

BARBADOS

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	19 Apr 1990	9 Oct 1990	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography			
Protocol to Prevent, Suppress and Punish Trafficking in Persons	26 Sep 2001	11 Nov 2014	
UN Optional Protocol on the Involvement of Children in Armed Conflict			
UN Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction			

In Barbados, there are six laws that refer directly or indirectly to missing children:

1. Minors Act (Cap. 215) of 1985;
2. Offences Against the Person Act of 1995;
3. Child Care Board Act (Cap. 381) of 1997;
4. Prevention of Cruelty to Children Act (Cap. 145) of 1998;
5. Sexual Offences Act of 2002; and
6. Transnational Organized Crime (Prevention and Control) Act of 2010.

General Child Protection

Barbados signed the Child Care Board Act in 1969 and through this Act established the Child Care Board which is the administrative body responsible for the care and protection of children. It maintains childcare centers and provides counselling and other services to children, parents, and guardians.¹

Barbados has numerous laws in place that address a variety of child protection issues: Child Care Board Act, Offences Against the Person Act, Domestic Violence (Protection Orders) Act, Education Act, Family Law Act, Prevention of Cruelty to Children Act, Protection of Children Act, and the Status of Children Reform Act, among others.

General Missing Child Issues

Barbados has legislation related to a variety of missing children issues including child abandonment, kidnapping, child stealing, unlawfully removing a child from foster care, and forceful procurement of minors for prostitution. The Royal Barbados Police Force has issued a warning of its “zero tolerance

¹ Child Care Board, at http://www.iin.oas.org/Congreso%20Explotation%20Sexual/BARBADOS_ing.PDF (last visited Jan. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

policy” towards individuals who harbor children who have been reported missing or who engage in sexual relationships with juveniles.²

Definition of “Missing Child”

Barbados does not expressly define the term “missing child” in its legislation. The Minors Act of 1985 defines a “minor” as a person who has not yet attained the full age of 18.³

Abandonment

Article 5 of the Prevention of Cruelty to Children Act of 1998 states that any individual above the age of 16 who is responsible for a child under the age of 16 and ill-treats, neglects, abandons, or exposes the child to suffering or health injury is liable to a fine of 120 Barbados dollars or imprisonment for one year if the individual fails to pay the fine.⁴ Article 21 of the Offences Against the Person Act of 1995 states that an individual can be found criminally liable when abandoning or exposing a child under the age of two to life endangering situations, including situations in which the child is likely to be permanently injured.⁵

Kidnapping and Abduction

The Child Care Board Act of 1997, Offences Against the Person Act of 1995, and the Sexual Offences Act of 2002 provide protection against child abduction. Under the Child Care Board Act, anyone guilty of unlawfully abducting or taking a child from a foster home is liable for a fine of 500 Barbados dollars, or imprisonment for 6 months, or both.⁶ Article 30 of the Offences Against the Person Act states that the kidnapping of a person of any age is punishable by up to life imprisonment, while Article 35 on child stealing mandates that those guilty of unlawfully enticing, taking, detaining, or harboring a child under the age of 14 by force or fraud, with the intent of depriving the individual responsible for the child, are liable for up to seven years of imprisonment.⁷ Under the Sexual Offences Act, abduction with the intent to marry/have sexual intercourse, or to cause a person to marry or have sexual intercourse with another person of any age is an offense punishable by up to 10 years in prison.⁸

Parental Abduction

Barbados is not a signatory to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Parents who are legally married share custody of their children, and if they are not married, the mother is granted custody of the child unless she is deemed unfit due to inappropriate behavior, or mental or social problems.⁹ Although Article 9 of the Minors Act of 1985 states that both parents have equal rights to custody of the child, the Act lacks specific legislation protecting against parental abduction.¹⁰

² *Police take strong stance on missing children*, BARBADOS TODAY, Feb. 24, 2016, at <https://www.barbadostoday.bb/2016/02/24/police-take-strong-stance-on-missing-children/> (last visited Feb. 7, 2018) (on file with the International Centre for Missing & Exploited Children)

