

BARBADOS (Tier 2 Watch List)

Barbados is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Evidence suggests there are foreign women forced into prostitution in Barbados. In the past, foreigners reportedly have been subjected to forced labor in Barbados, with the highest risk sectors being domestic service, agriculture, and construction. Legal and illegal immigrants from Jamaica, the Dominican Republic, and Guyana appear to be vulnerable to trafficking. The prostitution of children is known to exist in Barbados, including Barbadian and immigrant children engaging in transactional sex with older men for material goods, a phenomenon documented by UNICEF throughout the Eastern Caribbean.

The Government of Barbados does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government has not shown evidence of increasing efforts to address human trafficking over the previous year; therefore, Barbados is placed on Tier 2 Watch List for a fourth consecutive year. Barbados was granted a waiver of an otherwise required downgrade to Tier 3 because its government has developed a written plan that, if implemented, would constitute significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. In 2013, the Barbadian government adopted a national action plan on human trafficking which specifies implementing agencies and addresses prosecution, protection, and prevention measures, and demonstrates its commitment to addressing human trafficking in a substantive way.

Recommendations for Barbados: Amend the 2011 legislation to prohibit both domestic and international forms of human trafficking and prescribe penalties that are sufficiently stringent (without an alternative of a fine) and commensurate with those prescribed for other serious crimes, such as rape; simplify the law and de-link it from the separate crime of human smuggling so that it is easier for law enforcement officials to understand and apply the law; implement formal procedures for officials across the government to proactively identify trafficking victims among vulnerable populations, such as Barbadians and foreigners in prostitution as well as migrant workers, and refer them to available services; when conducting trafficking investigations, ensure suspected victims are taken to a safe and hospitable location, as victims of human trafficking often feel threatened and are reluctant to identify themselves as victims during a raid; enact protections for victims of trafficking, including provisions that provide foreign victims with relief from immediate deportation, and ensure victims are not punished for crimes committed as a direct result of being subjected to human trafficking; increase funding to the NGO shelter and crisis center to ensure adequate assistance, including free health care, is available to human trafficking victims.

Prosecution

The government launched at least two trafficking investigations but did not address weaknesses in its anti-trafficking legal framework or initiate any prosecutions of alleged trafficking

offenders, raising concern about impunity for human trafficking in Barbados. Barbadian law does not appear to prohibit all forms of human trafficking and does not prescribe penalties that are sufficiently stringent or commensurate with the prescribed penalties for other serious crimes, such as rape. The following Barbadian laws address criminal offenses within the definition of trafficking in persons: Article 8 of the Transnational Organized Crime (TOC) Bill of 2011, Articles 33 and 34 of the Offenses against the Person Act, as well as Articles 18 and 20, which cover some elements of sex trafficking occurring within the country. The TOC Bill prohibits some forms of trafficking, though it appears to be inconsistent with international standards because it requires movement across borders as a necessary element of human trafficking. All of the sections addressing the prostitution of children use the age of 16 as the threshold under which aggravated penalties would be imposed rather than the age of 18, the definition of a child under the 2000 UN TIP Protocol. Moreover, it is not clear that Barbadian law considers any children in prostitution with third-party involvement to be victims of human trafficking. Compelling prostitution under Article 20 is punishable by five years' imprisonment, while the trafficking of an adult under the TOC Bill is potentially punishable by a fine with no jail time, both of which are far less than Barbados' prescribed penalty for rape—life imprisonment.

The Barbadian police appointed an inspector to handle human trafficking cases, and police conducted at least two sex trafficking investigations during 2012. This is an increase from no investigations conducted during the previous reporting period. Like the previous year, the government did not report any prosecutions or convictions of trafficking offenders. The government provided in-kind assistance to an IOM-led anti-trafficking training and a foreign government-sponsored anti-trafficking law enforcement training for officials from various ministries.

Protection

The government demonstrated efforts to protect trafficking victims during the reporting period. Officials identified two suspected foreign sex trafficking victims, which was a positive development, as the government did not identify any trafficking victims in previous reporting periods. The government did not establish formal, systematic procedures to guide officials across the government in proactively identifying victims of sex trafficking and forced labor and referring them to available services, though it reportedly employed interim procedures during the last year. The government provided funding for an NGO crisis center providing shelter and services primarily for domestic violence victims, but also for female trafficking victims. Despite significant financial strain, this organization provided very high quality services, had staff trained to handle trafficking cases, and assisted one sex trafficking victim during the reporting period. The other identified victim declined assistance. The government had an agreement with a separate NGO to serve as a shelter for male victims of human trafficking, though this NGO did not assist any male trafficking victims during the reporting period. The government did not have formal policies to encourage victim assistance in the investigation and prosecution of trafficking offenders. It also did not have an official policy or law providing foreign trafficking victims with legal alternatives to their removal to countries where they would face hardship or retribution,

though it developed interim procedures directing authorities to provide temporary residence status to foreign victims. In practice the government worked with IOM to provide safe and voluntary repatriation for one foreign victim identified during the year. The government also had interim procedures in place directing authorities not to penalize trafficking victims for unlawful offenses committed solely as a direct result of being subjected to human trafficking.

Prevention

The government made some efforts to prevent human trafficking in Barbados. Officials broadcast short public awareness messages through mass media and held town hall meetings to raise awareness about human trafficking. The government's inter-ministerial anti-trafficking taskforce included NGOs and met monthly to coordinate the government's anti-trafficking efforts. The government drafted a work plan for addressing human trafficking and funded the operation of a hotline staffed by professionals trained to identify human trafficking. The government did not report any efforts to reduce the demand for commercial sex acts or forced labor over the year. The government has not identified a problem with child sex tourism. Barbados is not a party to the 2000 UN TIP Protocol.