

# UPR MONITOR

International Service for Human Rights



Human Rights Monitor Series

**UNIVERSAL PERIODIC REVIEW, 3<sup>RD</sup> SESSION  
BARBADOS (FINAL)  
REVIEWED ON 3 DECEMBER 2008, MORNING**

## Overview

The delegation from Barbados was led by His Excellency Christopher Sinckler, Minister of Social Care, Constituency Empowerment, Urban and Rural Development. Mr Sinckler was the only speaker to take the floor on behalf of Barbados. He attempted to address most of the questions and recommendations raised during the interactive dialogue, in which 30 States participated.

The overall mood in the Working Group was that Barbados generally respected the rights of its citizens, but that it needed to strengthen its implementation of international human rights norms in several key areas. As such, its progress on certain issues was broadly recognised, while some areas for improvement drew the repeated attention of delegations. Most of the recommendations put forward were specific and measurable.

Barbados was generally constructive in its approach to the review. The delegation acknowledged the challenges Barbados faced in the promotion and protection of human rights, while arguing that many of these resulted directly from a lack of capacity. The session was completed in around two hours out of the three hours allocated for the review.

## General information on Barbados

- Barbados is not a member of the Human Rights Council.
- The members of the troika for the examination were South Africa, Japan, and the United Kingdom.<sup>1</sup>
- Barbados reported that civil society had been closely involved in each step of the preparations for the review, including in the drafting of the national report.

## Information submitted to the Working Group

The **national report** of Barbados<sup>2</sup> focuses largely on legislation and policies that seek to further the implementation of human rights standards. It draws particular attention to progress made in education and

---

<sup>1</sup> There were no objections by Barbados or by the members of the troika to the selection. For a full summary of the selection of troikas, see ISHR's *Daily Update* of 8 September 2008, available at [www.ishr.ch](http://www.ishr.ch).

healthcare. The report highlights the important role of non-governmental organisations (NGOs) in society, the Police Complaints Authority (an independent Government agency handling complaints relating to police conduct), and programs for the elderly and for persons with disabilities. Refreshingly, the report dedicates a page to ‘challenges’ that were identified during consultations with civil society, including gender and religious discrimination, police misconduct, and domestic violence.

The **compilation of UN information** by the Office of the High Commissioner for Human Rights (OHCHR)<sup>3</sup> focuses on the lack of a National Human Rights Institution, discrimination against women and gender-based stereotypes, late reporting to UN treaty bodies, racial discrimination, the criminalisation of consensual sexual acts between adults of the same sex, the death penalty, the lack of a definition of torture in domestic law, violence against women, child abuse and corporal punishment, trafficking in persons, education and healthcare.

One individual NGO<sup>4</sup> and one coalition of NGOs<sup>5</sup> submitted information for the OHCHR **summary of stakeholders’ information**.<sup>6</sup> The coalition argued that the real effect of legal penalties for vaguely defined ‘indecent acts’ was to strengthen the social stigma against homosexuals. It urged Barbados to bring its criminal provisions into conformity with international standards on the right to privacy and non-discrimination. The issue of sexual orientation was, in contrast, not addressed in the national report. Separately, the Global Initiative to End All Corporal Punishment of Children (GIEACPC) expressed concern that corporal punishment was lawful in the home, in schools, and in the penal system.

## Interactive dialogue<sup>7</sup>

### Presentation by the State

The delegation from Barbados stressed that despite the resource constraints it inevitably faced, Barbados remained a ‘fervent supporter’ of the international human rights system. It underlined the significant role civil society had played in the State’s preparations for the UPR. The delegation reported that capacity problems hampered the efforts of Barbados to realise all of its international obligations, including the timely submission of UN treaty body reports. Accordingly, the delegation called on the international community (and particularly the OHCHR) to provide additional technical assistance, particularly in the areas of treaty body reporting, legal drafting, and human rights education. More broadly, Barbados urged the OHCHR to enhance its presence in the Caribbean region.

