

BARBADOS 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Barbados is a multiparty parliamentary democracy. Queen Elizabeth II is the head of state. The governor general is the queen's representative in the country and certifies all legislation on her behalf. In the 2018 national elections, the Barbados Labour Party (BLP) won all 30 seats in the legislature. BLP leader Mia Mottley was appointed as prime minister by the governor general with the support of the BLP's overwhelming parliamentary majority.

The Royal Barbados Police Force is responsible for internal law enforcement, including migration and border enforcement. The Barbados Defence Force protects national security and may be called upon to maintain public order in times of crisis, emergency, or other specific needs. In January the prime minister transferred responsibility for oversight of police and all other law enforcement agencies to the attorney general. The defense force reports to the minister of defense and security. The law provides that police may request defense force assistance with special joint patrols. Civilian authorities maintained effective control over the police and defense forces.

Significant human rights issues included the criminalization of consensual same-sex sexual activity between men. Authorities did not enforce the law on same-sex sexual activity during the year.

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution prohibits such practices, and there were no reports government officials employed them. Some suspects alleged coercion by police, but there was no evidence of systematic police abuse.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: There were no major concerns in prisons and detention centers regarding physical conditions or inmate abuse.

Administration: Two agencies, the Office of the Ombudsman and the Prison Advisory Board, are responsible for investigating credible allegations of mistreatment. According to prison officials, no allegations of mistreatment were made during the year. The Prison Advisory Board conducted monthly visits.

Independent Monitoring: Authorities allowed human rights organizations access to monitor prison conditions.

Improvements: There were improvements to the farming and skills programs offered to prisoners. There was an increase in reintegration and a reduction in recidivism.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law authorizes police to arrest persons suspected of criminal activity; a warrant issued by a judge or justice of the peace based on evidence is typically required. Authorities may hold detainees without charge for up to five days, but once persons are charged, police must bring them before a court within 24 hours, or the next working day if the arrest occurred during the weekend. There was a

functioning bail system. Criminal detainees received prompt access to counsel and were advised of that right immediately after arrest. Authorities generally gave family members access to detainees. The 2019 Bail (Amendment) Act enacted in April prohibits bail for those charged with murder, treason, or any gun-related offense that is punishable by imprisonment of 10 years or more. The Proceeds and Instrumentalities of Crime Act enacted in August replaced the Proceeds of Crime Act; the new act gives wider powers to police officers to confiscate proceeds of crime.

Official procedures allow police to question suspects and other persons only at a police station, except when expressly permitted by a senior divisional officer to do it elsewhere. An officer must visit detainees at least once every three hours to inquire about their condition. After 48 hours in detention, the detaining authority must submit a written report to the deputy commissioner notifying the commissioner that the suspect is still in custody.

Pretrial Detention: Legal authorities expressed concern about the increase in time spent in pretrial detention. Civil society representatives and media reports indicated wait times could be up to 10 years before trial in extreme cases. The court held special sittings during the year to address the backlog. The government conducted a review of all prisoners and found that “a handful” of prisoners had been held for two years or more without trial, including a suspected thief held without trial for seven years. The government implemented procedures to better track delays in trials for remanded persons.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants have the right to be informed promptly of the charges against them. The constitution provides that persons charged with criminal offenses receive a timely, fair, and public hearing by an independent, impartial court, and a trial by jury. Defendants have the right to be present at their trial and to consult with an attorney of their choice in a timely manner. The government provides free legal aid to indigents 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. Timelines may be set by the court on arraignment. Defendants have the right to the free assistance of an interpreter. Defendants may confront and question witnesses, and present witnesses and evidence on their own behalf. Defendants cannot be compelled to testify or confess guilt. They have the right of appeal. The government generally respected these rights.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Lower level courts have both civil and criminal jurisdiction, but the civil judicial system experienced heavier backlogs. Citizens primarily sought redress for human rights or other abuses through the civil court system, although human rights cases were sometimes decided in criminal court. Individuals and organizations may appeal adverse domestic decisions to the Eastern Caribbean Supreme Court.

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

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Libel/Slander Laws: The press provided unverified, anecdotal reporting on corruption issues throughout the year. Civil society representatives raised concerns that defamation lawsuits could lead to self-censorship in some cases.

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.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for freedoms of peaceful 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 <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

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

e. Internally Displaced Persons

Not applicable.

f. 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. The Immigration Department was responsible for considering refugee and asylum claims.

g. Stateless Persons

Not applicable.

