

# **BARBADOS 2021 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, which was considered free and fair. A former Barbados Labour Party member of Parliament became an independent to serve as the formal leader of the opposition. Until November 30, Queen Elizabeth II was the head of state and was represented by the governor general, who certified all legislation on her behalf. On November 30, the country became a republic with a nonexecutive president as the ceremonial head of state.

The Barbados Police Service 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. Authority over the defense force is shared between the president and prime minister, with the president overseeing strategic direction and the prime minister responsible for operational leadership. 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 the existence of criminal libel laws and the criminalization of consensual same-sex sexual conduct between adults (although authorities did not enforce the law 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**

### **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.

## **Prison and Detention Center Conditions**

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

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

**Administration:** Two agencies, the Office of the Ombudsman and the Prison Advisory Board, investigated credible allegations of mistreatment. The superintendent of prisons stated no mistreatment reports were submitted during the year.

**Independent Monitoring:** Human rights organizations may request access to monitor prison conditions; however, the superintendent of prisons reported that no visit requests were received 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 arrest or 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 receive prompt access to counsel and are 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 regarding lengthy stays in pretrial detention. Civil society representatives and media reports indicated that delays of five to seven years before cases went to trial were common, and in extreme cases detainees could wait up to 10 years before trial. On October 12, the chief justice stated that holding persons in extended pretrial detention without any indication of a trial date was inconsistent with the constitution. He announced that the superintendent of prisons would be required to submit a quarterly report of all persons being held in pretrial detention. The chief justice also said that he would prioritize cases involving murder, firearms, and sexual assault.

The Court of Appeal launched a new, automated, court case management system in September to replace the existing paper-based system, with the goal of improving the judiciary's operating efficiency and reducing case backlog.

### **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**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

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

**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. 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 and the Right to Leave the Country**

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 general 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.

**Participation of Women and Members of Minority Groups:** The president, prime minister, and six cabinet ministers were women. The leader of the opposition political party was a woman.

## **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. In October the government passed the Prevention of Corruption Act, which provides for the prevention, investigation, and prosecution of acts of corruption, and applies to persons in both the public and private sectors. There were no reports of government corruption during the year.

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

A former government minister in a previous administration was convicted by a U.S. court in January 2020 of money laundering and was sentenced in April to two years in prison for his role in a scheme to launder bribe payments from a Barbadian insurance company through bank accounts in New York.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of human rights groups generally operated without government restriction and were able to investigate and publish their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

**Government Human Rights Bodies:** The Ombudsman's Office hears complaints against government ministries, departments, and other authorities for alleged injuries or injustices resulting from administrative conduct. The president 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 and Societal Abuses

### Women

**Rape and Domestic Violence:** The law prohibits rape and applies to both men and women. The maximum penalty is life imprisonment but judges have the discretion to impose shorter sentences.

The law prohibits domestic violence and protects 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. A nongovernmental organization (NGO) reported that the commissioner of police was very concerned about complaints raised by victims of domestic violence, and that the commissioner put mechanisms in place to improve victims' experience with police. The NGO also reported this high level of support and recognition was not consistently evident throughout the police department, at all police stations, or at the officer level. The NGO reported that the judicial system revictimized victims of domestic abuse involving child custody disputes. It cited instances where reports of physical abuse and assault were not considered by courts when making determinations of child visitation and coparenting rights. The NGO said this led to situations where a victim had to continue to interact with their abuser in order to fulfill court visitation orders.

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. An NGO alleged that corruption impeded legal action on domestic violence cases, making it difficult for victims to obtain timely resolution of their cases.

In July an NGO reported the government did not measure domestic violence. The NGO said there was insufficient legal support for women, exposing them to abuse and exploitation.

**Sexual Harassment:** The law prohibits sexual harassment in the workplace and establishes civil penalties. Media reports indicated that sexual harassment was a problem. A union representative said he was not aware of any reports of workplace sexual harassment cases being filed or prosecuted during the year. Human rights activists, however, reported that workplace sexual harassment was widespread. In August an NGO reported that young girls and women were verbally harassed in the streets, faced sexual advances from men, and were verbally and emotionally abused when sexual advances were refused.

Media reported on a foreign woman participating in the country's teleworker visa program. Although she intended to stay for at least 12 months, the woman abruptly departed the island after only a few months, citing intolerable sexual harassment. In another incident, a man sexually harassed two women on a public beach. When police responded to the women's call for assistance, the officer was caught on video in a "blame the victim" moment, saying that he could see why the man was harassing the women.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. There were no legal or social barriers to accessing contraception, but some religious beliefs and cultural barriers limited its usage. The government provided access to health care for all persons who required it, including victims of sexual violence. The government also provided financial support to NGOs that assisted victims of sexual violence.

An NGO reported that some girls in police custody as runaways were subjected to vaginal exams without their consent, and in some instances without the consent of their parents or guardians, to prove whether the girls were sexually active. The NGO said that some parents or guardians were coerced by police to consent to these exams and were not fully informed of their rights. The NGO also reported that police forced girls to take tests for pregnancy and sexually transmitted disease.

**Discrimination:** The law prohibits employment discrimination based on 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.

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. There are laws limiting types of work that women can do in factories.

The government stated that employers cannot mandate employees be vaccinated against COVID-19 and that the government would not tolerate any discrimination against employees based on their vaccination status.

## **Systemic Racial or Ethnic Violence and Discrimination**

The country's charter and laws protect racial, ethnic, and minority groups from broad forms of discrimination. The country does not have a racially or ethnically diverse population. Approximately 93 percent of the population is Black and primarily of African descent. The government does not consider systemic racial or ethnic discrimination to be a problem in the country. There were no reports of any systemic discrimination.

