

Barbados 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Barbados during the year.

There were no credible reports of significant human rights abuses.

The government took credible steps to identify and punish officials who may have committed 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, including extrajudicial 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, and Other Related Abuses

The constitution prohibited such practices, and there were no reports that 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.

Abusive Physical Conditions: In April media reported the coroner found prison authorities were grossly negligent regarding the care of a sick inmate who died in prison in April 2022.

Administration: The government permitted monitoring by independent nongovernmental observers.

Independent Monitoring: Human rights organizations could request access to monitor prison conditions; the superintendent of prisons reported that no requests were received during the year.

d. Arbitrary Arrest or Detention

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or

detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law authorized police to arrest persons suspected of criminal activity; a warrant issued by a judge or justice of the peace was typically required. Authorities could hold detainees without charge for up to five days, but once persons were charged, police were required to 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 prohibited bail for those charged with murder, treason, or any gun-related offense that was punishable by imprisonment of 10 years or more.

Official procedures required 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 had to visit detainees at least once every three hours to check on their condition. After a suspect had spent 48 hours in detention, authorities were required to submit a written report to notify the deputy police commissioner and the police commissioner that the suspect was still in custody.

Pretrial Detention: Lengthy pretrial detention was a problem. Press reported examples of decade-long waits before cases were brought to trial. According to observers, the backlog of cases leading to lengthy pretrial detention was due to the need for increases in technical staff, courtrooms, and prosecutors. In one instance, a High Court Justice refused to hear a case after a 16-year delay, declaring, “It would be an abuse of process to proceed with a trial at this time.”

e. Denial of Fair Public Trial

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

Trial Procedures

The law provided for the right to a fair and public trial, and the judiciary generally enforced this right.

Lawyers, judges, and activists expressed concern regarding the overreliance of police on confessions to win convictions in cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

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

The constitution prohibited 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 provided 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 media members.

Libel/Slander Laws: Defamation was a criminal offense punishable by imprisonment.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

The constitution provided for the 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 provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Married women were required to provide a copy of their marriage certificate when applying for a passport; married men were not required to

provide this.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law did not provide for the granting of asylum or refugee status, and the government had 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 provided 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

Abuses or Irregularities in Recent Elections: National elections were widely

reported to be fair and free of abuses and irregularities.

Political Parties and Political Participation: In March media reported that a High Court judge struck down a regulation that prohibited public servants from actively participating in politics, ruling it unconstitutional.

In April media reported that a teacher, previously charged and suspended with half pay for contesting the 2022 general elections as a candidate for the opposition party, was cleared of disciplinary charges. The teacher was able to resume her duties in a government school.

Section 4. Corruption in Government

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

Section 5. Governmental Posture Towards

International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A variety of human rights groups generally operated without government restriction to monitor or investigate human rights conditions and publish their findings. Government officials were generally cooperative and

responsive to the views of these groups.

Government Human Rights Bodies: The Ombudsman's Office heard complaints against government ministries, departments, and other authorities for alleged injuries or injustices resulting from administrative conduct. The ombudsman was generally considered independent and effective, although a review was underway on how to best evaluate ombudsman operations.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibited rape and applied to both men and women, including spousal and domestic or intimate partner rape and other forms of domestic and sexual violence, as well as so-called corrective rape of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. The maximum penalty was life imprisonment, but judges had the discretion to impose shorter sentences. The government enforced the law effectively.

The law prohibited domestic violence and protected all members of the family, including men and children. The law applied equally to marriages and common-law relationships. The law empowered police to make an

arrest after receiving a complaint, visiting the premises, and perceiving indications that a crime was committed. The government did not consistently enforce the law.

Penalties for domestic violence depended on the severity of the charges and ranged from a fine for first-time offenders (unless the injury was serious) to the death penalty for cases in which the victim was killed. Survivors could request restraining orders, which the courts often issued. The courts could sentence an offender to jail for breaching such an order. The government provided financial support to NGOs that assisted victims of sexual violence.

