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## **Report of the Working Group on the Universal Periodic Review\***

**Barbados**

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\* The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fifteenth session from 21 January to 1 February 2013. The review of Barbados was held at the ninth meeting on 25 January 2013. The delegation of Barbados was headed by Senator R. Orlando Marville. At its 13th meeting, held on 29 January 2013, the Working Group adopted the report on Barbados
2. On 14 January 2013, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Barbados: Brazil, Libya and Spain.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Barbados:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/15/BRB/1);
  - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/15/BRB/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/15/BRB/3).
4. A list of questions prepared in advance by Ireland, Mexico, the Netherlands, Norway, Slovenia, and the United Kingdom of Great Britain and Northern Ireland was transmitted to Barbados through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation noted that Barbados was a small island developing State with a good record of observing human rights and with a level of good governance that had served it well since its independence in 1966. It highlighted that the country's population was approximately 270,000 persons. Its limited human resources had not prevented the pursuit of the public good, even if it conditioned the pace at which things were accomplished.
6. Barbados recognized that, as a small developing State, the effort to meet its reporting obligations to the various treaty bodies was substantial. It added that it placed great value on meeting these obligations but that the country should be judged on how it respected the rights of others in reality and by the commitment shown to respecting the rights of the poor, the disabled, the needy and those less able to represent themselves.
7. Barbados had a long tradition of democracy and respect for the rule of law. It was recalled that as early as 1651 its inhabitants sought to determine and safeguard the freedom, safety and well-being of the island through the adoption of the Charter of Barbados, a document which formed the basis of the United States Declaration of Rights. The Constitution adopted after the country's independence enshrined the importance of human rights and fundamental freedoms and was guided by the Universal Declaration of Human Rights and other international and regional human rights instruments.

8. The promotion and protection of human rights remain a priority for Barbados and this was reflected in the outlay the country makes on education and social services which consumed approximately two thirds of the national budget.

9. The country was seeking to strengthen its governance structure and human rights framework and to this end established an Advisory Board on Governance in 2008. This committee was composed of outstanding Barbadian citizens and has been working assiduously on several pieces of legislation including amendments of the Ombudsman Act as well as drafting of Integrity, Defamation and Freedom of Information legislation.

10. Barbados was committed to the advancement of women and this is evidenced in its policy and practice. It was noted that, contrary to information provided by Amnesty International, Barbados did not have 3 out of 30 members of Parliament who were women. In fact, in the Lower House, elected by popular vote, there were 4 women out of 30 and in the Senate, whose members were selected, 7 out of 21. Barbados then provided additional details regarding participation of women in the public sector, including the judiciary, adding that female enrolment at the tertiary level continued to be high, with women outnumbering men by almost two to one.

11. With regard to the issue of persons with disabilities, Barbados observed that in 2012, the country had appointed its first female President of the Senate, who also happened to be visually impaired. The Senator's academic achievements and appointment to this high office attested to the Government's commitment to providing opportunities for all citizens.

12. Barbados continued to implement the Convention on the Rights of Persons with Disabilities and the Cabinet agreed to its ratification once all the legal requirements for doing so are in place. The National Disabilities Unit implemented programmes to promote the rights of person with disabilities. Barbados highlighted action taken in this regard, including steps to retrofit public buildings to accommodate persons with disabilities, as well as work undertaken with NGOs, and efforts by schools, universities and work places.

13. With regard to legislative action, Barbados indicated that it had undertaken a review of certain pre-independence legislation to determine whether these were in conflict with its treaty obligations. Barbados proposed to amend or enact new laws pertaining to mental health, sexual harassment, discrimination, domestic violence, child protection and the mandatory death sentence. This process would be continuous and the country would progressively incorporate international human rights obligations into domestic legislation.

14. Regarding HIV/AIDS, the Government continued to develop and carry out programmes aimed at eliminating the stigmatization of persons living with HIV/AIDS and spends large sums on public service advertisement and other important issues. The Government remained aware that stigma and discrimination hindered access to HIV preventive and care services. It has therefore decided to decentralize and integrate such services into the primary health care system. It has also developed a number of activities to promote attitudinal and behavioural change within society. Details regarding such action were then provided.

15. On the issue of trafficking in persons, Barbados highlighted that it had legislation that criminalized trafficking in persons, including children. It noted steps taken to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), including: the adoption in 2011 of the Transnational Organized Crime (Prevention and Control) Act and the establishment in 2012 of a National Task Force for the Prevention of Trafficking in Persons. It also noted the launching of initiatives to raise public awareness and to train public officials and law enforcement personnel.

16. It was highlighted that the trafficking in children was also criminalized and that the Transnational Organized Crime (Prevention and Control) Act provided for a penalty of life imprisonment for persons convicted of trafficking a child.

17. Regarding the establishment of a national human rights institution, Barbados explained that it had taken steps to transform the scope of the Office of the Ombudsman to include responsibility for the promotion and protection of human rights. Legislation to be brought before Parliament would provide for the Ombudsman to be appointed by the Governor General acting on recommendations of both houses of Parliament. This draft was currently before the Chief Parliamentary Counsel and discussions will be held during the year on the structure, responsibility and financial and human resources required.

18. With regard to human rights education, the delegation noted that several television promotions were aired daily on the Government-operated television station on human rights, the rights of children, sexual abuse and the Unite Against Violence Campaign. Additionally, discussions with the Commonwealth Secretariat were under way with regard to the development of a human rights public education programme.

19. On domestic violence, the Government was firmly committed to pursuing a policy of zero tolerance of all forms of violence against women. It was highlighted that the Bureau of Gender Affairs had established a committee to review the existing Domestic Violence (Prevention Orders) Act. The Bureau had also promoted public education through a number of public forums. It was added that the policy of the Police Force was to investigate all reports of domestic violence and that police officers continued to receive training on intervention and investigation of such cases. Additionally, the Police Force was working with the Bureau of Gender Affairs and other stakeholders to design a pilot data-collection instrument to improve data collection on the incidence of domestic violence.