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 held by secret ballot and based on universal and equal suffrage. Voters elect 30 members of the National Assembly. The governor general appoints 21 senators: 12 on the advice of the prime minister, two on the advice of the leader of the opposition, and nine at his or her discretion.

Elections and Political Participation

Recent Elections: In the 2018 election, the BLP won all 30 seats in Parliament's House of Assembly, and BLP leader Mia Mottley was appointed prime minister by the governor general with the support of the BLP members of the House of Assembly.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Media reported that senior officials acknowledged some official corruption occurred but said citizens were reluctant to file complaints.

Corruption: There were no formal investigations of government corruption during the year. There was unverified anecdotal evidence in the media, however, of government corruption.

Financial Disclosure: Upon assuming power in 2018, the prime minister required all high-level public officials to disclose income and assets to the government. While the government claimed officials complied with this directive, the disclosures were not published.

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

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 ministries, departments, or other authorities 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 annual reports to Parliament that 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

Women

Rape and Domestic Violence: The law criminalizes rape of women, and the maximum penalty is life imprisonment. Separate legislation addresses rape of men. There are legal protections against spousal rape for women holding a court-issued divorce decree, separation order, or nonmolestation order. The government generally enforced the law effectively. Of the nine sexual offenses prosecuted during the year, six resulted in conviction.

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. The law empowers police to make an arrest after receiving a complaint, visiting the premises, and having some assurance that a crime was committed. Police made numerous arrests for domestic violence.

Penalties for domestic violence depend on the severity of the charges and range from a fine for first-time offenders (unless the injury is serious) to the death penalty for cases where the victim died. Victims may request restraining orders, which the courts often issued. The courts may sentence an offender to jail for breaching such an order.

Violence and abuse against women continued to be significant social problems. Police have a victim support unit, but reports indicated the services provided were inadequate.

There were public and private counseling services for victims of domestic violence, rape, and child abuse. The government funded a shelter for women who had faced violence. The shelter also served victims of human trafficking and other forms of gender-based violence.

Sexual Harassment: No law contains penalties specifically for sexual harassment, except in the workplace. Human rights activists reported sexual harassment continued to be a serious concern. The law was not effectively enforced.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides the same legal status and rights for women and men, except that Barbadian women not born in Barbados do not transfer citizenship to their children. This law was effectively enforced. 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, and reports indicated that women earned significantly less than men for comparable work.

Children

Birth Registration: Citizenship is derived by birth within the country's territory, or to a person born outside the country to a Barbadian father or mother born in Barbados, although there are some exceptions. There was universal birth registration, and all children are registered immediately after birth without any discrimination.

Child Abuse: The law prohibits child abuse, but it does not prohibit corporal punishment of children. There is no law requiring a person to report suspected child abuse, but the government encouraged the public to report cases where they believe abuse may have occurred. Child abuse remained a problem.

The Child Care Board 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. Civil society activists stated the board was not properly staffed or resourced.

Early and Forced Marriage: The legal minimum age for marriage is 18 years. Persons 16 and 17 years old may marry with parental consent.

Sexual Exploitation of Children: The law provides for the protection of children from sexual exploitation and abuse. Child pornography is illegal, and the authorities effectively enforced the law. The minimum age for consensual sex is

16 years. The Ministry of Social Care, Constituency Empowerment, and Community Development acknowledged child prostitution occurred; however, there were no official statistics to document the problem.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, but it does not extend to education or other state services. A separate law requires employers to ensure the safety and health of persons with disabilities. There were no reports of legal actions against employers for noncompliance during the year.

The Barbados Council for the Disabled, the Barbados National Organization for the Disabled, and other nongovernmental organizations indicated that transportation remained the primary challenge facing persons with disabilities. The government and council offered free bus services for children with disabilities; nonetheless there was limited enforcement of this provision.

Many public areas lacked the necessary ramps, railings, parking, and bathroom adjustments to accommodate persons with disabilities. The Fully Accessible Barbados initiative had some success in improving accessibility to older buildings. The Town and Country Planning Department set provisions for all public buildings to include accessibility for persons with disabilities. Most new buildings had ramps, reserved parking, and accessible bathrooms.

