



General Assembly

Distr.
GENERAL

A/HRC/10/73/Add.1
16 March 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Tenth session
Agenda item 6

UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review *

Barbados

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.

**VIEWS ON CONCLUSIONS AND RECOMMENDATIONS
BY THE STATE UNDER REVIEW**

1. The Government of Barbados hereunder presents the responses to outcomes of the Universal Periodic Review on Barbados conducted on 3 December 2008.

1. Sign and ratify: the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment and the Optional Protocol; The Convention for the Protection of all Persons Against Enforced Disappearance; Second Optional Protocol to the International Covenant on Civil and Political Rights; International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

2. The Government of Barbados cannot accept, over the short-term, the recommendation to sign new treaties but will continue to give consideration to the signing of these treaties and optional protocols within the limits of its capability to live up to the reporting obligations. Barbados has not signed the Convention against Torture because of these capacity constraints. It should be noted that torture is prohibited under Section 15 of the Barbados Constitution. Because of Barbados' retention of the death penalty it cannot commit itself to signing the Second Optional Protocol to the ICCPR. On the subject of migration it should be noted that the Government has established a Cabinet Sub-Committee on immigration and hopes to have in 2009 a fully revised and comprehensive migration policy.

2. Give consideration to all international obligations in the field of human rights provisions in revision of the Constitution; incorporation of international human rights obligation into domestic law.

3. Barbados accepts this recommendation and is actively looking at further revising the Constitution and updating its legislation to conform to its treaty obligations.

3. Closely involve civil society in the follow-up to the review under the Universal Periodic Review.

4. Barbados accepts this recommendation and has already issued press releases on the review process and has circulated the outcome document of the UPR to NGOs and civil society for comments.

4. Strengthen efforts to improve its human rights reporting and submission of pending reports; extend standing invitation to human rights mechanisms and all special procedures of the Human Rights Council.

5. Barbados does intend to improve on its human rights reporting record and **accepts** this part of the recommendation. Human resources constraints remain the major impediment in this regard.

6. While Barbados expresses its willingness to cooperate with human rights mechanisms, it cannot accept the recommendation, at this time, to extend open and standing invitations to special procedures because of the burden and additional requirements such invitations would impose. The Government however recognizes the important role that the special procedures play in ensuring that human rights obligations under the human rights architecture are respected.

5. Work towards the establishment of an independent human rights commission in accordance with the Paris Principles; provide the Bureau of Gender Affairs with sufficient human and financial resources to enable it to contribute efficiently to the promotion and protection of women's rights.

7. Barbados accepts the recommendation that it should work towards the establishment of an independent human rights commission in accordance with the Paris Principles. The Government will work with non governmental organisations and encourage them to establish such institutions to further promote human rights. The Government also plans to strengthen the Office of the Ombudsman in accordance with the Paris Principles.

8. Barbados also accepts that the Bureau of Gender Affairs should be provided an increased level of human and financial resources within the limitations of Government resources.

6. Sensitize civil society to discrimination against women; enact legislation to enshrine a specific right of non-discrimination on the basis of gender in accordance with article 1 of CEDAW; consider formulating an integrated national plan of action to address discrimination against women as recommended by CEDAW.

9. The government of Barbados accepts the first part of this recommendation and believes that there is room for improvement in sensitizing citizens of possible instances of discrimination against women. The Bureau of Gender Affairs has conducted several programmes on this topic.

10. The enacting of legislation to enshrine a specific right of non-discrimination on the basis of gender in accordance with article 1 of CEDAW will have to be considered as a medium term objective given the already heavy legislative agenda.

7. Incorporate a definition of racial discrimination into domestic law.

11. Barbados accepts this recommendation but given the heavy backlog of legislative drafting, it is not expected that this will be achieved in the short-term.

8. Abolition of mandatory sentences relating to the death penalty; Abolition of the death penalty; establishing a de jure moratorium on the death penalty; ensuring the compatibility of death penalty legislation with the ICCPR.

12. Subsequent to the review of Barbados under the UPR, the Cabinet of Ministers in Barbados has agreed to the abolition of the mandatory death penalty and is in the process of amending the relevant laws. The death penalty per se however will remain available under the laws of Barbados. Barbados is therefore unable to accept the recommendation, at this time, to abolish the death penalty. All of the opinion polls and surveys taken in the country show that public sentiment strongly favours retention of the death penalty.