20. Regarding the death penalty, the Government noted that there did not appear to be a national consensus or bipartisan support for the abolition of capital punishment. However, it was underscored that there had been no executions since 1984. On the issue of the mandatory death penalty, legislation had been drafted to provide for its abolition and preparations are being finalized for submission of this draft legislation to Cabinet prior to introduction to Parliament.

21. Similarly, on lesbian, gay, bisexual and transgender persons (LGBT) issues, there was no consensus on repealing the country's laws on "buggery". Though buggery is criminalized by the Sexual Offences Act, persons who engaged in same-sex relationships were not prosecuted, since without a complaint there could be no successful prosecution of such acts. Persons engaged in such relationships were unlikely to complain to the police and therefore, though the law on buggery was in the statutes books, gay persons were not prosecuted in Barbados for their sexual preferences. Prosecution could only occur if a minor was involved or a non-consenting adult.

22. Barbados took note of the position of the international community that there was an onus on the Government to show leadership on such issues. Nevertheless, it recalled that Barbados was a democracy and that, as such, the Government was hesitant to go against the wishes of its people. However, it was committed to ensuring that the rights of all persons were protected from harm.

23. On the issue of the protection of children, Barbados continued to strengthen efforts and the Government had enlisted the services of a consultant to examine the Family Law Act and all legislation that related to children with a view to ensuring that the law was in line with internationally accepted protocols and standards. The Government had also taken steps to institute a mandatory reporting requirement in all cases of child abuse.

24. With regard to corporal punishment, Barbados indicated that, with the assistance of UNICEF, it had implemented the Schools Positive Behaviour Management Programme (SPBMP) aimed at developing positive behaviour-management strategies, thereby eliminating the need to resort to corporal punishment.

25. Barbados then explained that the Police Complaints Authority met every four to six weeks to interview complainants.

26. Barbados responded to information included in the UPR reports compiled on Barbados. It stated that the negative and generalized statements in these reports seem to suggest that the Barbados Police habitually violated the rights of citizens and residents of Barbados. Such statements unfairly impugned the integrity of the Police Force. It was stressed that police command remained committed to the principles of integrity and accountability of law enforcement personnel. The behaviour of officers was governed by the Instructional Manual, especially with relation to the use of force. Training on human rights issues and related matters were a part of the accreditation process for police officers. Every effort was made to provide officers with the requisite training and the police were committed to respecting constitutional guarantees of all people in Barbados.

27. Current policy, practice and legislation, precluded the police from being the sole adjudicator of the outcome of any investigation pertaining to the death of persons in police custody. Findings from such investigations were forwarded to the Office of the Director of Public Prosecutions or to the Coroner for an appropriate determination to be made. In all instances of death of unnatural or suspicious circumstances, an autopsy was conducted by a pathologist who was independent of the Office of the Commissioner of Police.

28. The relationship between the police and the public was systematically examined by the Government with a view to improving understanding and dialogue. Where there was evidence of police misconduct or where officers were found to have broken the law, they were subject to prosecution like any citizen.

29. Barbados was also extremely concerned at statements that purported that rape was commonplace in Barbados. The delegation stated that it did not believe such a statement to be borne out by the facts and referred to data issued by UNODC which belied information contained in the OHCHR report. It noted that between 2008 and 2012 the number of reported cases of rape had decreased. In fact, the number of reported cases of rape in Barbados per 100,000 was lower than the comparable average rates in Western Europe.

30. The delegation expressed concern about negative generalizations that emanated from the United Nations reports. It found the use of anecdotal material to come to unfounded and/or unsubstantiated conclusions extremely disconcerting as such reports could be viewed as authoritative statements.

31. With regard to the claim that the law in Barbados did not permit Barbadian women to confer nationality on their children, the delegation stated that this was not the case, as the Constitution was amended in 2000 to allow both men and women to confer Barbadian nationality on their children.

32. On the issue of statelessness, Barbados explained that it had sought the intervention of the Office of the High Commissioner for Refugees (UNHCR) in the only case in which a claim of statelessness had been made; the case was ongoing.

33. Though Barbados was not party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, it recognized its obligations with respect to refugee protection and its responsibility to carefully consider each asylum claim. As such, Barbados was committed to the principle of non-refoulement. In the few instances where a claim had been made, the matter was referred to UNHCR.

34. In conclusion, Barbados stated that as a small island developing State it continued to experience many challenges and these make it difficult to ratify new treaties at this time. As a matter of policy, new treaties would not be ratified unless the country was in a position to meet all of the obligations that attend thereto. Barbados continued to encounter capacity constraints and part of the problem related to the collation of data and disaggregation of statistics, though a number of initiatives had been taken in this regard.

35. The delegation also reported that work had been accomplished with regard to its obligations under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women and that these reports would hopefully be completed in the course of the year. Additionally, work was near completion with regard to 11 of the 22 ILO Conventions. Barbados indicated that it would welcome the assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in streamlining the treaty reporting process.

36. Barbados welcomed the appointment of a Human Rights Advisor in the country and considered that this would assist the Government in raising awareness on human rights issues and strengthening the national framework for the protection of human rights in the country.

37. Barbados then replied to the advanced questions it had received, noting that information had already been provided during its intervention regarding most of the issues raised.

38. On questions related to criminalization of same-sex activities, Barbados reiterated information previously provided highlighting the fact that there was no intervention of the law in relations between consenting adults. On the abolition of the death penalty, Barbados referred to information already provided and stated that the country's record of not having used the death penalty for almost 30 years made a very strong statement.

39. With regard to questions on the abolition of corporal punishment, Barbados recalled that there were programmes in schools to develop alternatives which appeared to be leading to a decrease in its use of corporal punishment or its use only as a last resort. Greater public acceptance seems to be needed for the Government to comfortably introduce this change into its legislation.

