

BARBADOS

EXECUTIVE SUMMARY

Barbados is a multiparty, parliamentary democracy. In 2008 national elections, voters elected Prime Minister David Thompson of the Democratic Labour Party (DLP). International observers assessed the vote as generally free and fair. Prime Minister Thompson died in office in October 2010 and was replaced by Deputy Prime Minister Freundel Stuart. Security forces reported to civilian authorities.

The most serious human rights problem was occasional use of excessive force by the police.

Other human rights problems included societal violence against women and children and discrimination against gays and lesbians.

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

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings, but on rare occasions, there were police killings in the line of duty. Authorities investigated all such killings and referred them to a coroner's inquiry when appropriate.

In July police officers shot and killed Shawn Anderson Sealy, sought in connection with an aggravated burglary, after he attacked them with a machete and damaged a police vehicle. The coroner's office was investigating the case at year's end. In December Curtis Callender died at the Oistins Police Station while in police custody for questioning. At year's end the attorney general awaited a final autopsy report, but an initial finding revealed that the suspect died from an aneurysm.

Frequently there were long delays in completing coroner's inquiries, but findings eventually were made public. For instance, in July the coroner's court returned an "open" verdict in the 2006 police killing of Richard Gordon, and in August it made a finding of "accidental shooting" in the 2009 death of Hugh Springer, a bystander

shot and killed by police. That report urged the police to use taser guns as a nonlethal means of controlling chaotic public disturbances.

The coroner's court received the files for the 2009 police killing of Denzil Headley and the 2007 police killing of Michael Davis, but inquest dates had not been set by year's end.

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. Most complaints against the police alleged unprofessional conduct and beating or assault. Police occasionally were accused of beating suspects to obtain confessions, and suspects often recanted their confessions during their 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.

On February 28, a Jamaican national claimed three officers raped her while she was detained at the Central Police Station on drug trafficking charges. Authorities arrested two of the accused officers, suspended them from the force, and brought charges against them. Released on bail, they awaited trial at year's end.

On March 14, another Jamaican national claimed she was sexually assaulted by a female immigration officer at the airport where she was detained after flying to the country. She said the alleged assault occurred when she was subjected to a cavity search while in custody. The parliamentary minister for immigration claimed that the accuser was denied entry for good reason and that no mistreatment occurred. However, officials from the two governments discussed the incident, and the investigation remained open at year's end.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards. Dodds Prison, built in 2007 in St. Philip, was designed to meet modern international standards with a capacity of approximately 1,250 prisoners. According to prison officials, in November it held 1,032 prisoners, including

pretrial detainees. Although prisoners 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 popular food, snacks, toiletries, and dry goods. Prisoners may submit complaints to the officer in charge. If that officer cannot resolve the problem, it is referred to the warden.

There were 36 female prisoners held in a separate wing. There were separate juvenile facilities for boys and girls.

A Cuban prisoner remained in prison even though he completed his 15-year sentence for drug trafficking in 2010. The government stated this was due to the Cuban government's denial of his repatriation request and that he will remain incarcerated until Cuba or another country agrees to accept him. There were no immediate plans to release the prisoner into general society.

Authorities permitted reasonable access to visitors. Prisoners were permitted religious observance and could submit complaints to judicial authorities. The government allowed prison visits by independent human rights monitors.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The Royal Barbados Police Force (RBPF) is responsible for internal law enforcement. The small Barbados Defense Force (BDF) protects national security and may be called upon to maintain public order in times of crisis, emergency, or other specific need. The RBPF reports to the minister of home affairs, and the BDF reports to the minister of defense and security. Although the police largely were unarmed, special RBPF foot patrols in high-crime areas carried firearms. An armed special rapid-response unit continued to operate. The law provides that the police can request BDF assistance with special joint patrols.

Civilian authorities maintained effective control over the RBPF and the BDF, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention

Police are authorized to arrest persons suspected of criminal activity; a warrant is typically required. The constitution permits detainees to be held without charge for up to five days; however, once charged, detainees must be brought 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. Access to family members generally was permitted.