The head of delegation spent much of his initial presentation outlining some of the achievements, best practices, challenges, and programs identified in the national report, and responding to questions that had

---

<sup>2</sup> A/HRC/WG.6/3/BRB/1, available

at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/BB/A\\_HRC\\_WG6\\_3\\_BRB\\_1\\_Barbados\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/BB/A_HRC_WG6_3_BRB_1_Barbados_E.pdf).

<sup>3</sup> A/HRC/WG.6/3/BRB/2, available

at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/BB/A\\_HRC\\_WG6\\_3\\_BRB\\_2\\_Barbados\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/BB/A_HRC_WG6_3_BRB_2_Barbados_E.pdf).

<sup>4</sup> Global Initiative to End All Corporal Punishment of Children (GIEACPC).

<sup>5</sup> International Lesbian and Gay Association (ILGA); Caribbean Forum for Liberation and Acceptance of Genders and Sexualities (CARIFLAGS); International Gay and Lesbian Human Rights Commission; ARC International.

<sup>6</sup> A/HRC/WG.6/3/BRB/3, available

at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/BB/A\\_HRC\\_WG6\\_3\\_BRB\\_3\\_Barbados\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/BB/A_HRC_WG6_3_BRB_3_Barbados_E.pdf).

<sup>7</sup> Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at [www.ohchr.org/english/bodies/hrcouncil/form.htm](http://www.ohchr.org/english/bodies/hrcouncil/form.htm) to receive username and password. Audiovisual archives of the meetings of the Working Group ‘webcast’ are available at [www.un.org/webcast/unhrc/index.asp](http://www.un.org/webcast/unhrc/index.asp).

been submitted in writing prior to the review. Despite his attention to these questions, delegations proceeded to raise many of the same issues again during the interactive dialogue that followed.

### Themes and issues

Many States praised Barbados for its achievements in promoting universal **education and healthcare**,<sup>8</sup> as well as for the significant **participation of civil society** in Barbados' preparations for the UPR.<sup>9</sup> Some delegations commended Barbados for establishing a Police Complaints Authority.<sup>10</sup>

A large number of delegates urged Barbados to **ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, as well as its Optional Protocol.<sup>11</sup> While Barbados maintained that **torture** was outlawed in its constitution, several States noted that it was not defined in its domestic legislation and urged Barbados to rectify this.<sup>12</sup>

The **death penalty** proved a popular item for discussion, with several States urging Barbados to consider its de jure abolition,<sup>13</sup> or at least a de jure moratorium.<sup>14</sup> Barbados responded that, at this time, the Government had no mandate from the public to rescind the death penalty. In fact, according to Mr Sinckler, all public polling had demonstrated a trend in the opposite direction. Some States pressed Barbados to at least reconsider the mandatory application of the death penalty to some crimes.<sup>15</sup> Mr Sinckler responded that this would be taken into consideration during the ongoing national dialogue on this issue.

Various speakers encouraged Barbados to **decriminalise consensual sexual activity between members of the same sex**.<sup>16</sup> In response, Barbados stressed that this was not merely a legal, but also a socioeconomic and a cultural issue. As such, the Government was not currently in a position to abolish laws that criminalised such activity. Clearly in response to the groundswell of pressure being mounted on Barbados on this controversial issue, Syria retorted that Barbados should 'exercise its full sovereign right' in handling the issue of sexual orientation on the basis of its own 'cultural fabric'.

Barbados, supported by some States,<sup>17</sup> repeated its request for additional **technical assistance** from the international community, particularly in the areas of UN reporting, drafting of legislation, and human rights education. Some speakers urged Barbados to issue a **standing invitation to the UN special procedures**.<sup>18</sup> Barbados responded that it was not in a position to extend an open invitation given the significant resources that, in its view, would be required.

There was pressure applied on Barbados to outlaw **corporal punishment**.<sup>19</sup> In this regard, Germany argued that there was a dangerously fine line between disciplinary action and abuse. Mr Sinckler recognised the sensitivity of the issue, and acknowledged that some elements of society were uncomfortable with corporal

---

<sup>8</sup> Germany, Turkey, Algeria, India, Cuba, Jamaica, Chile, Mauritius, Bahamas.