³ Minors Act of 1985, Article 5, at <https://www.unicef.org/lac/spbarbados/Legal/national/Barbados/National%20Legislation/MinorsAct.pdf> (last visited Jan. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

⁴ Prevention of Cruelty to Children’s Act of 1998, Article 5, at <http://www.wpanet.org/uploads/News-Zonal-Representatives/wpa-policy-papers-from-zone3/Zone%203-Barbados%20-%20Prevention%20of%20Cruelty%20to%20Children%20Act.pdf> (last visited Jan. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

⁵ Offences Against the Person Act of 1995, Article 21, at <http://www.easterncaribbeanlaw.com/wp-content/uploads/2014/07/Offences-against-the-person-act.pdf> (last visited Jan. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

⁶ Child Care Board, *supra* note 1.

⁷ Offences Against the Person Act, *supra* note 5, at Article 35.

⁸ Sexual Offences Act of 2002, Article 16, at <http://www2.ohchr.org/english/bodies/hrc/docs/ngos/lgbti2.pdf> (last visited Jan. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

⁹ U.S. State Department, *International Parental Child Abduction Barbados*, at http://www.travel.state.gov/abduction/country/country_537.html (last visited Feb. 16, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁰ Minors Act, *supra* note 3, at Article 9.

Article 35 of the Offences Against the Person Act of 1995 criminalizes the act of enticing or detaining a child with the “intent to deprive any parent, guardian or other person having lawful care or charge of such child.”¹¹ The Immigration Department in Barbados is responsible for issuing passports to citizens. Children under the age of 16 must complete Form B of the Application for a Barbados passport¹²; children under the age of 18 must have a parent’s written consent.¹³

The Barbados Immigration Department specifies for children visiting the country that “a child under the age of 18 travelling without a parent or guardian must have a letter of authorization from the parent or guardian.”¹⁴ Barbados does not require exit visas for children leaving the country. This includes when a child leaves the country on their own or when they are traveling with a parent.¹⁵

Reporting Mechanism

Barbados does not have a specific hotline or mechanism to report missing children. However, Crime Stoppers Barbados has a general toll-free hotline number – 1-800-8477 – to report a crime as well as an online reporting form.¹⁶ The public is encouraged to report information on missing persons to the police by calling 211, the police emergency number, or by visiting the nearest police station.¹⁷ Crime Stoppers Barbados also has a webpage dedicated to posting information on missing persons.¹⁸

Investigation of Missing Child Cases

While there is no set policy for the investigation of missing children cases, the Royal Barbados Police Force has a Human Trafficking and Sex Crimes Unit as well as a Family Conflict Unit, both of which come into contact with missing children cases.¹⁹ Barbados has been a member of INTERPOL since 1981, but INTERPOL Barbados has neither a policy nor a mandate to investigate missing children cases.²⁰

National Database

While Barbados does not have a comprehensive national database for missing children cases, it does have a “missing person’s index,” which is a database of DNA profiles comprised of forensic material from missing persons and their blood relatives.²¹

Case Management System

Presently, Barbados does not have a case management system for missing children cases, but as stated above, the Royal Barbados Police Force does have a DNA database for missing persons.²²

¹¹ Prevention of Cruelty to Children’s Act, *supra* note 4, at Article 5.

¹² Ministry of Foreign Affairs and Foreign Trade, *Passports*, at <http://www.foreign.gov.bb/foreign-relations/travelling/passports> (last visited Feb. 16, 2018).

¹³ Form B, Application for a Barbados Passport, at <http://www.immigration.gov.bb/documents/Form%20B.pdf> (last visited on Feb. 23, 2018).

¹⁴ *Barbadians Traveling Information*, BARBADOS IMMIGRATION DEPARTMENT, at <http://www.immigration.gov.bb/pages/visitor.aspx> (last visited on Jan. 23, 2018).