In August the Caribbean Court of Justice (CCJ) overturned the Court of Appeal's decision to deny a women's request for a protection order against her former partner with whom she shared a child. The landmark ruling strengthened protection for abused spouses and partners. The Magistrate's Courts and Court of Appeal in their interpretation stated the woman did not belong to category of spouse, cohabitational relationship, domestic relationship, or visiting relationship as defined by the domestic violence (protection orders) act. The CCJ stated Parliament could not have intended such a restrictive interpretation of the amended domestic violence protective order act, since protecting only the child and not the mother would leave them both "exposed." The CCJ also ruled that imposing a time limit on an applicant's capacity to make an application for a protection order

after a breakdown in a cohabitational relationship, as decided by the Court of Appeal, would run counter to the “clear purpose” and policy objectives of the amended act.

Other Forms of Gender-based Violence or Harassment: The law prohibited sexual harassment in the workplace and established civil penalties. Media reports indicated that sexual harassment was a problem, but there were no reports of high-profile cases during the year.

Discrimination: The law prohibited employment discrimination based on domestic partnership status, marital status, pregnancy, or gender. The law provided the same legal status and rights for women and men. The government enforced the law effectively.

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, since the law did not mandate equal pay for equal work. There were laws limiting types of work that women could do in factories.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

There were no legal barriers to accessing contraception. The government

provided access to sexual and reproductive health services for all persons who required it, including survivors of sexual violence. The Barbados Family Planning Association offered emergency contraception and postexposure prophylaxis to survivors of sexual violence, a service that was advertised publicly.

Systemic Racial or Ethnic Violence and Discrimination

The country's charter and laws protected racial, ethnic, and minority groups from broad forms of discrimination. There were no reports of any systemic discrimination.

Children

Child Abuse: The law prohibited child abuse but did not prohibit corporal punishment of children. No law required a person to report suspected child abuse, but the government encouraged the public to report cases where they believed abuse might have occurred. The government enforced the law effectively.

Child abuse remained a problem. In March the High Court struck down a section of the law pertaining to the offense of wandering, a law that previously criminalized children running away from home. An NGO praised the move as children were no longer detained and given a criminal record

for trying to escape a difficult home environment.

Child, Early, and Forced Marriage: The legal minimum age for marriage was 18. Persons ages 16 and 17 could marry with parental consent. The government enforced the law effectively.

Sexual Exploitation of Children: The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking. Child pornography was illegal. Authorities effectively enforced the law. The minimum age for consensual sex was 16.

Antisemitism

The Jewish community was estimated to be no larger than 60 persons.

There were no reports of antisemitic incidents.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

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

Sex Characteristics

Criminalization: The law criminalized 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. Additionally, there were no reports of seemingly neutral laws disproportionately applied to LGBTQI+ persons.

On May 25, the Barbados High Court issued a written judgement, declaring Section 9 of the Sexual Offenses Act unconstitutional, null and void, and of no effect to the extent that it applied to consensual same-sex sexual activity between persons 16 years or older and in private. As of November, Parliament had yet to change the law and repeal the legislation.

Violence and Harassment: In September media reported that more than 200 persons – a record number – applied for asylum in Canada and the United Kingdom in 2022. The majority of these were LGBTQI+ persons, both men and women, who sought asylum due to fear of persecution and discrimination. An NGO reported that LGBTQI+ persons reported receiving verbal and physical abuse and experienced problems engaging with police. Another NGO provided anecdotal reports that police did not take cases of violence against LGBTQI+ persons seriously, but police stated they made

every effort to investigate, prosecute, and punish those complicit in violence and abuses by state or nonstate actors against LGBTQI+ persons.

Discrimination: The law did not prohibit discrimination by state and nonstate actors based on gender identity, expression, or sex characteristics. A labor law prohibited discrimination based on sexual orientation.

Availability of Legal Gender Recognition: There was no legislation to allow transgender persons or gender-nonconforming individuals to legally change their gender.

