



JUST ATONEMENT INC.

justice
hope peace unity golden age
progress sustainability democracy freedom
human rights harmony civilization

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Just Atonement Inc. (JAI) is a legal non-profit that trains new advocates to address threats to human rights, a livable planet, and the international rule of law.

JAI was founded in the United States of America in 2017.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of Barbados.

SUMMARY OF CONCLUSIONS

1. **We commend Barbados for pursuing ambitious climate goals despite its greenhouse gas emissions equating to less than 0.01 percent of the global total.**¹ To promote the human rights of all Barbadians in the context of climate change, Barbados should (i) prioritize goals within its National Energy Policy that seek to ensure affordable energy prices and a just energy transition; (ii) enshrine every person's right to a clean, healthy and sustainable environment into its Constitution; and (iii) consider endorsing the Fossil Fuel Non-Proliferation Treaty.
2. **Barbados should protect LGBTQ+ rights and take action to address government corruption, transparency, police use of force, and rising homicides.** Since its last UPR cycle, Barbados has maintained laws that criminalize consensual same-sex adult sexual relations. Barbados lacks key transparency and anti-corruption legislation, and it has seen a rise in homicides and incidences of police abuse of force. We recommend the government repeal discriminatory legislation and adopt new laws that (i) protect the human rights of LGBTQ+ individuals; (ii) promote transparency and prevent corruption; (iii) strengthen its police oversight mechanisms; and (iv) use a human rights-based

¹ GOVERNMENT OF BARBADOS, BARBADOS' SECOND NATIONAL COMMUNICATION UNDER THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE 24 (2018).



approach to reducing violent crime.

CLIMATE CHANGE

3. **Barbados is particularly susceptible to current and future impacts of climate change.** Much of Barbados' population lives in coastal areas, and the country's economy relies on tourism. Therefore, climate change poses significant risks to Barbadians' rights to life,² a clean, healthy and sustainable environment,³ and an adequate standard of living.⁴
4. **At its third cycle review, Barbados supported recommendations to promote economic and social sustainable development,⁵ poverty reduction,⁶ and successful social policies, especially in the areas of economic, social, and cultural rights.⁷** Yet, climate change is already having adverse impacts on the economic, social, and cultural rights of Barbadians.

Barbados' Climate Change Policies

5. **We commend Barbados for being a forerunner in climate ambition despite its low historic share of GHG emissions and constraints due to its high levels of indebtedness, lack of concessional finance, and the refusal, to date, of high-emitter nations to meaningfully contribute to loss and damage discussions faced by Small Island Developing States, including Barbados.**
6. **Barbados has adopted an ambitious National Energy Policy.** Under the Barbados National Energy Policy (BNEP), Barbados aims to achieve 100 percent renewable energy and carbon neutrality by 2030, which would make Barbados the world's first carbon neutral island state.⁸
7. **The BNEP aims to improve the local economy and ensure a just transition.** The BNEP aims to democratize energy and invest in renewable energy research and development.⁹ The BNEP is also undergirded by the value of economic enfranchisement, seeking to ensure that the average Barbadian can benefit equitably from the new energy paradigm.¹⁰
8. **Barbados' Physical Development Plan (PDP) provides a framework for government decision-making in sustainable growth and development.** Barbados' 2021 Amended PDP is the country's first to address the urgency of climate change, scarcity, and

² G.A. Res. 217A (III), at art. 3 (Dec. 10, 1948).

³ G.A. Res. A/76/L.75, at 3 (Jul. 26, 2022).

⁴ International Covenant on Economic, Social and Cultural Rights art. 11, *opened for signature* Dec. 19, 1966, 993 U.N.T.S. 3 [hereinafter ICESCR].

⁵ Recommendation 96.89 (China).

⁶ Recommendation 96.103 (Timor-Leste).

⁷ Recommendation 96.87 (Bolivarian Republic of Venezuela).

⁸ BARBADOS MINISTRY OF ENERGY & WATER RESOURCES, BARBADOS NATIONAL ENERGY POLICY: 2019–2030 14.

⁹ *Id.* at 20.