¹⁵ *Id.*

¹⁶ *Crime Stoppers concerned about gun crimes*, NATION NEWS, Mar. 6, 2017, at <http://www.nationnews.com/nationnews/news/94276/crime-stoppers-concerned-about-gun-crimes> (last visited Jan. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁷ Access Barbados, *In Case of Emergency*, at http://www.accessbarbados.com/barbados_emergency.php (last visited Feb. 15, 2018).

¹⁸ Crime Stoppers, *Barbados*, at <http://crimestoppersbarbados.com/missing-persons/> (last visited Jan. 23, 2018).

¹⁹ Royal Barbados Police Force, *Annual Report 2013*, at <https://www.barbadosparliament.com/uploads/sittings/attachments/c5fee634002ca489f1cd9a9257504cbd.pdf> (last visited Jan. 24, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁰ INTERPOL, *Barbados – Royal Barbados Police Force*, at <https://www.interpol.int/Member-countries/Americas/Barbados> (last visited Jan. 23, 2018).

²¹ Crime Stoppers, *supra* note 18.

²² *Id.*

Alert Mechanism

Barbados does not have an alert mechanism or a rapid notification system for warning the public about missing children. However, the Royal Barbados Police Force notifies the public about missing persons, including missing children, on its Facebook page and on the Crime Stoppers Barbados website by posting a description and occasionally a photo of the missing individual.²³

Awareness-Raising Initiatives

While Barbados lacks awareness-raising initiatives related to missing children or missing persons, Crime Stoppers Barbados and public-sector agencies such as Child Care Board, Family Life Development Programme, and The Royal Barbados Police Force Victim Support Group encourage discussions amongst youth on how to make their communities safe.²⁴ The Royal Barbados Police Force also provides family services and support and counselling services to children who come from abusive families, have experienced domestic violence, robbery, or sexual offenses.²⁵

Trafficking

According to the 2017 U.S. State Department Trafficking in Persons (TIP) report, Barbados is a source country and destination country for children subjected to sex trafficking and forced labor.²⁶ It has been noted that traffickers are shifting to individual operations rather than networks, and children are at times trafficked by parents and caregivers rather than strangers.²⁷ The TIP report lists Barbados as a Tier 2 country for its continued efforts to combat trafficking through legislation and training.²⁸

Beginning in 2016, the government increased trafficking sensitivity training for officers in the Ministry of Foreign Affairs and Foreign Trade and employees in the hotel and tourism industries.²⁹

The Trafficking in Persons Prevention Act was approved in 2016, which repealed the Transnational Organized Crime (Prevention and Control) Act of 2011 in order to broaden the scope of protection afforded to victims and to give greater effect to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons.³⁰ The Trafficking in Persons Prevention Act broadens the definition of “exploitation” and covers both transnational and domestic trafficking. The trafficking of a child for labor or sexual exploitation is punishable by a fine of two million Barbados dollars (approximately \$990,099), life imprisonment, or both.³¹ In addition to the trafficking legislation, Section 33 of the Offences Against the Person Act of 1995 criminalizes the buying, selling, importing, exporting, or disposing of a person as a slave punishable by lifetime imprisonment.³²

²³ Crime Stoppers, *Missing Persons*, at <https://www.639tips.com/missing-persons/> (last visited Jan. 24, 2018).

²⁴ Child Care Board, *supra* note 1.

²⁵ *Community Relations*, Royal Barbados Police Force, at http://www.barbadospolice.gov.bb/_sec.cfin?category=CommunityRelations (last visited Feb. 6, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁶ U.S. Department of State, *2017 Trafficking in Persons Report – Barbados* 84, at <https://www.state.gov/documents/organization/271339.pdf> (last visited Jan. 18, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ Parliament of Barbados, *Trafficking in Persons Prevention Bill (2016)*, at https://www.barbadosparliament.com/uploads/bill_resolution/f3cd17747b82425885f98b005cad804b.pdf (last visited Jan. 23, 2018) (on file with the International Centre for Missing & Exploited Children).

³¹ U.S. Department of State, *supra* note 26.

³² *Offences Against the Person Act*, *supra* note 5, at Article 33.