40. On measures adopted to prevent violence against women, Barbados referred to the detailed information it had already provided. As for plans to tackle child abuse, it was recalled that the Government has hired a legal consultant to examine existing legislation and to help to bring it in line with internationally accepted protocols. A child maintenance fund had also been established by the Government to provide needed assistance to single parents. As for child labour, this could not be a significant problem as education is compulsory and children should be in school up to the age of 16 years. However, a national child labour committee had been established and one of its functions would be to monitor child labour cases.

41. On the question about steps being adopted against aggressive and discriminatory policing, it was reiterated that the Police Force received training in customer service, public relations, human rights, community engagement, conflict resolution and officer safety. It was recalled that a Police Complaints Authority had been established and met regularly to consider complaints against the police.

42. Regarding questions on the establishment of a national human rights institution, Barbados explained that this was addressed through the further enhancement of the Office of the Ombudsman, which would provide that function.

43. On the question regarding what relevant legislation had been enacted during the period under review, Barbados referred, in addition to legislation already mentioned, to the

Community Legal Services Act and the Safety and Health at Work Act. It added that pending legislation includes amendments to the Mental Health Act and the Domestic Violence (Protection Orders) Act.

44. Barbados also reported that an additional positive development was the signing of ILO Convention No. 189 concerning decent work for domestic workers. UN-Women is currently working with the Government towards its ratification.

45. In conclusion, Barbados reiterated its commitment to the work of the Human Rights Council and of the Office of the High Commissioner for Human Rights (OHCHR).

## **B. Interactive dialogue and responses by the State under review**

46. During the interactive dialogue, 44 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

47. Venezuela (Bolivarian Republic of) noted that Barbados had the highest Human Development Index in the Caribbean and implemented programmes to tackle extreme poverty targeted at families. It noted policies to help the elderly by focusing on their financial security and physical and mental health. Additionally, it noted efforts aimed at empowering women, including gender equality training for public officials and public campaigns highlighting gender-based violence. It made a recommendation.

48. Thailand appreciated Barbados' close collaboration with the United Nations and particularly with UN-Women and its commitment to gender equality and promoting the empowerment of women into the work and function of the Bureau for Gender Affairs. It encouraged the allocation of adequate resources to the Office of the Ombudsman. Noting the national strategy on HIV, Thailand urged the international community to lend the necessary assistance in this regard. It appreciated the commitment to implement Convention on the Right of Persons with Disabilities. Thailand made recommendations.

49. Algeria noted the signing of the Convention on the Rights of Persons with Disabilities and measures to incorporate international standards into domestic legislation. It highlighted developments since the last review, particularly the National Policy on Ageing and measures to alleviate poverty, guarantee gender equality and eliminate racial discrimination. While welcoming the national strategy to tackle HIV, it noted that HIV remained a major threat to the development of Barbados. Algeria made recommendations.

50. Argentina commended the National Strategic Plan for HIV Prevention and Control 2008-2013 and the establishment and application of the Identification, Stabilisation, Enablement and Empowerment (ISEE) Bridge programme focusing on poverty reduction. Argentina made recommendations.

51. Australia commended the protection of children's rights, the expanded Office of the Ombudsman and the criminalization of human trafficking. It noted the State party's commitment to abolishing the death penalty. Acknowledging action on discrimination and violence against women, it remained concerned that current policies do not adequately legislate against this. It wished to receive further information on the Social Policy Framework as it became available. The lack of social data and crime statistics gave rise to concern. Australia made recommendations.

52. Bangladesh expressed grave concern at the impact of global recession on Barbados, yet commended the efforts taken to promote and protect human rights. It was pleased to note the Government's commitment and activities to curb all forms of violence, and the emphasis placed on gender mainstreaming. It also welcomed interventions made at the legislative, programmatic and educational levels to this end. However, gender stereotypes

continued to challenge efforts to implement gender equality. Bangladesh made recommendations.

53. Brazil commended efforts made to implement recommendation including legislative reforms addressing a number of the concerns raised in the previous UPR cycle and welcomed measures to combat gender-based violence and empower women, the adoption of the National Policy on Ageing and policies to eradicate poverty. Barbados was encouraged to take further action regarding gender equality and corporal punishment. Brazil made recommendations.

54. Canada requested an update on the implementation of its 2008 recommendations on addressing discrimination against women and taking steps to enact legislation enshrining a specific right of non-discrimination on the basis of sex. It commended the work of the National Disabilities Unit, in particular its transportation, sign-language and accessibility programmes, its integrated summer camps and accessibility programmes. Canada made recommendations.

55. Chile highlighted the National Policy on Ageing based on providing equality of opportunity and access, and progress bringing legislation into line with the aims of the Convention on the Rights of the Child. The implementation of economic and social rights was reflected in policies to eradicate poverty. The moratorium on the death penalty was welcomed as a positive step. Chile made recommendations.

56. China appreciated the importance attached to eradicating poverty and efforts to protect children's rights. It welcomed the zero-tolerance policy on violence against women, female empowerment and the promotion of gender equality. Positive results from measures to prevent HIV and tackle racial discrimination and trafficking in persons were commended. It made a recommendation.

57. Costa Rica highlighted efforts to promote women's rights and gender equality. It encouraged the further incorporation of the provisions of the Convention on the Rights of the Child into law and practice and invited Barbados to continue working for child protection. It expressed alarm at the corporal punishment of minors and urged the implementation of measures to bring an end to the practice. It requested information on the status of the Employment Sexual Harassment Bill. It made recommendations.

58. Cuba noted that Barbados had allocated 10 per cent of GDP to health expenditures in 2011 and 2012 and devoted significant resources to the national medication programme. Furthermore, a worker-protection policy had prevented job losses among public sector workers and incentive schemes had fostered a healthy economy in harmony with the environment. Cuba made a recommendation.

59. Ecuador highlighted national policies to promote respect for human rights and, noting special protection afforded to the elderly, asked what specific measures had been adopted to promote their rights. It noted measures to raise both awareness and visibility of the rights of persons with disabilities. It appreciated efforts to promote gender equality and empower women. Ecuador made a recommendation.