¹⁰ *Id.*



irreplaceable resources, and it moves Barbados in the direction of a greener economy.¹¹

9. **The Roofs to Reefs Programme (R2RP) is Barbados' national resilience plan, which is deploying locally-led adaption measures.**¹² Some of R2RP's aims include making low- and middle- income homes more resilient to extreme weather events, increasing freshwater storage capacity, and restoring vulnerable coral reef ecosystems.¹³ By preventing potential loss and damage, R2RP can prevent some of the worst potential human rights impacts of climate change.
10. **Barbados is taking advantage of nature-based solutions through reforestation.** The Ministry of the Environment and National Beautification launched the "We Plantin'" program in 2018, which aimed to plant one million trees in Barbados by 2020.¹⁴
11. **Barbados incorporated provisions pertaining to the environment and climate change in its recently passed Charter.** The 2021 Charter, though nonbinding, includes important symbolic climate change provisions. These include Article 4 which states that all Barbadians have a right to a healthy and balanced environment.¹⁵

Impact of Climate Change

Natural Disasters

12. **As a result of climate change, Barbados faces extreme events, including tropical storms and hurricanes, that are more intense and frequent.** Even when Barbados is not directly hit by a hurricane, it still experiences damage from passing nearby storms, including torrential rainfall and flooding.¹⁶
13. **Barbados is susceptible to flooding.** Low-pressure systems that cause torrential rainfall often cause flooding on the island, especially in the west and south coast where one-fourth of Barbados' population resides.¹⁷
14. **Climate change is reducing total annual rainfall, causing longer and more intense droughts.** With only 350 cubic meters of annual per capita renewable water resources,¹⁸ Barbados is in the top ten of the world's most water-stressed countries.¹⁹ Such water stress threatens Barbados' drinking water supplies, agriculture, and food security.

Sea Level Rise

¹¹ GOVERNMENT OF BARBADOS, BARBADOS 2021: UPDATE OF THE FIRST NATIONALLY DETERMINED CONTRIBUTION 6 [hereinafter BARBADOS 2021 NDC].

¹² *Id.* at 7.

¹³ *Id.*

¹⁴ Barbados National Conservation Commission, *We Plantin' More Than a Million Trees* (last visited Sep. 17, 2022).

¹⁵ Res. re the approval of Parliament of the Charter of Barbados 2021, art. 4.

¹⁶ Climate Change Knowledge Portal, *Barbados: Vulnerability*, WORLD BANK <https://climateknowledgeportal.worldbank.org/country/barbados/vulnerability> (last visited Sep. 17, 2022).

¹⁷ *Id.*

¹⁸ Jewel Fraser, *Climate change puts pressure on failing Caribbean water supplies*, DW, Jan. 26, 2021.

¹⁹ *Caribbean region must boost efforts to prepare for increased drought – UN report*, UN NEWS, Jun. 22, 2016.



15. **Global warming is causing faster than average sea level rise (SLR) in Barbados due to its location near the equator and associated gravitational and geophysical factors.**²⁰
16. **SLR is causing coastal erosion.** Approximately 86 percent of the island is coral limestone, which can easily erode. Given the importance of beaches to Barbados' tourism industry, their degradation can have a major impact on the island's economy.
17. **SLR poses major risks to coastal cities and towns.** Barbados is comprised of mostly flat land. Approximately 25 percent of the population lives within 3 km of the coast.²¹ Even small increases in mean sea level can significantly increase the risk of storm surges and flooding in the island's low-lying, densely built-up areas.²²
18. **SLR increases saltwater intrusion into inland aquifers.**²³

Sargassum Seaweed

19. **Climate change may be contributing to an overabundance of sargassum seaweed washing on shore.**²⁴ Decaying sargassum seaweed alters water temperatures and pH balance, causing decreases in coral reef, seagrass, and sponge populations.²⁵ It also emits high levels of hydrogen sulfide, which can negatively affect people with respiratory problems.²⁶ This has impacted Barbados' tourism and fishing industries.

Tourism

20. **The tourism industry is extremely vulnerable to climate change.** It is estimated that a 0.5 m in SLR could cause Barbados' income to decline by 62 percent.²⁷
21. **Barbados' economy is heavily dependent on tourism.** 40.6 percent of Barbados' gross domestic product is derived from tourism.²⁸ Therefore, climate change poses a disproportionate threat to the Barbadian population's right to work and to an adequate

²⁰ Donald L. Forbes et al., *Physical basis of coastal adaptation on tropical small islands*, 9 SUSTAINABILITY SCI. 327, 328 (2013).

²¹ Michelle Mycoo & Andrew John Chadwick, *Adaptation to Climate Change: The Coastal Zone of Barbados*, 165 MAR. ENG'G 159, 159 (2012).

²² Michelle Mycoo et al., *Human Adaptation to Coastal Hazards in Greater Bridgetown*, 9 FRONTIERS ENV'T SCI. 1, 2 (2021).