Police procedures provide that, except when expressly permitted by a senior divisional officer to do otherwise, the police may question suspects and other persons only at a police station. An officer must visit detainees at least once every three hours to inquire about the detainees' condition. After 24 hours the detaining authority must submit a written report to the deputy commissioner. The authorities must approve and record all movements of detainees between stations.

There were between 50 and 100 persons in pretrial detention at various times during the year. While length of pretrial detention may vary from one case to another, there were no reports of extended periods of pretrial detention or abuse of the practice.

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution provides that persons charged with criminal offenses be given a fair public hearing without unnecessary delay by an independent, impartial court and a trial by jury. The government generally respected these rights in practice. Defendants have the right to be present and to consult with an attorney in a timely manner. The government provided free legal aid to the indigent in family matters, child support, serious criminal cases such as rape or murder, and all cases involving minors. Defendants are allowed to confront and question witnesses and present 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 and have the right of appeal.

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Magistrate's courts have both civil and criminal jurisdiction, but the civil judicial system experienced heavy backlogs. Citizens can seek redress for human rights or other abuses through the civil system.

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

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

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

The government restricted the receipt and importation of foreign publications deemed to be pornographic.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

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 in practice.

c. Freedom of Religion

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

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

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

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

Protection of Refugees

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

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In general elections held in 2008, the DLP, in opposition since 1994, defeated the Barbados Labour Party, led by then prime minister Owen Arthur. The DLP won 20 of the 30 seats in the parliament's House of Assembly, and DLP leader David Thompson became prime minister. Following Thompson's death in October 2010, the DLP parliamentary group selected Deputy Prime Minister Freundel Stuart to be prime minister. The next general election must be held by January 2013.

Participation of Women and Minorities: Two cabinet members were female; there were three women in the House of Assembly. There were four women and three minorities in the 21-member appointed Senate.

Section 4. Official Corruption and Government Transparency

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

There is no law that subjects public officials to financial disclosure. Parliament's Public Accounts Committee and the auditor general conduct investigations of all government public accounts, which include ministries, departments, and statutory bodies.

There is no law providing citizens access to information held by the government. While access to information was provided on government Web sites, responses to requests for specific government information by citizens and other interested parties often were slow.

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

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

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

annual reports to Parliament, which contain both 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, including spousal 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. Authorities charged 145 persons with sex-related offenses during the year, compared with 112 in 2010. Charges were brought in 55 cases of rape, compared with 44 in 2010; 11 cases of sex with a minor, compared with 19 in 2010; and 53 cases of indecent assault, compared with 42 in 2010). Many cases were pending in the courts for months or years. Rape was underreported for fear of further violence, retribution, and societal stigma.

Violence and abuse against women continued to be significant social problems. The law prohibits domestic violence, provides protection to all members of the family, including men and children, and applies equally to marriages and to common-law 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 a killing. 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, which offered assistance primarily to female victims of violent crimes.

There were public and private counseling services for victims of domestic violence, rape, and child abuse. There were programs to sensitize clergy who counsel abuse victims, to encourage hairdressers to identify domestic violence and direct women to seek expert assistance, to offer domestic violence awareness training for high school students, and to prevent elder abuse for workers in geriatric hospitals. The Business and Professional Women's Club (BPW) operated a crisis center staffed by trained counselors and provided legal and medical referral services. The government provided some funding for a shelter for battered women, operated by nongovernmental organizations (NGOs) including the BPW,

which accommodated up to 20 women plus their young children. The shelter offered the services of trained psychological counselors to victims of domestic violence.

The Bureau of Gender Affairs cited a lack of specific information and inadequate mechanisms for collecting and evaluating data on incidents of domestic violence as major impediments to tackling gender-based violence.

Sexual Harassment: The law does not specifically address sexual harassment, which was a problem. There were no statistics available on the prevalence of sexual harassment cases. Media reports often indicated that women were afraid to report sexual harassment because they feared retribution in the workplace.