60. Estonia noted that, despite provisions on fundamental rights and freedoms reflecting civil and political rights, the Constitution required revision to include the concept of discrimination on any grounds. It welcomed and encouraged growing attention to women's issues, particularly violence against women, and work towards ratifying ILO Convention No. 189. Noting that Barbados had sought technical assistance to build capacity in reporting to CEDAW, it recalled that many reports for treaty bodies were overdue. Estonia made recommendations.

61. France welcomed the efforts undertaken by Barbados since the first UPR cycle to strengthen the protection of human rights. France made recommendations.

62. Germany remained concerned by gender-based violence, including domestic violence, as well as sexual harassment and discrimination against women. It was equally concerned by the criminalization of consensual homosexual relations and the lack of legislation prohibiting discrimination on the grounds of sexual orientation. It asked what measures the State party intended to take to combat the criminalization of and discrimination against the LGBT community. Germany made recommendations.

63. Guatemala recognized progress made by Barbados in the area of human rights. It noted that Parliament had approved the Transnational Organised Crime (Prevention and Control) Act criminalizing trafficking in persons. It shared the concern expressed by the High Commissioner for Human Rights regarding inequality between men and women, given that women, unlike men, were not able to confer their Barbadian nationality on children born abroad. Guatemala made a recommendation.

64. Hungary welcomed the firm commitment of Barbados to pursue a zero-tolerance policy on all forms of violence against women and children. It noted the de facto moratorium on capital punishment and the commitment to abolish the mandatory death sentence system. It noted that although the Constitution specifically prohibited torture, reports indicated regular occurrences of unprofessional conduct and beatings by police. Hungary made recommendations.

65. Indonesia welcomed action on migrants' rights, including the establishment of a cabinet subcommittee on immigration. Indonesia asked about the progress made concerning the intended revision of its migration policy and efforts towards ratification of the International Convention on the Rights of All Migrant Workers and Members of Their Families. It welcomed new legislation and the task force addressing human trafficking, and the committee established by the Bureau of Gender Affairs to address gaps in domestic violence legislation and guarantee victims' rights. Indonesia made recommendations.

66. Ireland commended efforts to implement Barbados' international obligations by revising its Constitution and streamlining legislation. It particularly welcomed efforts to ensure that the principle of the best interest of the child is reflected in legislation. It noted the de facto moratorium on the death penalty and encouraged the adoption of a formal moratorium. It welcomed the work of the Bureau of Gender Affairs, particularly regarding the spread of HIV, and efforts to tackle domestic violence. It noted the continued criminalization of consenting same-sex relations. Ireland made recommendations.

67. Italy welcomed the protection of fundamental political and civil rights, and appreciated the high degree of independence enjoyed by the judicial system. Although efforts to combat domestic violence were commended, it was deeply concerned by reports of widespread abuses against women and children. It expressed appreciation of the fact that no executions had been carried out in Barbados since 1984. Italy made recommendations.

68. Latvia thanked Barbados for the comprehensive national report, its presentation and constructive engagement in the universal periodic review process. It wished to touch upon the issue of standing invitations to the special-procedures mandate holders of the Human Rights Council. Latvia made a recommendation.

69. Malaysia acknowledged achievements on the rights of the elderly, youth development, poverty alleviation and gender equality. It commended actions taken by Barbados to combat domestic violence and human trafficking. It noted that even though Barbados had not yet ratified CRPD, it had made significant strides in this area as well as progress made in combating HIV/AIDS. Malaysia made recommendations.

70. Maldives noted steps taken by Barbados in welcoming the appointment of the Human Rights Adviser. As a small developing State, Barbados is confronted with constraints in its capacity to enforce and report on its treaty obligations. Maldives called on

the international community to extend technical assistance in its efforts to conduct training, awareness-raising programmes and consolidation of its human rights framework. Maldives made recommendations.

71. Mexico commended Barbados on its openness to international scrutiny, as demonstrated by the 2012 visit of the High Commissioner for Human Rights, and it encouraged Barbados to implement the recommendations made by her. It noted that Barbados had taken action in line with Mexico's previous recommendation on the gradual incorporation of international obligations into national legislation. Mexico made recommendations.

72. Morocco welcomed the establishment of the Office of the Ombudsman, which would spearhead a public education programme on human rights in 2013, and progress made in social protection, health, education, employment, the rights of the elderly, single parents and women, and in combating LGBT discrimination. It asked for an update on progress in implementing the National Youth Policy. Morocco made recommendations.

73. The Netherlands noted progress in combating sexual harassment in the workplace. It commended Barbados on introducing a bill on sexual harassment in employment, in response to its previous recommendation, and trusted that the bill would be adopted and implemented in 2013. The Netherlands made a recommendation.

74. Nicaragua highlighted the commitment of all sectors of society, particularly to the elderly, youth, children, women and persons with disabilities. It commended efforts to maintain a high Human Development Index, despite the negative impact of the global financial crisis on small economies. It encouraged Barbados to continue working on a social policy guaranteeing the participation of all social actors, in this context taking into account constructive UPR recommendations. Nicaragua made a recommendation.

75. Norway noted steps to follow up on recommendations that were accepted during the last review, notably in the fields of decent work, gender equality and the intention to establish a national human rights institution. It encouraged Barbados to advance in several key areas to meet international human rights standards. It was concerned about corporal punishment, especially of children. It stated that religious or cultural beliefs cannot be used to criminalize intimacy between consenting adults. Norway made recommendations.

76. Paraguay welcomed efforts to combat poverty, particularly the ISEE Bridge Programme, national policies to empower the elderly and young people. It appreciated the signing for the Palermo Protocol as well as legislative and other measures to combat human trafficking, public education programmes to raise awareness of the global problem of human trafficking the commitment to assist victims. It also noted progress in harmonizing national legislation with the CRC. Paraguay made recommendations.

77. Peru highlighted progress made by Barbados in human rights since the 2008 UPR, especially in developing national policies to promote the rights of the elderly and young people, the enactment of the Transnational Organised Crime (Prevention and Control) Act to and the establishment of a National Task Force for the Prevention of Trafficking in Persons and adopting the Employment Rights Act as well as the establishment of an Employment Rights Tribunal. Peru made recommendations.