²³ Climate Change Knowledge Portal, *Barbados: Sea Level: Sea Level Rise*, WORLD BANK (last visited Sep. 17, 2022).

²⁴ *Climate Change Adaptation in the Eastern Caribbean Fisheries Sector: Sargassum*, FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (last visited Sep. 18, 2022).

²⁵ *Twenty-four million tonnes of sargassum seaweed smother Caribbean coasts, threatening animals and industry*, ABC NEWS, Aug. 3, 2022.

²⁶ *Id.*

²⁷ Mycoo, *supra* note 22, at 160.

²⁸ BARBADOS 2021 NDC, *supra* note 11, at 1.



standard of living.²⁹

Contribution to Climate Change

Fossil Fuel Use

22. **Barbados has long relied on imported fossil fuels for its domestic energy use.** 93 percent of Barbados' total installed energy capacity comes from fossil fuels, while only 7 percent comes from renewable sources.³⁰ However, Barbados' per capita fossil fuel consumption is lower than the global average.³¹

Tourism

23. **Barbados' tourism industry relies on high-emission transportation industries.** Barbados' tourism industry depends in large part on long-haul flights and cruise ships, which are two industries that in combination contribute 3-5 percent of the world's total carbon dioxide emissions.³²
24. **The hotel sector is a major contributor of carbon dioxide emissions.** Hotels emit more than other building categories because they consume energy more hours of the day, have constantly running laundry facilities and high volumes of waste disposal, and require the production of single-use disposable products.³³ In Barbados, the hotel sector accounted for 15 percent of the island's total energy consumption in 2015.³⁴

Unsustainable Development

25. **Development has led to net losses in tree cover.** Deforestation started in Barbados during the colonial era when the land was cleared for agriculture. Recently, between 2001 and 2021, Barbados saw a 7.9 percent decrease (415 hectares) in tree cover.³⁵ Forest loss has allowed polluted run-off to degrade coral reefs, thus entailing a loss of natural shock absorbers for protecting coastal infrastructure and buildings from SLR, storms, and hurricanes.³⁶ This may impact Barbadians' right to a clean, healthy, and sustainable environment.

DEMOCRACY AND THE RULE OF LAW

26. **We commend and celebrate the peoples of Barbados for their historic exercise of self-determination and the transition to a republic in 2021.**³⁷ In conjunction with this transition, the parliament passed a new Charter which—though legally non-

²⁹ ICESCR, *supra* note 4, arts. 6, 11.

³⁰ *The World Factbook: Barbados*, CIA.GOV (last updated Aug. 30, 2022).

³¹ *Energy use (kg of oil equivalent per capita)*, WORLD BANK (2007).

³² Daphne Ewing-Chow, *The Environmental Impact Of Caribbean Tourism Undermines Its Economic Benefit*, FORBES, Nov. 26, 2019.

³³ *Id.*

³⁴ LORENZO HAREWOOD, IMPLEMENTATION PLAN FOR BARBADOS NATIONAL ENERGY POLICY 20 (2021).

³⁵ *Barbados*, GLOBAL FOREST WATCH (last visited Sep. 18, 2022).

³⁶ Mycoo, *supra* note 22, at 160.

³⁷ Julie Carrington, *Government Moving Ahead With Republic*, BARBADOS GOVERNMENT INFORMATION SERVICE, Jul. 27, 2021.



binding—provides principles that guide how Barbadians should treat each other and the country.

Political Rights

27. **We commend Barbados for passing in 2021 the Whistleblower Protection Bill³⁸ and Prevention of Corruption Bill.³⁹** Since its last UPR cycle, Barbados has maintained a high Political Rights score by Freedom House of 38/40.⁴⁰ However, Barbados' score could be improved in areas of corruption and government transparency. There have been recent incidences of corruption, such as an incident surrounding a former minister who was sentenced to prison in the United States of America for taking bribes in 2015 and 2016.⁴¹ In addition, the government has not yet proposed a Freedom of Information bill, and its Integrity of Public Life Bill was defeated in the Senate in 2020.⁴²

Civil Liberties

28. **Since its last UPR cycle of review, Barbados' Freedom House Civil Liberties score has decreased by 1 point to 57/60.⁴³** The decrease was due to a higher homicide rate in recent years, which has reduced Barbadians' protection from the illegitimate use of physical force.⁴⁴

29. **At its third cycle review, Barbados supported a recommendation to work toward reducing abuse of force by the Barbados Police Service.⁴⁵** However, in recent years there have been complaints that the Police Service has physically abused suspects to coerce them into providing information.⁴⁶