## **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. An NGO reported that some foreign women had difficulty accessing health care and welfare services for their Barbados-born children after the woman's relationship with her Barbadian partner ended.

**Child Abuse:** The law prohibits child abuse but 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 believed abuse may have occurred. Child abuse remained a problem. An NGO representative reported that their NGO frequently encountered situations involving molestation and incest.

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.

Media reported a 61-year-old man was sentenced to four years in prison for a sexual act on a five-year-old girl. Media also published a report on the abuse of a 14-year-old girl at the government's reform school. The report included a photograph leaked by a staff member that showed the girl lying naked on a cement floor in a solitary confinement cell at the school. According to an NGO, the girl was charged with wandering (the legal charge applied against underage runaways) and was placed in the school as a runaway. Although the government launched an investigation into the incident, the minister in charge of the school complained about the staff member's release of the photograph. Civil society activists cited the abuse incident as evidence of the school board's mismanagement of the facility.

An NGO reported an increase in reports of molestation and incest affecting girls.

**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. A union representative said that despite these legal protections, persons with disabilities faced various forms of discrimination.

The COVID-19 pandemic magnified existing discrimination against persons with disabilities, and it slowed the development of improved facilities. For example, the Barbados Council for the Disabled said some persons with disabilities who were unable to go to a bank because of COVID restrictions faced challenges using online services.

The council also stated that disability benefits were available only for blind, visually impaired, or deaf persons, and that persons with other disabilities were ineligible. The council said that personnel at vaccine clinics were insensitive to persons with nonapparent disabilities. The council reported that it prioritized mental health assistance and basic needs such as food packages.

The Barbados Council for the Disabled, the Barbados National Organization for the Disabled, and other NGOs reported that public transportation remained inaccessible to persons with disabilities. Many public areas lacked the ramps, railings, parking, and bathroom adjustments needed to accommodate persons with disabilities. 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.

The Barbados Council for the Disabled engaged with various governmental and nongovernmental entities to represent the interests of disabled persons. The council had a supportive relationship with the National Disabilities Unit, a government office that facilitated, advocated, and promoted the advancement and empowerment of persons with disabilities. The council operated transportation services to assist persons with disabilities.

The council also provided disability sensitivity training to businesses, particularly in the tourism sector. The council's flagship program, Fully Accessible Barbados,

facilitated government and private-sector organizations creating recognized accessible and inclusive spaces and services for persons with disabilities.

The Ministry of Education catered to the educational needs of children with disabilities in three ways: in regular classrooms, in special classrooms in the regular school, and in special units or special education schools. Specially equipped classrooms (special units) were offered in eight public primary schools. Children who were deaf, hearing impaired, blind, or visually impaired attended the Irving Wilson School. The Ann Hill School catered to secondary school-age children with developmental delays and other disabilities.

### **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 for conviction up to life imprisonment for men, and up to 10 years' imprisonment for men and women convicted of "acts of serious indecency." There were no reports of the law being enforced during the year.

An NGO reported that authorities did not take seriously reports of sexual and homophobic harassment. In some cases, lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons identified perpetrators of harassment but were deterred from reporting these experiences or prevented from seeking justice.

Civil society groups reported that LGBTQI+ persons faced verbal abuse at home and in public.

In September the High Court heard *Holder-McClean-Ramirez and Ors versus Attorney General*. Two individuals and the civil society organization Equals brought the case as a challenge to the criminalization of same-sex conduct. As of year's end, a decision was pending.

In November the government introduced a new charter to Parliament that states, "All Barbadians are born free and are equal in human dignity and rights regardless of age, race, ethnicity, faith, class, cultural and educational background, ability, sex, gender, or sexual orientation." The LGBTQI+ movement welcomed the

inclusive references to gender and sexual orientation while noting the need for strong protections on the basis of gender identity.

## **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. 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 generally tried to enforce labor laws but did not have enough labor and safety inspectors to enforce all labor regulations effectively. Generally, 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.

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. A union official said the government generally enforced such laws, which were sufficient to deter violations.

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 to educational requirements are allowed for children receiving special education; children 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 p.m. and 7 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 Labor inspectors may initiate legal action against an employer found employing underage workers. Employers found guilty of violating this 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 union official said employment discrimination was not a serious concern. The government generally enforced the law.

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** 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 annually for persons with less than five years of service and four weeks of paid holiday annually after five years of service. The law requires overtime payment of time and a half for hours worked more than the legal standard and prescribes that all overtime must be voluntary. The law does not set a maximum number of overtime hours.

**Occupational Safety and Health:** The government set occupational safety and health standards that were current and appropriate for its industries.

The Ministry of Labor was responsible for minimum wage, work hour, and health and safety standards. According to a union official, the government does not have sufficient inspectors to enforce compliance as effectively as they should. The ministry used routine inspections, accident investigations, and union membership surveys to monitor and prevent labor violations, and to verify that wages and working conditions met national standards. Penalties include small fines, imprisonment for 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.

Trade unions monitored safety problems to verify the enforcement of safety and health regulations, as well as the correction of problems by management. Labor inspectors are required during an inspection to notify employers of their presence, except where the inspectors consider that such a notification would impinge on the

performance of their duties. The law gives inspectors the power to initiate proceedings against employers for any violation or offense.

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.

**Informal Sector:** An Inter-American Development Bank study estimated the informal economy in the country at approximately 33 percent of total economic activity. The informal economy was not subject to government labor or safety regulations. Informal workers may apply for public assistance or public housing but are not guaranteed any benefits.