Reproductive Rights: Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Skilled attendance at delivery and in postpartum care was widely available, as was access to information on contraception. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination: The Bureau of Gender Affairs in the Ministry of Family worked to ensure 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. According to the World Economic Forum's *2010 Global Gender Gap Report*, women earned 26 percent less than men for comparable work. A government poverty eradication fund focused on encouraging entrepreneurial activities to increase employment for women and youth.

Children

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

Child Abuse: Violence and abuse against children remained serious problems. The Child Care Board has a mandate for the care and protection of children, which involved investigating daycare centers and cases of child abuse or child labor and providing counseling services, residential placement, and foster care. The Welfare Department offered counseling on a broad range of family-related issues, and the Child Care Board conducted counseling for child abuse victims.

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

International Child Abduction: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's report at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

The Jewish community was very small, and there were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

There are no laws that 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. In practice persons with disabilities faced some discrimination. The Ministry of Social Care, Constituency Empowerment, and Community Development operated a Disabilities Unit to address the concerns of persons with disabilities, but parents complained of added fees and transport difficulties for children with disabilities at public schools. Although persons with disabilities continued to face social stigma preventing them from fully participating in society, attitudes were slowly evolving. Persons with disabilities generally experienced hiring discrimination as well as difficulty in achieving economic independence.

The Barbados Council for the Disabled, the Barbados National Organization for the Disabled, and other NGOs indicated that access and transportation remained the primary challenges facing persons with disabilities. Many public areas lacked

the necessary ramps, railings, parking, and bathroom adjustments to accommodate such persons, and affordable, reliable transportation for them remained elusive. However, some measures were made to address transportation concerns through private transportation providers and disabled rights NGOs.

While no legislation mandates provision of accessibility to public thoroughfares or public or private buildings, the Town and Country Planning Department set provisions for all public buildings to include accessibility to persons with disabilities. As a result, most new buildings had ramps, reserved parking, and special sanitary facilities for such persons. The Barbados Council for the Disabled and other NGOs promoted and implemented sensitization and accessibility programs designed to help persons with disabilities enjoy the inclusion and services that other citizens enjoy.

The Disabilities Unit continued numerous programs for persons with disabilities, including Call-a-Ride and Dial-a-Ride public transportation programs, sensitization workshops for public transportation operators, inspections of public transportation vehicles, sign language education programs, integrated summer camps, and accessibility programs.

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

The law criminalizes consensual same-sex sexual relations, and there are no laws that prohibit discrimination against a person on the basis of sexual orientation in employment, housing, education, or health care. Although statistics were unavailable, anecdotal evidence suggested that societal discrimination against gays and lesbians occurred. The issue gained national attention when a group of citizens claimed amnesty in Canada for fear of not being able to live openly as lesbian, gay, bisexual, or transgender (LGBT) persons. Responding to a call by U.K. Prime Minister Cameron for reform of anti-LGBT legislation, Attorney General Adriel Brathwaite declared the country's "position on homosexuality was not for sale and that its legislative agenda would be determined at home."

Other Societal Violence or Discrimination

The government continued a large country-wide 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 allows workers to form and join unions and conduct legal strikes but does not specifically recognize the right to bargain collectively. The law does not obligate companies to recognize unions or to accept collective bargaining, and there is no specific law that prohibits antiunion discrimination. Although the courts provide a method of redress for employees alleging wrongful dismissal, they commonly awarded monetary compensation but rarely ordered reinstatement.

Labor laws cover all groups of workers, including migrants, public sector, domestic workers, and those in special trade zones, and the government generally enforced the laws effectively.

In practice workers faced some challenges in exercising freedom of association or bargaining collectively; however, their rights were generally respected. While both major political parties were originally formed from labor unions, worker organizations remained independent from government and political parties. In practice workers exercised the right to conduct legal strikes. All private sector employees are permitted to strike, but the law prohibits essential workers, such as police, firefighters, electricity, and water company employees, from engaging in strikes.