HUMAN RIGHTS

LGBTQ+ Community

30. **Since its last UPR cycle, Barbados has maintained laws that discriminate against the LGBTQ+ community.** Chapter 154 of the 1992 Sexual Offences Act is still in place, and it punishes any person who commits “buggery” or an “act of serious indecency” with life and ten years imprisonment, respectively.⁴⁷ These laws contribute toward legitimizing discrimination, stigmatization, and violence against LGBTQ+ individuals in Barbados.⁴⁸ In addition, Barbados does not allow same-sex marriage or changes of sex or gender

³⁸ *Resources needed to enforce whistleblower legislation*, BARBADOS TODAY, Dec. 21, 2021.

³⁹ *Senator points to anti-corruption bill's 'wide reach'*, BARBADOS TODAY, Oct. 28, 2021.

⁴⁰ *Freedom in the World: Barbados*, FREEDOM HOUSE (last visited Sep. 18, 2022).

⁴¹ Press Release, United States Department of Justice, Former Minister of Industry and Member of Parliament of Barbados Sentenced for Laundering Bribes (Apr. 27, 2021).

⁴² Kimberley Browne, *Integrity Bill high on agenda*, NATION NEWS, Feb. 5, 2022.

⁴³ *Freedom in the World*, *supra* note 40.

⁴⁴ *Id.*

⁴⁵ Recommendation 96.67 (Jamaica).

⁴⁶ *Freedom in the World*, *supra* note 40.

⁴⁷ *Human Rights Watch Country Profiles: Sexual Orientation and Gender Identity*, HUMAN RIGHTS WATCH (updated May 26, 2022).

⁴⁸ HUMAN RIGHTS WATCH, “I HAVE TO LEAVE TO BE ME”: DISCRIMINATORY LAWS AGAINST LGBT PEOPLE IN THE EASTERN CARIBBEAN (Mar. 21, 2018)



marker on state identification.

31. **At its third cycle review, Barbados declined to support numerous recommendations on LGBTQ+ rights and discrimination.** We recommend that Barbados support any similar recommendations it receives in its fourth cycle review, and to revise its public policies accordingly.
32. **Given the LGBTQ+ community in Barbados is especially vulnerable to the adverse impacts of climate change, it is urgent that the government take steps to prevent discrimination and ensure the equal fulfillment of human rights.** Social and economic marginalization causes people to be disproportionately exposed to and affected by climate threats.⁴⁹ We urge the government to take swift action so that its public policies no longer stigmatize LGBTQ+ people.

RECOMMENDATIONS

33. **Prioritize certain goals within BNEP.** In particular, Barbados should emphasize Visionary Goal 3 (an energy sector that offers basic energy products and services that are affordable to local citizens) and Visionary Goal 10 (an energy sector that provides opportunities for all Barbadians to benefit from the transformation to 100 percent renewable energy).
34. **Incorporate the right to a clean, healthy, and sustainable environment into its new Constitution.** Barbados is in the process of drafting a new federal Constitution.⁵⁰ The government should consider including the right to a healthy environment as a binding provision in its Constitution.
35. **Endorse the Fossil Fuel Non-Proliferation Treaty.** Given Barbados' negligible contribution to climate change—and in light of Barbados' right to economic development and the principle of common but differentiated responsibilities—we do not suggest Barbados has a current obligation to totally phase out its own production and use of fossil fuels. However, Barbados could consider endorsing the Fossil Fuel Non-Proliferation Treaty, which would include fair phase-out provisions that emphasize the role of wealthy countries to lead these phaseouts.
36. **Prevent discrimination against the LGBTQ+ community and ensure the equal protection of human rights.** The government should repeal the buggery and gross indecency provisions in the Sexual Offences Act. In addition, it should prioritize legalizing same-sex marriage, prohibiting discrimination on the basis of gender and sexual orientation in its new Constitution, and passing legislation to allow for individuals to change their name and gender marker on state identification to match their gender identity.
37. **Adopt legislation to promote transparency and prevent corruption.** The government should propose a Freedom of Information bill and make renewed efforts to pass the

⁴⁹ Kimberley Thomas et al., *Explaining differential vulnerability to climate change: A social science review*, 10:e565 WILEY INTERDISC. REV. CLIMATE CHANGE 1, 13 (2018).

⁵⁰ *The Constitutional Reform Commission of Barbados*, CONSTITUTION.NET, Aug. 12, 2022.



Integrity of Public Life Bill.

38. Strengthen police oversight and adopt a human rights-based approach to reducing violent crime.

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