78. Philippines acknowledged Barbados' recognition of the economic and social value of domestic work and the need to address the exclusion of domestic workers from labour and social protection. It noted that despite this positive outlook Barbados had yet to accede to the ICRMW and ILO Convention No. 189. It commended Barbados on administrative and legislative measures taken to combat human trafficking but noted that it had not yet ratified the Palermo Protocol. Philippines made recommendations.

79. Singapore noted significant progress in Barbados in ensuring human rights, maintaining a high Human Development Index, literacy rate, level of transparency and a robust anti-corruption regime. It also noted efforts to eliminate violence and discrimination against women and combat human trafficking, especially the adoption of legislative and institutional measures. Singapore made recommendations.

80. Slovakia commended Government efforts to upgrade the Ombudsman's Office in line with international standards, revise the Constitution and update national legislation to conform to its treaty obligations. It welcomed the increase in primary school enrolments, the development of educational programmes for HIV/AIDS prevention and a project to provide technology services and support for blind or visually impaired persons. Slovakia made recommendations.

81. Slovenia noted steps taken to promote women's empowerment and advance gender equality. It welcomed, particularly, the training programmes and awareness raising activities of the Bureau of Gender Affairs. It regretted that no legislation had been adopted to decriminalize consensual sexual relations between adults of the same sex. It remained concerned about corporal punishment as a legitimate sanction in Barbadian law. Slovenia made recommendations.

82. South Africa commended efforts to empower women and promote gender equality, particularly through the Bureau of Gender Affairs. The collaboration between the Ministry of Labour and Social Security and UN-Women was an example of positive engagement between the United Nations and a Member State. South Africa made recommendations.

83. Spain highlighted initiatives taken by Barbados to eliminate discrimination against persons with disabilities and the creation of a special unit within the Ministry of Foreign Affairs to deal with human rights, which would provide an effective means of guaranteeing sustained cooperation with international bodies on human rights issues. Spain made recommendations.

84. Sri Lanka acknowledged positive developments made by Barbados since the last review and welcomed efforts to promote children's rights and gender equality, to combat domestic violence, poverty and trafficking in persons. It noted measures to counter racial discrimination, particularly in schools, and acknowledged that progress had been made despite the global economic downturn, which had adversely affected Barbados. Sri Lanka made recommendations.

85. Viet Nam took note of developments since Barbados' previous review. It noted initiatives taken to combat racial discrimination and trafficking in persons and to promote gender equality. It shared Barbados' concern as highlighted in its national report about the importance of safeguarding the economic and social rights of the most vulnerable groups during the economic recession. Viet Nam made recommendations.

86. Trinidad and Tobago underscored efforts made by Barbados since its last review, to promote, protect and uphold human rights, including the signing of ILO Convention No. 189, initiatives to promote ratification of the CRPD, actions to revise the Constitution and update legislation to conform with treaty obligations, the review of all laws directly related to the family and children and, the enhancement of the human resources in the Bureau of Gender Affairs. It made a recommendation.

87. The United Kingdom of Great Britain and Northern Ireland noted the ongoing commitment to the protection and promotion of human rights. It urged Barbados to take prompt action to tackle the issue of violence against women and children. It also urged Barbados to ensure that a Human Rights Advisory Committee be set up to oversee the establishment of the national human rights institution. While welcoming the de facto

moratorium on the death penalty it urged Barbados to amend the legislation to abolish the mandatory death penalty. It made recommendations.

88. The United States of America, while appreciating Barbados' commitment to protect all members of society from harassment, discrimination and violence regardless of sexual orientation, was concerned about reports of discrimination and harassment against members of the LGBT community. It was concerned about the criminalization of same-sex sexual activity between consenting adults and failure to prohibit discrimination based on sexual orientation and gender identity. Additionally, it expressed concern at allegations of excessive use of force by the police and delays in transmitting case files; and about legislation on transitional crime being inconsistent with international standards because it requires migration as a necessary element of human trafficking. It made recommendations.

89. Uruguay welcomed progress in human rights in Barbados, including the implementation of policies for youth and the elderly, the national poverty reduction strategy, the development of major economic and social indicators, including the reduction of child mortality, access to education and health, placing Barbados among countries with a high Human Development Index. Uruguay made recommendations.

90. Namibia commended Barbados on criminalizing human trafficking through the enactment of national legislation and the signing of the Palermo Protocol, on its proactive engagement in environmental issues, particularly climate change, and on ensuring that it continued to enjoy a high Human Development Index, despite the challenge of poverty. It asked how Barbados intended to expand the Identification, Stabilisation, Enablement and Empowerment Bridge Programme. Namibia made recommendations.

91. Barbados noted that many of the questions raised during the dialogue had already been addressed in its opening statement. It stated, however, that it would try to respond to some of the recurring issues.

92. With regard to the death penalty it was recalled that the Government was working toward abolishing mandatory death sentences. The Barbados delegation noted that although some believed it important to formally state that there was a moratorium, it believed that it was more important not to have executed anyone for 29 years.

93. On the issue of discrimination against women, Barbados noted again that detailed information on the situation of women had been provided and that this information indicates that there has been considerable movement on this issue. Legislation was either already in place or being prepared on issues such as domestic violence. Additionally, the person in the police service responsible for addressing violence against women was herself a woman.

94. In relation to HIV/AIDs, there was a massive Government programme which included a television campaign with the participation of celebrities from music and sports. Transmission from mother to child was eliminated in Barbados as mothers were provided with free medical care. Technology permitted the prevention of such cases.

95. On questions regarding video recordings of interviews in police custody, Barbados stated that the Government remained committed to introducing such recordings and that to this end substantial preparatory work has been undertaken, including the construction of special physical facilities and the acquisition of support equipment, training of police and amendment of legislation.