Although employers were under no legal obligation to recognize unions, most major employers did so when a significant percentage of their employees expressed a desire to be represented by a registered union. Smaller companies were often not unionized. In the past labor unions reported some companies, including some unspecified foreign firms, engaged in antiunion discrimination and unions complained to the Labor Ministry on a number of occasions about what they deemed antiunion activity by employers. However, the ministry did not receive any complaints of antiunion activity during the year.

Some unions noted that employers often refused to negotiate collective bargaining agreements with them, even if the union was recognized by the company. Negotiated protocols contained provisions for increases in basic wages and increases based on productivity. On May 5, representatives from labor, government, and the private sector signed a sixth such protocol, which will expire in 2013. The Social Partnership Agreement provides for monthly meetings of

labor, management, and government representatives. Chaired by the prime minister or the minister responsible for labor affairs, it plays a significant role in setting parameters and maintaining harmonious workplace relations.

b. Prohibition of Forced or Compulsory Labor

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law provides for a minimum working age of 16 for certain sectors but does not cover sectors such as agriculture. Compulsory primary and secondary education policies reinforced minimum age requirements. The law prohibits children under the age of 18 from engaging in work likely to harm their health, safety, or morals but does not specifically note which occupations fall under this prohibition. The law prohibits the employment of children of compulsory school age (through age 16) during school hours. The law also prevents young people from night work (after 6:00 p.m.). These laws were effectively enforced. The Labor Department had a small cadre of labor inspectors who conducted spot investigations of enterprises and checked records to verify compliance with the law. These inspectors may take legal action against an employer who is found employing underage workers. Child labor laws were generally observed in practice. According to the chief labor inspector, no underage employment cases were filed during the past few years.

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

d. Acceptable Conditions of Work

The law provides for, and the authorities established, minimum wage rates for household domestics and shop assistants. The minimum wage for these employees was BDS\$5 (\$2.50) per hour. The Ministry of Labor recommended companies in all other sectors use this as the de facto minimum wage.

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. An employee's length of service is linked to the anniversary of the commencement date with current employer. The law requires overtime payment of time and one-half for hours worked in excess and prescribes that all overtime must be voluntary.

The 2005 Occupational Safety and Health at Work Act was never promulgated into law, as it was passed at the end of the previous administration and was still under review at year's end; previous occupational health and safety laws still applied. The law requires that in certain sectors, firms employing more than 50 workers create a safety committee that could challenge the decisions of management concerning the occupational safety and health environment. Workers had the right to remove themselves from dangerous or hazardous job situations without jeopardizing their continued employment.

The Ministry of Labor did not identify any specific group of workers that were subject to hazardous or exploitive working conditions. According to the ministry, labor laws apply to all workers and are enforced across the board. However, foreign workers in high risk sectors such as domestic service, agriculture, or construction may not be aware of their rights and protections under the law.

The Labor Department within the Ministry of Labor is charged with enforcing the minimum wage as well as work hours and did so effectively. In practice the prevailing wage on the island was higher than the legal minimum wage. However, there were occasional press reports alleging that migrant workers received less than the minimum wage. That department also enforced health and safety standards and in most cases followed up to ensure that management corrected problems cited. A group of 10 safety and health inspectors helped enforce regulations, and nine labor officers handled labor law violations. All groups of workers were covered under these laws, although unions expressed concern that domestic workers were sometimes forced to work in unacceptable conditions.

Penalties used by the Ministry of Labor include fines, imprisonment, or a combination of the two. However, the ministry reported that it has historically relied on education, consensus building, and moral persuasion rather than penalties to correct labor law violations.

The ministry used routine inspections, accident investigations, and union membership surveys to prevent labor violations and ensure that wages and working

conditions met national standards. 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. However, the construction and hospitality sectors were mentioned as problem areas due to the frequency and severity of worksite accidents. Three people died in the course of their employment during the year, and there were no major industrial accidents. Office environments also received additional attention from the ministry due to indoor air quality concerns. Civic organizations such as the Barbados Employer's Confederation worked closely with the government to ensure worker safety was protected despite the nonimplementation of the 2005 law. 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.