

BARBADOS 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Barbados is a parliamentary democracy led by Prime Minister Mia Mottley of the Barbados Labour Party. The Barbados Labour Party won all 30 parliamentary seats in the 2018 election. A former Barbados Labour Party member of Parliament became an independent in order to serve as the formal leader of the opposition. Queen Elizabeth II is the head of state and is represented by the governor general, who certifies all legislation on her behalf.

The Royal Barbados Police Force is responsible for domestic law enforcement, including migration and border enforcement. The police and all other law enforcement agencies report to the attorney general. 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. The defense force reports to the minister of defense and security. The law provides that the police may request defense force assistance with special joint patrols. Civilian authorities maintained effective control over the police and defense forces. There were no reports that the security forces committed any serious abuses.

Significant human rights issues included: trafficking in persons, and the criminalization of consensual same-sex sexual conduct between adults. Authorities did not enforce the law on same-sex sexual conduct during the year.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses.

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. Impunity was not a significant problem.

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 permanent secretary of the Ministry of Home Affairs and the Prison Advisory Board conducted periodic visits.

Independent Monitoring: Authorities allowed human rights organizations access to monitor prison conditions; however, no visits were conducted during the year.

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. The law prohibits bail for those charged with murder, treason, or any gun-related offense that is punishable by imprisonment of 10 years or more.

Official procedures require police to question suspects and other persons only at a police station, except when expressly permitted by a senior divisional officer to do so elsewhere. An officer must visit detainees at least once every three hours to check on their condition. After a suspect has spent 48 hours in detention, the detaining authority must submit a written report to notify the deputy police commissioner and the police 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 that in extreme cases detainees could wait up to 10 years before trial.

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 a presumption of innocence and 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 Caribbean Court of Justice.

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: Defamation is a criminal offense punishable with imprisonment. The local media association raised concerns about intimidation of media by government ministers, due to the media's reliance on income from government advertising. During the year there were no reports of any defamation or libel cases initiated by any government officials against media personnel.

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. Married women must provide a copy of their marriage certificate when applying for a passport; married men are not required to provide this.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Information on the government's cooperation with the UN High Commissioner for Refugees was unavailable.

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.

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.

Elections and Political Participation

Recent Elections: The most recent election occurred in 2018, when the Barbados Labour Party (BLP) won all 30 seats in Parliament's House of Assembly, and the governor general appointed BLP leader Mia Mottley as prime minister with the support of the BLP members of the House of Assembly. Outside monitors considered the election to be free and fair.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. In the 2018 elections there were 134 total candidates, of whom 34, or 25 percent, were women. Five of the 34 female candidates won their seats and were serving in government. In the 2013 elections there were 11 female candidates out of 68 total candidates, representing 16 percent of the total, and five of the 11 female candidates won their seats.

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.

Corruption: There were no formal investigations of government corruption during the year.

Financial Disclosure: Upon assuming power in 2018, the prime minister required all high-level public officials to disclose their income and assets to the government.

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. A nongovernmental organization (NGO) representative reported the slow pace of bringing cases to trial undermined the integrity and effectiveness of the prosecution process. As an example, the NGO representative cited a rape case that took 13 years before the trial commenced, resulting in the victim declining to cooperate in the case. There are legal protections against spousal rape for women holding a court-issued divorce decree, separation order, or nonmolestation order. The law was not consistently enforced.

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. The government did not consistently enforce the law. An NGO reported it had to pressure police to take action in domestic violence cases and that police rarely made arrests in such cases.

An NGO representative reported that it was difficult to track and monitor the prosecution of gender-based violence because the government did not share the relevant data. The NGO representative reported that many cases of domestic violence did not result in convictions and that rapes were underreported and underprosecuted.

The NGO representative also stated there were no programs or resources to assist victims of domestic violence and their children. Housing for victims of domestic violence was a major problem, one that remained unaddressed by the government.

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.