13. It should also be pointed out that there is no official or unofficial moratorium on the death penalty in Barbados despite the fact that the Government of Barbados has not carried out any executions since 1983.

9. Incorporate into legislation a definition of torture in line with Article 7 of the ICCPR.

14. Barbados cannot accept this recommendation to be implemented over the short term but points out that Section 15 of the Constitution prohibits torture.

10. Further improve the professionalism of the police force.

15. While Barbados accepts this recommendation it should be noted that the police force of Barbados is constantly in pursuit of higher levels of professionalism. Police recruits have an expanded multidisciplinary module that focuses on constitutional elements. The government has developed a programme of training for all senior officers on human rights issues centering mainly on the International Bill of Rights. The Royal Police Force is accredited to the Commission on Accreditation for Law Enforcement Agencies. The Regional Police Training Centre located in Barbados is heavily involved in ongoing training.

11. Further intensify efforts to harmonize the method of data collection by relevant agencies involved in the fight against domestic violence.

16. The Government of Barbados accepts this recommendation and notes that a pilot Domestic Violence Data Protocol is operating satisfactorily.

12. Focus more efforts on combating violence against women and provide authorities with more training in this regard. Continue efforts to put an end to violence against women with a national plan and necessary legislative reforms.

17. Barbados accepts this recommendation. The Domestic Violence Data Protocol financed by the United Nations Fund for Women has been implemented by the Bureau of Gender Affairs on a pilot basis to look at the cases of violence in the society.

13. Take appropriate legislative and administrative measures to fight against domestic violence and physical abuse of children, and engage in an exchange of information with those countries that are developing best practices in these fields; Work towards taking measures in relation to the psychological and physical impact of domestic violence on children.

18. The Government of Barbados does not accept that there are not appropriate legislative and administrative measures to fight against domestic violence and physical abuse of children.

19. There are a number of ongoing initiatives that the Government has developed to address the needs of children such as the counseling efforts of the Child Care Board, the programmes under Parent Education for Development in Barbados (PAREDOS) and the placement of guidance counselors in all secondary schools.

20. The Government of Barbados considers all kinds of abuse against children to be serious matters. As a result certain state agencies are charged with the responsibility of providing the abused child, and in some cases other members of the family, with an alternative home setting. Children may be placed with a suitable extended family member, placed with a foster family, or taken into residential care. The aim is to act in the best interest of the child and other family members at appropriate intervention points; attention is also directed at counseling the perpetrator in order to eliminate patterns of abuse. This may take the form of individual, group and family therapy after a careful diagnosis of the situation. Such matters are also referred to the police for investigation and necessary action. Some Government agencies also engage in public

education campaigns to raise the society's awareness of the problem, including through recognition of the signs of abuse.

14. Eliminate all forms of corporal punishment from its legislation; abolish corporal punishment for children; address the concerns raised by the Human Rights Committee and the Committee on the Rights of the Child on corporal punishment; take measures to eliminate corporal punishment as a legitimate sanction in the law and to discourage its use in schools with a view to its eventual and total abolition; conduct public awareness initiatives to change people's attitudes to corporal punishment.

21. Barbados cannot accept at this time that all forms of corporal punishment should be eliminated from its legislation. It should be noted, however that the laws of Barbados criminalize the abuse of children and in the event that corporal punishment is administered in schools, it is done so in compliance with the Code of Discipline promulgated under the Education Act. The Code of Discipline which was produced by the Ministry of Education in 2004, identifies the due process to be followed in the event that disciplinary action is to be considered, the type and the level of violations and the disciplinary options.

22. The Prison Rules Act 168, Section 40 states that corporal punishment is only administered in Her Majesty's Prison by order of the Visiting Justice and no such order shall be made except after an inquiry in which the evidence is given on oath.

23. Barbados accepts the recommendation that public awareness initiatives be put in place to change people's attitudes to corporal punishment.

15. Consider legislative measures to deal with sexual harassment.

24. Barbados accepts this recommendation to consider legislation to deal with sexual harassment. The new Public Service Act contains such provisions. The Government of Barbados recognizes that all persons should be protected against sexual harassment and that the Constitutional provisions covering such should be strengthened with legislation that provides recourse for those persons who consider themselves victims of sexual harassment.

16. Take appropriate measures to develop its internal domestic legislation so as to guarantee economic, social and cultural rights for all; promote and foster economic, social and cultural rights for its people, with the objective of capitalizing on the progress that has already been made in this respect.