96. Regarding youth, a national youth policy has been debated in Parliament and a constant effort had been made to eliminate poverty among youth. Poverty was addressed in its two facets: in cases where it could not be eliminated altogether because of specific circumstances the Government would intervene to ensure minimum living conditions and

for other cases, there were a number of poverty eradication programmes. The later include a number of programmes aimed at the youth.

97. With respect to ratification of the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance, Barbados reiterated that it was difficult to ratify new treaties and that it faced many challenges in complying with its reporting obligations. Torture was illegal under the law though there had been no allegations of torture. Similarly, there were no cases of forced disappearance but such acts would be covered under the Offences Against the Person Act.

98. Barbados thanked all who participated in its universal periodic review and in particular those who made recommendations on its way forward. It ensured that Barbados would give considered thought to the suggestions and recommendations received. It also thanked all of those who had contributed to the Trust Fund for Small Island Developing States. Barbados noted that the review process has permitted it to hold broad consultations within the country and carry out an assessment of what had been accomplished and areas where more needed to be done. It highlighted efforts made in areas such as the elderly and the young, achievements in areas such as gender equality and progress in the area of the rights of the disabled.

99. The delegation stated that Barbados had a reputation for the recognition of human rights and its support for the human rights system. It reaffirmed its commitment to furthering human rights. It noted that the Advisory Board on Governance, chaired by the head of the delegation, had produced several draft Bills covering, inter alia, freedom of information and the revision of the Ombudsman Act to make the Office of the Ombudsman independent. Additionally, Bills had been drafted on the prevention of corruption, primarily in the public sector and amending the Defamation Act to make it possible to utter honest opinions about public figures without risking being charged with defamation.

100. Barbados had also created a social partnership, which represents a process of continuous consultation between the Government, the private sector and labour, which had averted numerous strike actions or arbitrary dismissals of workers or the simple abuse of ordinary workers. This model was considered so effective that two other countries were attempting to copy it.

101. In conclusion, Barbados stressed that its size had forced it to focus in a way that countries with greater resources did not need to. Though it may be slower in reporting or enacting legislation, it always tried to ensure that what was achieved was the best practice possible.

## **II. Conclusions and/or recommendations\*\***

**102. The recommendations will be examined by Barbados which will provide responses in due time, but no later than the 23rd session of the Human Rights Council in June 2013.**

**102.1. Consider ratifying Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (Chile);**

**102.2. Consider ratifying CAT and OP-CAT; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW); and the Protocol to Prevent Suppress and Punish**

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\*\* Conclusions and recommendations have not been edited.

**Trafficking in Persons, Especially Women and Children (Palermo Protocol) (Peru);**

- 102.3. **Step up efforts to consider acceding to ICRMW as well as ratifying ILO Convention 189 (Philippines);**
- 102.4. **Sign and ratify CAT (Maldives);**
- 102.5. **Ratify CAT as well as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) (Estonia);**
- 102.6. **Ratify CAT and OP-CAT (Hungary);**
- 102.7. **Ratify CAT and OP-CAT and subsequently implementing them (Germany);**
- 102.8. **Ratify CAT and the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) (France);**
- 102.9. **Continue its efforts to ratify CPED (Argentina);**
- 102.10. **Ratify the CAT, CPED and the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2) (Costa Rica);**
- 102.11. **Continue its efforts in the promotion and protection of the rights of persons with disabilities, including its early ratification of Convention on the Rights of Persons with Disabilities (CRPD) (Malaysia);**
- 102.12. **Continue with the efforts undertaken by the National Disabilities Unit, with a view to promoting the ratification of CRPD (Paraguay);**
- 102.13. **Ratify CRPD to better ensure the rights of such persons (Thailand);**
- 102.14. **Ratify CRPD (Maldives);**
- 102.15. **Ratify the CRPD already signed in 2007 as well as the two Optional Protocols to the Convention on the Rights of the Child (OP-CRC-AC and OP-CRC-SC) (Algeria);**
- 102.16. **Ratify CRPD (Trinidad and Tobago);**
- 102.17. **Continue working towards the ratification of major international human rights instruments, such as CRPD and the Optional Protocol to Suppress and Punish Trafficking in Persons, Especially Women and Children (Nicaragua);**
- 102.18. **Consider ratifying the Palermo Protocol, as well as CRPD (Namibia);**
- 102.19. **Step up efforts to consider ratifying the Palermo Protocol (Philippines);**
- 102.20. **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW) (Guatemala);**
- 102.21. **Strengthen efforts in the fight against all forms of violence against women and to ratify OP-CEDAW (Spain);**
- 102.22. **Consider ratification of the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Slovakia);**

- 102.23. **Ratify the ILO Convention No. 189 concerning Decent Work for Domestic Workers in order to protect the rights of domestic workers (Germany);**
- 102.24. **Ratify ILO Convention No. 189 concerning Decent Work for Domestic Workers (Trinidad and Tobago);**
- 102.25. **Ratify ILO Convention No. 189 concerning Decent Work for Domestic Workers (Uruguay);**
- 102.26. **Accede to the Agreement on the Privileges and Immunities of the International Criminal Court (Estonia);**
- 102.27. **Complete the process of the national legislation's full alignment with all obligations under the Rome Statute, including acceding to the Agreement on Privileges and Immunities of the International Criminal Court (Slovakia);**
- 102.28. **As a party to the Convention on the Rights of the Child, fully align its legislation with international obligations under the convention (Slovenia);**
- 102.29. **Define the crime of domestic violence and sexual harassment in the legislation (Spain);**
- 102.30. **Adopt legal measures to punish domestic violence (Paraguay);**
- 102.31. **Accelerate the adoption of the Employment Sexual Harassment Bill (Italy);**
- 102.32. **Establish a national human rights institution (Maldives);**
- 102.33. **Step up efforts to complete the process to establish a national human rights institution in accordance with the Paris Principles (Peru);**
- 102.34. **Create a National Human Rights Institution in conformity with the Paris Principles (Morocco);**
- 102.35. **Ensure the compliance of the Office of the Ombudsman with the Paris Principles on national human rights institutions for the promotion and protection of human rights (France);**
- 102.36. **Consider allocating the Office of the Ombudsman with sufficient human and financial resources to allow it to be fully operational (Morocco);**
- 102.37. **Continue its commitment to the cause of promoting and protecting human rights and fundamental freedoms, and to advance the implementation of policies and measures that reflect this commitment (Cuba);**
- 102.38. **Show leadership in human rights issues by protecting all human rights within the country, including those LGBT, and the freedom of movement and expression of human rights defenders, starting by organizing a dialogue between government, civil society and interested individuals, on these and other human rights related issues (Netherlands);**
- 102.39. **That the engagement with NGOs and civil society should be continued during the implementation of the second cycle accepted recommendations where appropriate (South Africa);**
- 102.40. **Continue cooperating with the Human Rights Council and its mechanisms (Guatemala);**
- 102.41. **Extend a standing invitation to the special procedures mechanisms (Guatemala);**