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. There is no law that specifically prohibits discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

Civil society groups reported that LGBTI persons faced discrimination in employment, housing, and access to education and health care. Activists stated that while many individuals were open about their sexual orientation or gender identity, police disapproval and societal discrimination made LGBTI persons more vulnerable to threats, crime, and destruction of property. According to civil society groups, LGBTI women were particularly vulnerable to discrimination and unequal protection under the law. In one case a school prevented a transgender student from dressing as a woman.

HIV and AIDS Social Stigma

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law 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 employers to recognize unions or to accept collective bargaining. The law prohibits antiunion discrimination and protects workers engaged in union activity. A tribunal may order reinstatement, re-engagement, or compensation, although no cases of antiunion discrimination were reported during the year. The law permits all private-sector employees to strike but prohibits strikes by workers in essential services such as police, firefighting, electricity, and water.

In general the government effectively enforced labor law in the formal sector. Penalties were sufficient to deter violations. The law gives persons the right to have allegations of unfair dismissal tried before the Employment Rights Tribunal. The process often had lengthy delays. A tripartite group of labor, management, and government representatives met regularly. The group dealt with social and economic issues as they arose, formulating legislative policy, and setting and maintaining harmonious workplace relations.

With a few exceptions, workers' rights generally were respected. Unions received complaints of violations of collective bargaining agreements, but most complaints were resolved through established mechanisms.

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. Companies were sometimes hesitant to engage in collective bargaining with a recognized union, but in most instances they eventually did so. 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, which was sufficient to deter violations.

Although there were no official reports of forced labor during the year, foreigners--especially those from neighboring Caribbean nations--remained at risk for forced labor, particularly in the domestic service, agriculture, and construction sectors. The punishment for labor or sex trafficking of adults is the same: 25 years in prison, a fine of one million BBD (\$500,000), or both. Forced labor or sex trafficking of children is punishable by a fine of two million BBD (one million dollars), life imprisonment, or both. There were no prosecutions during the year.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The law provides for a minimum working age of 16 years for certain sectors but does not cover sectors such as agriculture or family businesses. The law prohibits children younger than age 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 employing children of compulsory school age (through age 16) during school hours. The law also prohibits school-age children from working after 6 p.m. The law was effectively enforced, and child labor laws were generally observed. Parents are culpable under the law if their children younger than age 16 are not in school. Under the Recruiting of Workers Act, children ages 14-16 may engage in light work with parental consent. The law does not provide a list of occupations constituting light work.

Ministry of Labour inspectors may initiate legal action against an employer found employing underage workers. Employers found guilty of violating the law may be fined or imprisoned for up to 12 months. Penalties were generally sufficient to deter violations. According to the chief labor inspector, no underage employment cases were filed in recent years. Although documentation was not available, observers commented that children may have been engaged in the worst forms of child labor, namely 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 <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination on grounds of race, sex, gender, sexual orientation, known or perceived HIV/AIDS status, or disability. Nevertheless, employment discrimination persisted against persons with HIV/AIDS. 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. Unions expressed concern that domestic workers were occasionally forced to work in unacceptable conditions. Anecdotal information indicated persons with disabilities believed they were discriminated against because of their disabilities and that employers professed other reasons for not hiring them.

e. Acceptable Conditions of Work

There is no law establishing a national minimum wage. The law establishes minimum wages for housekeepers and shop assistants and is considered by society as the established "minimum wage." Full-time shop assistants and housekeepers earn wages in excess of the poverty level.

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 of paid holiday after five years of service. The law requires overtime payment of time and a half for hours worked in excess of the legal standard and prescribes all overtime must be voluntary. The law does not set 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 Labour is charged with enforcing the minimum wage as well as work hours, and it did so effectively. The ministry also enforced health and safety standards and, in most cases, followed up to ensure management corrected problems, but the number of labor inspectors was insufficient to effectively enforce compliance. The ministry used routine inspections, accident investigations, and union membership surveys to prevent labor violations and to verify that wages and working conditions met national standards. Penalties include fines of up to \$500 BBD (\$250) per offense, imprisonment of up to three months, or both. These penalties were inadequate to ensure compliance. 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 rights, and it provided education and awareness workshops for employers. The ministry's Health and Safety Inspection Unit conducted several routine annual inspections of government-operated corporations and manufacturing plants, with no serious problems noted.

Office environments received additional attention from the Ministry of Labour due to concerns about indoor air quality. Trade unions monitored safety problems to verify the enforcement of safety and health regulations as well as the correction of problems by management.

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.