<sup>9</sup> United Kingdom, Turkey, China, Pakistan, Argentina, Trinidad and Tobago, Botswana.

<sup>10</sup> Bahamas, Pakistan, Botswana.

<sup>11</sup> France, Algeria, Czech Republic, Argentina, Mexico, Japan.

<sup>12</sup> Argentina, Mexico.

<sup>13</sup> Sweden, Argentina, Italy, Chile, Mexico.

<sup>14</sup> Canada, Brazil.

<sup>15</sup> Chile, Canada, Australia.

<sup>16</sup> France, Czech Republic, Chile, Canada, Slovenia.

<sup>17</sup> United Kingdom, Jamaica, Malaysia, Mauritius, Botswana.

<sup>18</sup> Germany, Mexico, Latvia.

<sup>19</sup> Germany, Turkey, Chile, Slovenia. Brazil, Italy and Japan also expressed concern about violence against children.

punishment. On the broader issue of child abuse, he reported that all relevant Government agencies were mandated to identify and react to the social conditions that could lead to this phenomenon - thus the Government was working to prevent it before it could be 'recorded as a statistic'.

Other issues raised by States included the conduct of police officers,<sup>20</sup> the need to establish a national human rights institution,<sup>21</sup> conversion of international legal norms into domestic legislation,<sup>22</sup> domestic violence and violence against women,<sup>23</sup> gender-based discrimination,<sup>24</sup> the incorporation of a definition of racial discrimination into domestic legislation,<sup>25</sup> discrimination against lesbian and gay persons,<sup>26</sup> and trafficking in persons.<sup>27</sup>

Although there were only two contributions to the OHCHR compilation of stakeholders' submissions, both of the key issues raised (the treatment of homosexuals and corporal punishment) were taken up regularly in interventions by States during the dialogue.

### Adoption of the report

The Working Group adopted its draft report<sup>28</sup> on Barbados on 5 December 2008. Barbados reserved its position on the recommendations made to it until the adoption of the outcome report by the Human Rights Council at its 10th session in March 2009.

---

<sup>20</sup> Netherlands.

<sup>21</sup> Pakistan, Brazil.

<sup>22</sup> Algeria, Pakistan, Cuba, Czech Republic.

<sup>23</sup> Malaysia, Canada, Mexico, Mauritius, Chile, Australia, Turkey, Italy.

<sup>24</sup> France, Japan, Italy, Canada, Mexico.

<sup>25</sup> United Kingdom, Mexico, Japan.

<sup>26</sup> Sweden.

<sup>27</sup> France, Argentina, Japan.

<sup>28</sup> A/HRC/WG.6/3/L.5. States have two weeks to make editorial changes to the report.

## **COUNCIL MONITOR STAFF**

**Paul Dziatkowiec**, Human Rights Officer  
**Eléonore Dziurzynski**, Communications Officer  
**Chantal Mutamuriza**, Human Rights Officer  
**Michael Ineichen**, Human Rights Officer  
**Yuri Saito**, Fellow  
**Gareth Sweeney**, Deputy Manager  
**Katrine Thomasen**, Manager

### **Author of this report**

**Paul Dziatkowiec**, Human Rights Officer

## **ABOUT THE PUBLICATION**

The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Daily Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at [www.ishr.ch](http://www.ishr.ch)

## **SUBSCRIPTION**

If you wish to receive the Council Monitor Daily Updates by e-mail during the Council session, please e-mail [information@ishr.ch](mailto:information@ishr.ch) with 'subscribe' in the subject line. Your e-mail address and personal information will not be shared or sold to any third parties. We may from time to time send you a notification about other publications in the Human Rights Monitor Series that you may be interested in downloading or subscribing to.

## **COPYRIGHT, DISTRIBUTION AND USE**

Copyright © 2008 International Service for Human Rights

Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders.

ISHR accepts no responsibility for any inaccuracies arising from or connected to unapproved or unofficial translations of its publications or parts thereof.

## **DISCLAIMER**

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on, or any use of this publication. We are however happy to correct any errors you may come across so please notify [information@ishr.ch](mailto:information@ishr.ch).