBT) 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 were no reports the government or its agents committed arbitrary or unlawful killings.

There were no updates on the 2012 killings of Jamar Andre Maynard by police or Percival Louie by Coast Guard officers.

#### **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 crime often went unreported and that police officers pressured victims not to formally report crimes. There were also reports some witnesses refused to testify in court against police officers.

Amnesty International reported that police allegedly tortured two men, Adrian Mottley and Jamar Headley, while they were in custody on March 17. According to allegations, police officials wrapped Mottley from neck to feet in plastic wrap and beat him around his body, while Headley was hit on the head with a blunt object. A lawyer filed a complaint about the abuse on their behalf. As of October, the case was in the preliminary inquiry stage at the magistrate's court. Police reported that a senior member of the force was performing an investigation into the alleged incident.

### **Prison and Detention Center Conditions**

Prison and detention center conditions generally met international standards.

Physical Conditions: Dodds Prison in St. Philip, built in 2007 to meet international standards, had a capacity of approximately 1,250 prisoners. According to prison officials, it held 884 sentenced prisoners as of October. Prisoners had access to potable water but occasionally complained about the quality of the food. Dodds had a canteen program permitting family members to make deposits into inmate accounts, and inmates could purchase food, toiletries, and dry goods.

As of October, authorities held 24 female prisoners in a separate wing with a capacity of 100. There were separate juvenile facilities for boys and girls, with 12 juvenile inmates held in a wing with a capacity of 186.

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 police obstructed some lawyers from visiting their clients in detention. Prisoners could observe their religious practices. Prisoners could submit complaints to the officer in charge. If that officer could not resolve the problem, it was referred to the warden. There was no specific ombudsman, but prisoners could submit complaints to judicial authorities.

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. 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 need. The RBPF reports to the minister of home affairs, 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 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. There were no reports of impunity involving the security forces during the year.

#### **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, 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, except when expressly permitted by a senior divisional officer to do otherwise, the police to 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.

**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 cases, 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.

**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 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.

Press Freedoms: The independent media were active and expressed a wide variety of views without restriction. In November 2013 authorities charged three journalists from a local newspaper with criminal indecency for publishing a photograph taken from a video of two minors having sexual intercourse. The charges sparked a public debate on the spirit of child protection laws and press freedoms. A court released the journalists on bail, and after two continuances due to prosecutorial delay, the matter was pending with the Office of the Director of Public Prosecutions as of November.

### **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 75 percent of citizens used the internet in 2013.

### **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/](http://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, and 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. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

#### **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 any charges. Observers considered the elections to be in accordance with international standards.

Participation of Women and Minorities: Three cabinet members were women, and there were five women in the 30-member elected House of Assembly. There were four women 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. There were no reports of government corruption during the year.

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.

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 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 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 in consultation with the opposition. Parliament must approve the appointment. The ombudsman submits annual reports to 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 non-molestation order. Rape was underreported due to fear of further violence, retribution, and societal stigma. Survivors expressed some concerns about the method of evaluation by the designated police doctor. Survivors were not always comfortable with male physicians (there were two male and two female police doctors). There were no forensic nursing services offered to assist rape investigations. The government announced some efforts to hire forensic-trained nurses. 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. There were also reports of sexual assault against the elderly.

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 offers assistance primarily to female victims of violent crimes, but reports indicated 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 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 Family, in coordination with UN Women, implemented a Partnership for Peace program to target 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. In April the BPW opened 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 Barbados. 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.

Female Genital Mutilation/Cutting (FGM/C): While there is no law that prohibits FGM/C, the practice is virtually non-existent in the country.

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 had the right to decide freely and responsibly the number, spacing, and timing of their children, and had the information and means to do so, as well as the right to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Skilled health attendance during pregnancy, at delivery, and during postpartum care was widely available, as was access to information on modern contraception. Women had access to emergency health care, including services for the management of complications arising from abortions.

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 (see section 7.d.).

## **Children**

Birth Registration: Citizenship is obtained by birth in the country or from one's citizen father. Citizen mothers cannot confer nationality on their children born abroad. 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, as well as 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.

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

Female Genital Mutilation/Cutting (FGM/C): While there is no law that prohibits FGM/C, the practice is virtually non-existent in the country.

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 child prostitution occurred; however, there were no official statistics 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/rls/tiprpt/](http://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. Persons with disabilities experienced 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 (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 such persons, 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 to 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 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.

## **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 of up to life imprisonment. 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 stigma against LGBT persons persisted. LGBT civil society groups reported no impediments to their activities.

Activists reported few violent incidents based on sexual orientation or gender identity but suggested that social stigma and fear of retribution or reprisal rendered the problem underreported by LGBT persons. Anecdotal evidence suggested that 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.

### **HIV and AIDS Social Stigma**

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 or requires reinstatement of workers fired for union activity. However, a tribunal can order reinstatement, re-engagement, or pay compensation under the Employment Rights Act. 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.

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 \$1,000 Barbados Dollar (BBD) (\$495), 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, workers' rights generally were respected. Workers exercised the right to conduct legal strikes, and since significant public- and private-sector layoffs began in 2013, there was localized strike action by impacted employees.

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. There were reports 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 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 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/rls/tiprpt/](http://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 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 specify 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 initiate 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. 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. 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/reports/child-labor/findings/](http://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, disability, sexual orientation, or HIV/AIDS status, although such legislation has been proposed.

There were occasional press reports alleging 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 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 (\$3.09) 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 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 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 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 wages and working conditions met national standards. Penalties used by the Ministry of Labor include fines of up to \$500 BBD (\$248) 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 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 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 no occupational fatalities.

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.