Involuntary or Coercive Medical or Psychological Practices: Civil society groups and NGOs reported no cases of involuntary or coercive medical or psychological practices specifically targeting LGBTQI+ individuals. There were no reports that medically unnecessary and irreversible “normalization” surgeries were performed on children or on nonconsenting adult intersex persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no legal restrictions on freedom of expression, association, or peaceful assembly regarding LGBTQI+ issues.

Persons with Disabilities

An NGO reported that while progress had been made to improve access to

education, health care, and transportation, problems persisted for persons with disabilities. Some children were not able to easily access mainstream schools, and there was limited understanding in society regarding the needs of persons with disabilities.

The NGO reported the government had a public education campaign but there remained an entrenched cultural tendency to shun persons with disabilities. The NGO received anecdotal reports of persons with disabilities having difficulties engaging police and obtaining financial services, insurance, and welfare benefits. In some instances, persons with disabilities had to continue to prove to the welfare department every six months that they were still disabled to maintain benefits. The NGO reported that domestic abuse shelters were unable to accommodate women in wheelchairs who experienced abuse. They also noted that persons with intellectual disabilities and the hearing impaired were particularly vulnerable to sexual abuse and exploitation, while disabled men were particularly vulnerable to financial and physical abuse. An NGO reported that accessibility to polling stations was a problem. The NGO stated persons with certain disabilities were unable to vote independently and had to be accompanied by a companion. The NGO also reported early voting was not available for persons with disabilities.

The law prohibited discrimination against persons with disabilities in

employment, but it did not extend protection to education or other state services.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the right of workers to form and join unions and conduct legal strikes but did not specifically recognize the right to bargain collectively. Moreover, the law did not obligate employers to recognize unions or to accept collective bargaining. 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.

The law prohibited antiunion discrimination and protected workers engaged in union activity. A tribunal could order reinstatement, rehiring, or compensation for antiunion discrimination. The law permitted all private-sector employees to strike but prohibited 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. Generally, the government effectively enforced the law in the formal sector. Penalties were sometimes applied against violators.

The law gave persons the right to have allegations of unfair dismissal tried before the Employment Rights Tribunal. The process often had lengthy delays.

A tripartite group representing labor, government, and the private sector (The Social Partnership) met regularly. The group dealt with social and economic problems, formulated legislative policy, and worked towards harmonious workplace relations.

b. Prohibition of Forced or Compulsory Labor

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

c. Prohibition of Child Labor and Minimum Age for Employment

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 (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provided for a minimum wage for all sectors. It was above the World Bank poverty income level. The standard legal workweek was 40 hours in five days. The law provided employees with three weeks of paid vacation annually for persons with less than five years of service and four weeks of paid vacation annually after five years of service. The law required overtime payment of time and a half for hours worked more than the legal standard and prescribed that all overtime hours be voluntary. The law did not set a maximum number of overtime hours.

Occupational Safety and Health: The government set occupational safety and health (OSH) standards that were appropriate for its industries. The law secured the provisions of safety, health, and welfare for persons in the workplace as well as those external to the workplace who could be impacted by the activities that occurred there. The law was amended in July 2022 to include additional regulations covering, noise, workstations, personal protective equipment, general duties, drinking water, sanitary conveniences, washing facilities, and fuel station medical supervision. The amendment also included the employer in the list of persons who could be penalized for contravening the act.

The law provided for the right of workers to refuse dangerous work without jeopardy to their employment, and authorities generally protected employees in this situation.

Wage, Hour, and OSH Enforcement: Labor inspectors were responsible for enforcing wage, overtime, and OSH regulations. Labor inspectors were required during an inspection to notify employers of their presence, except where the inspectors considered that such a notification would impinge on the performance of their duties. The law gave inspectors the power to initiate proceedings against employers for any violation or offense. The number of labor inspectors was sufficient to enforce compliance. Trade unions monitored safety problems to verify the enforcement of OSH regulations, as well as the correction of related problems by management.

Penalties for OSH violations were higher than penalties for analogous violations, such as negligence. They could include small fines, imprisonment for up to three months, or both. Penalties were sometimes applied against violators.

An Inter-American Development Bank study estimated up to 40 percent of the workforce engaged in informal work. The government did not enforce labor laws in this sector.