25. Barbados remains committed to the constant improvement of the economic social and cultural rights of all and as such accepts this recommendation. In this regard the Constitution protects the fundamental rights and freedom of the individual and several sections of the Constitution protect rights related to economic, social and cultural spheres. For example, Section 14 protects the individual from slavery and forced labour. It also should be noted that in terms of the practical implementation of social rights, Barbados is a signatory to the Convention on the Rights of Persons with Disabilities and has established a National Disabilities Unit. More generally, Barbados has consistently ranked high on the United Nations Development Index and will continue to maintain its high level of social and human development.

17. Bring its criminal laws on criminalization of consenting relations between adults of the same sex, and on offences of indecent assault and serious indecency that are defined vaguely, into line with international norms with

respect to privacy and non-discrimination; take measures to promote tolerance in this regard, which would encourage more effective educational programmes for the prevention of HIV/AIDS; take all necessary action to protect homosexuals from harassment, discrimination and violence; consider introducing specific legislation and additional policy measures to promote tolerance and non-discrimination of lesbians, gays, bisexuals and transsexuals.

26. The Sexual Offences Act of Barbados criminalizes buggery. Barbados cannot accept at this time, the recommendation to decriminalize such sexual acts between consenting adults of the same sex. There is to-date no political mandate to do so and in fact significant sections of the community are opposed to such decriminalization. In a national consultation conducted by National HIV/AIDS Commission the weight of public opinion was against the recommendation to decriminalize the afore-mentioned consensual sexual acts between adults of the same sex. This is a topic which has been widely considered in society not only on the basis of its legality but from the socio-cultural and historical perspectives. It must be noted that Barbados is a heavily religious society and there is a significant lobby by the church on such issues.

27. The Government is however committed to protecting all members of society from harassment, discrimination and violence regardless of sexual orientation. Section 11 of the Barbados Constitution speaks to the protection of fundamental rights and freedom of the individual.

28. On the subject of educational programmes for the prevention of HIV/AIDS it must be noted that Barbados has a comprehensive National Policy on HIV/AIDS. This has resulted in a Strategic Plan for 2008-2018 which looks at prevention and provides treatment and care to those affected, while seeking a reduction in stigma and discrimination.

18. Allow for the distribution of condoms within its prisons in order to stem the prevalence of HIV/AIDS in these institutions.

29. Barbados cannot accept this recommendation. All of these issues have been receiving the full consideration of Government. In a national consultation conducted by the National HIV/AIDS Commission there has been strong opposition to the issuance of condoms in prison. Under the laws of Barbados distribution of condoms in an all-male state institution is impermissible as encouraging sexual behaviour which is criminalized.

19. Revise domestic legislation to provide for the granting of refugee status and incorporate the principle of non-refoulement.

30. Barbados cannot accept this recommendation for implementation over the short-term but points out that it respects the principle of non-refoulement in the treatment of persons claiming persecution in their country. Government has established a Cabinet Sub-Committee on immigration and hopes to have in 2009 a fully revised and comprehensive migration policy. This will involve the drafting of relevant legislation and the ratification of appropriate treaties.

20. Continue with the positive efforts made in the field of education and share its experiences in the area with other countries.

31. Barbados accepts this recommendation and looked forward to sharing its experiences in the field of education.

21. **Continue to seek technical assistance where capacity issues may impede progress; continue seeking technical assistance from the international community, particularly through OHCHR, towards capacity-building in human rights training and other areas, to augment the country's efforts in meeting its human rights training and other areas, to augment the country's efforts in meeting its human rights obligations, both domestically and internationally; call on OHCHR, in consultation with the Government, to provide technical assistance regarding the incorporation of international human rights instruments into domestic law; seek the support of the international community and relevant organizations, including OHCHR, in keeping with the State's request for technical assistance for capacity-building, particularly for the preparation of human rights reports and the development of programmes for human rights education; call on development partners to explore ways and means to enhance its capacity in implementation of human rights obligations, as well as to promote human rights at the grass-roots level through, inter alia, the elaboration of programmes for human rights education.**

32. Barbados accepts this recommendation and will continue to seek assistance from OHCHR and other development partners in the establishment of its Human Rights Unit and in capacity building in human rights reporting and legislative drafting. In particular Barbados would welcome assistance with the implementation of the above recommendations.