- 102.42. **Extend a standing invitation to all special procedures of the Council (Hungary);**
- 102.43. **Step up its cooperation with special procedures mandate holders by responding positively to the pending visit request and eventually consider extending a standing invitation to all the special procedures mandate holders of the Human Rights Council (Latvia);**
- 102.44. **Continue to engage with the Office of the High Commissioner for Human Rights and other UN agencies to enhance the promotion and protection of human rights within the country (South Africa);**
- 102.45. **Continue efforts relating to the fight against discrimination, analyzing the possibility that the national legal framework includes all forms of discrimination (Paraguay);**
- 102.46. **Consider formulating and implementing national policies on gender to help define and coordinate efforts to tackle discrimination, marginalization and violence against women (Australia);**
- 102.47. **Put into practice awareness-raising programmes to combat the discriminatory practices against women (Mexico);**
- 102.48. **Continue efforts to combat gender stereotyping and gender inequality across the board and work towards empowerment of women in all spheres of society, including addressing sexual harassment in the work place (Sri Lanka);**
- 102.49. **Enhance its efforts to eliminate gender stereotyping (Bangladesh);**
- 102.50. **Reform national legislation to enable mothers with Barbadian nationality to confer their nationality to their children born abroad (Ecuador);**
- 102.51. **Resolve gender inequality with regards to conferring Barbadian nationality from parents to their children (Slovakia);**
- 102.52. **Consolidate positive results in combating racial discrimination, trafficking in persons as well as promoting gender equality (Viet Nam);**
- 102.53. **Continue efforts made aimed at combating discrimination and religious intolerance, especially against the rastafari; and to strengthen measures to eliminate any discriminatory treatment based on sexual orientation (Argentina);**
- 102.54. **Introduce measures to promote tolerance and non-discrimination of the LGBT persons (Slovenia);**
- 102.55. **Establish policies and initiatives to address discrimination based on sexual orientation and gender identity (Brazil);**
- 102.56. **Implement measures to protect the LGBT population from harassment, discrimination and violence (Uruguay);**
- 102.57. **Support a complete moratorium on the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) (Australia);**
- 102.58. **While commending Barbados for not resorting to executions since 1984. Establish a formal moratorium with a view to the abolishment of the death penalty (Brazil);**

- 102.59. **Make official the moratorium on the death penalty with a view to its abolition (France);**
- 102.60. **Consider the adoption of a de jure moratorium on executions with a view to abolish the death penalty (Italy);**
- 102.61. **Study the possibility of repealing the death penalty from its legal system (Argentina);**
- 102.62. **Consider abolishing the death penalty (Norway);**
- 102.63. **Consider abolishing the death penalty as it negates the right to life and since it has not been used in Barbados for over 30 years (Namibia);**
- 102.64. **Continue moving forward with the adoption of measures leading to the abolition of the death penalty (Chile);**
- 102.65. **Take steps towards a full abolition of the death penalty, commuting existing death sentences to life imprisonment terms (Slovakia);**
- 102.66. **Abolish the death penalty from its penal system in compliance with calls made by various international and regional organs in this regard, such as the Inter-American Commission on Human Rights, and to ratify the Second Optional Protocol to ICCPR (Spain);**
- 102.67. **Follow up on the request of the Inter-American Court to remove the mandatory death sentences for murder and treason and to ratify the Optional Protocols to the International Covenant on Civil and Political Rights and to abolish the death penalty (Germany);**
- 102.68. **Implement the commitment to abolish the current mandatory death sentence system, as well as to commute all death sentences to terms of imprisonment before the next UPR review (Hungary);**
- 102.69. **Speed-up the abolition of the mandatory death penalty in line with the commitment taken by Barbados during the first UPR (Italy);**
- 102.70. **Take action to promote and increase the opportunities for public and open debates on death penalty (Italy);**
- 102.71. **Adopt the necessary measures to guarantee that norms that regulate the use of the force in activities relating to public security are in accordance with international human rights standards (Mexico);**
- 102.72. **Continue to enhance its domestic framework to eliminate violence against women and to promote gender equality (Singapore);**
- 102.73. **Establish a mechanism for collecting and evaluating data on incidents of domestic violence and sexual harassment so as to assist the Government in tackling violence against women (Canada);**
- 102.74. **Gradually form special police intervention units with the inclusion of female personnel qualified in handling domestic violence cases (Hungary);**
- 102.75. **Implement the recommendations of the reform committee established by the Bureau of Gender Affairs, including the inclusion of a gender sensitive and victim-centered approach in the legislation (Indonesia);**
- 102.76. **Address the gaps in the legislation on domestic violence identified by the Committee established by the Bureau of Gender Affairs (Italy);**