Sexual Harassment: The law prohibits sexual harassment in the workplace; however, human rights activists reported that workplace sexual harassment was a

serious problem. There were no reports of workplace sexual harassment cases filed or prosecuted during the year.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: In July, Parliament passed a law that prohibits employment discrimination on the basis of age, skin color, creed, disability, domestic partnership status, marital status, medical condition, physical features, political opinion, pregnancy, race, trade, sex, sexual orientation, social status, or union affiliation. The law provides the same legal status and rights for women and men. 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 women earned significantly less than men for comparable work.

Children

Birth Registration: A child born in the country is a citizen by birth. 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. No law requires 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 had a mandate for the care and protection of children, which involved investigating daycare centers, investigating allegations of child abuse or child labor, and providing counseling services, residential placement, and foster care. Civil society activists stated the board was not properly staffed or resourced.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18. Persons ages 16 and 17 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.

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 protection 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 NGOs indicated that transportation remained the primary challenge facing persons with disabilities. 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 standards for all public buildings to include accessibility for persons with disabilities. Most new buildings had ramps, reserved parking, and accessible bathrooms.

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

The law criminalizes consensual same-sex sexual conduct between adults with penalties up to life imprisonment and with up to 10 years for “acts of serious indecency.” There were no reports of the law being enforced during the year. Nonetheless, an NGO representative reported the potential for arrest and prosecution under the law was among the most serious issues facing the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community.

Civil society groups reported that LGBTI persons faced discrimination in employment, housing, and access to education and health care. Activists stated that while many LGBTI 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. An NGO representative reported there were incidents of housing discrimination and termination of employment of LGBTI persons without cause.

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, rehiring, or compensation for antiunion discrimination, 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. Penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination.

A labor union representative reported that the government did not have a sufficient number of labor and safety inspectors to enforce all labor regulations effectively. 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 to discuss labor topics. The group dealt with social and economic

problems, formulated legislative policy, and worked towards harmonious workplace relations.

A labor union representative reported that workers' rights were generally respected. Unions received complaints of violations of collective bargaining agreements; 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 domestic service, agriculture, and construction. The punishment for labor or sex trafficking of adults is 25 years in prison, a large fine, or both. Forced labor and sex trafficking of children are punishable by a large fine, life imprisonment, or both. There were no prosecutions of these crimes 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 governing child labor states that education is compulsory for children up to age 16 or 17, depending on when the student took the secondary school entrance exam. Exemptions are allowed for children receiving special education, receiving instruction at home in a manner and to a standard satisfactory to the minister of education, children unable to attend school because of illness or health reasons, sudden or serious illness of a parent, or religious observance. The law also states that no child shall be allowed to work during school hours or between 6:00 p.m. and 7:00 a.m. in any occupation.

The law prohibits the worst forms of child labor. The law provides for a minimum working age of 16 in certain sectors but does not cover sectors such as agriculture or family businesses. The law prohibits children younger than 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 was effectively enforced, and child labor laws were generally observed. Parents are culpable under the law if their children younger than 16 are not in school. By law 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.

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 age, skin color, creed, disability, domestic partnership status, marital status, medical condition, physical features, political opinion, pregnancy, race, trade, gender, sexual orientation, social status, or union affiliation. A volunteer organization established an anonymous telephone hotline service this year allowing individuals to report information about crime, workplace harassment, corruption, or other wrongdoing.

e. Acceptable Conditions of Work

There is a minimum wage for housekeepers and shop assistants. There is no official poverty income level. The standard legal workweek is 40 hours in five days. 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 that 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 enforces minimum wage, work hours, and health and safety standards. The government's capacity to enforce compliance effectively was insufficient. 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 small fines, imprisonment of up to three months, or both. These penalties were inadequate to ensure compliance. Penalties for occupational safety and health violations are higher than penalties for analogous violations, such as negligence.

The Ministry of Labour focused attention on office environments 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. Labor officers are required during an inspection to notify employers of their presence except where the officers consider that such a notification would impinge the performance of their duties. The law gives officers the power to initiate proceedings against employers for any contravention or offenses.

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. A labor union representative reported there were no formal complaints concerning hazardous or exploitative working conditions during the year nor did the union receive any complaints about workplace fatalities or accidents.