- 102.77. **Implement recommendations made by the national reform committee tasked with reviewing the Domestic Violence Protection Orders Act, continue to develop a National Action Plan on Domestic Violence, train police on domestic violence issues and seek to expedite criminal trials, where appropriate (Ireland);**
- 102.78. **Devote more resources to the protection of women and children from domestic violence and any other kind of abuses (Italy);**
- 102.79. **Consider establishing a national plan of action to prevent sexual violence against children and women (Mexico);**
- 102.80. **Prohibit the practice of corporal punishment (Norway);**
- 102.81. **Explicitly prohibit corporal punishment in family and school (Italy);**
- 102.82. **Adopt measures to eliminate corporal punishment (Slovenia);**
- 102.83. **Repeal the provisions allowing for corporal punishment in public schools and strengthen national legislation to protect children against all forms of violence or ill-treatment (France);**
- 102.84. **Abolish corporal punishment as a disciplinary measure for children in all areas (Germany);**
- 102.85. **Adopt immediate measures to abolish corporal punishment as a disciplinary measure, and intensify efforts to educate the population on the negative effects of corporal punishment on the development of the child (Uruguay);**
- 102.86. **Continue to request international assistance and advice on successful examples on ways to change traditional social attitudes that accept corporal punishment (Uruguay);**
- 102.87. **Step up their efforts in combating trafficking in persons (Indonesia);**
- 102.88. **Continue to strengthen its efforts to fight against trafficking in persons and to ensure protection of its victims (Singapore);**
- 102.89. **Amend the 2011 Transnational Crime Bill to prohibit all forms of human trafficking by removing migration as a necessary element of human trafficking, prescribe penalties that are commensurate with those prescribed for other serious crimes, and publicly report any investigations, prosecutions, convictions, or sentences of trafficking offenders under this law, or other statute (United States of America);**
- 102.90. **Continue the fight against police violence, notably through the implementation of the 1994 Evidence Act that allows for the video surveillance of police custody (France);**
- 102.91. **Take measures to prevent and sanction police harassment and torture, including through human rights education and training modules (Costa Rica);**
- 102.92. **Investigate all complaints made against the Police Force, including alleged unprofessional conduct, beatings and assaults, and to introduce electronic recording of interviews (United Kingdom of Great Britain and Northern Ireland);**
- 102.93. **Review and if necessary update existing human rights training for police and security forces with the assistance of independent nongovernmental**

organizations to foster more consistent application of international human rights standards, and ensure that cases of abuse or killings by police are processed in a more timely manner (United States of America);

102.94. Provide human rights education, including related to sexual orientation and gender identity, to all law enforcement officials (Estonia);

102.95. Develop an appropriate mechanism to mandate the collection, disaggregation and standardisation of data such as social data, crime statistics and other criminal justice indicators (Australia);

102.96. Repeal laws that criminalize consensual same sex adult sexual relations (Canada);

102.97. Repeal the provisions that criminalize consensual homosexual relations, notably those contained in the Sexual Offences Act and establish policies to combat discrimination, prejudice and violence based on sexual orientation or gender identity (France);

102.98. Repeal all legislative provisions that discriminate against persons on the grounds of their sexual orientation, including in the Sexual Offences Act, within the next two years (United Kingdom of Great Britain and Northern Ireland);

102.99. Repeal all provisions that criminalize same-sex conduct (Norway);

102.100. Decriminalise consensual same-sex conduct between adults and take all necessary steps to protect LGBT community from all forms of discrimination (Ireland);

102.101. Amend the criminal code to decriminalize same-sex sexual activity between consenting adults and adopt legislation that prohibits discrimination on the basis of sexual orientation and gender identity (United States of America);

102.102. Adopt all necessary political and legislative measures to decriminalize consensual same-sex sexual relations between adults (Uruguay);

102.103. Consider instituting more programs to further facilitate access by domestic workers and migrants to basic social services and just conditions of work (Philippines);

102.104. Consider establishing a Wages Commission on Domestic Workers (Namibia);

102.105. Consider launching a holistic national plan to prevent and deal with economic recession impact and ensure job creation, public services and social welfare in favour of the people of Barbados without any discrimination (Viet Nam);

102.106. Continue investments toward the achievement of economic, social and cultural rights (Trinidad and Tobago);

102.107. Continue its efforts to promote sustainable economic and social development and further strengthen the protection of rights of women and children (China);

102.108. Continue moving forward with its fitting social policies in the area of economic, social and cultural rights so as to provide the best possible well-being for its population (Venezuela(Bolivarian Republic of));

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- 102.109. Continue its efforts to eradicate poverty (Bangladesh);
- 102.110. Continue and further intensify the programs on combating HIV/AIDS (Algeria);
- 102.111. Continue addressing, as a priority, the effects of HIV/AIDS on women and children as a priority, in particular, the mother-to-child transmission (Thailand);
- 102.112. Noting that HIV is one of the greatest maladies affecting the population in Barbados, and as this has a negative impact on the entire country, continue to strengthen capacities to combat the spread of HIV (Sri Lanka);
- 102.113. Continue its efforts to prevent the spread of HIV/AIDS in the country, in line with its National Strategic Plan for HIV Prevention and Control 2008-2013 (Malaysia);
- 102.114. In the context of the provisions of Barbados' Constitution in the area of the fight against discrimination, continue promoting legislative and public policy action to ensure the rights of persons with disabilities, especially in the areas of employment, education and the provision of State services (Chile);
- 102.115. Conduct a census of the population with disabilities so as to identify the types of disabilities involved, causes, potential levels of intervention including medical care and rehabilitation, education requirements, food and adequate housing appropriate to disabilities, technical aids and prosthesis, among others (Ecuador)
103. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

*[English only]*

### **Composition of the delegation**

The delegation of Barbados was headed by Senator R. Orlando Marville and composed of the following members:

- H.E. Dr. Marion Williams, Ambassador and Permanent Representative Permanent Mission of Barbados at Geneva;
  - Mr. Valton Bend, Ombudsman Barbados;
  - Mr. Hughland Allman Deputy Permanent Representative Permanent Mission of Barbados at Geneva;
  - Mrs. Roslind Jordan-Callender Principal Crown Counsel Office of the Attorney General, Barbados;
  - Mrs. Juliette Babb-Riley Senior Foreign Service Officer Ministry of Foreign Affairs and Foreign Trade, Barbados;
  - Ms. Aiwekhoe Iyahan First Secretary Permanent Mission of Barbados at Geneva.
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