

## Universal Periodic Review (43<sup>rd</sup> session)

### Contribution of UNESCO

#### Barbados

#### I. Background and framework

<i>Title</i>	<i>Date of ratification, accession, acceptance, or succession</i>	<i>Declarations /Reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	Ratified in 1975			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance on 9 April 2002			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Acceptance on 02 October 2008			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Accession on 02 October 2008			Right to take part in cultural life

#### II. Promotion and protection of human rights on the ground

##### A. Education

1. The Constitution of Barbados of 1966, as amended through to 2007,<sup>1</sup> contains general provisions on fundamental rights as well as the principle of non-discrimination, but it does not explicitly guarantee the right to education without discrimination despite Recommendation 96.93, which suggests explicitly including

<sup>1</sup><http://www.unesco.org/education/edurights/media/docs/389ecb7eb43ee22a5fa759082b28ec591b8f59c5.pdf>

the right to education for all without discrimination in the normative framework. Article 11 stipulates that every person in Barbados is entitled to the fundamental rights and freedoms of the individual, with Article 23 stating that no law shall make a provision which is discriminatory, and no person shall be treated in a discriminatory manner.

2. In Barbados, education is compulsory for 11 years. According to the Education Act, last amended in 2015<sup>2</sup>, Article 2(1) specifies that compulsory school age is from ages 5 to 16 years. Article 52, concerning the free nature of education, stipulates that fees and other charges may be payable even though education is free in public educational institutions. Despite Recommendation 96.94 and provisions on free and compulsory education, the Education Act does not expressly enshrine the right to education generally.

## **B. Freedom of opinion and expression**

### Constitutional and Legislative Framework:

3. The Constitution of Barbados guarantees protection of freedom of expression in Article 20, which states that “Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression”.<sup>3</sup>
4. Freedom of expression can be limited on reasonable grounds such as: “in the interest of defense, public safety, public order, public morality or public health” and “for the purpose of protecting reputations, rights and freedom of the other persons or private life of persons”.
5. Even though the drafting process began in 2008, there still isn’t an access to information legal framework in the country.
6. Under Article 3 of the Defamation Act<sup>4</sup>, defamation remains a criminal offense and the plaintiff shall bring an action for defamation rather than an action for libel or for slander. Under Article 34 of the Defamation Act, criminal libel is punishable with imprisonment for up to 12 months and/or a fine up to \$US 2000<sup>5</sup>.

---

<sup>2</sup> [Cap. 41 Education \(unesco.org\)](https://www.unesco.org/cap/41-education)

<sup>3</sup> [https://www.oas.org/dil/the\\_constitution\\_of\\_barbados.pdf](https://www.oas.org/dil/the_constitution_of_barbados.pdf)

<sup>4</sup> <https://bajan.files.wordpress.com/2007/04/cap199.pdf>

<sup>5</sup> <https://bajan.files.wordpress.com/2007/04/cap199.pdf>

7. The Broadcasting Act 2002<sup>6</sup> regulates the broadcasting sector and established the Barbados Broadcasting Authority and its Board of Directors.

#### Implementation of the law:

8. The Broadcasting Authority is an advisory body to the Minister responsible for Information in the fields of licensing, monitoring broadcasting standards and practices as well as advertising. Under Chapter 274B “Broadcasting”, Article 5(4) of the Broadcasting Act 2002, the Minister of Information is responsible for issuing broadcast licenses upon the recommendations of the Board.

#### Safety of journalists:

9. As of 8 August 2022, UNESCO recorded the death of one journalist, Christoff Griffith in 2020, in Barbados since systematic reporting by the organization began in 2006. The Government has not provided information into the status of the judicial inquiry<sup>7</sup>.

### **III. Review and specific recommendations**

#### **A. Education**

##### Girls and women’s right to education

10. While the minimum age of marriage is 18, girls and boys may be married at 16 with parental consent<sup>8</sup> – possibly compromising the continuity of upper secondary and tertiary education.
11. Recommendation 96.96 from the last UPR cycle concerns ensuring pregnant girls’ right to remain in formal education. However, there is no evidence in legislation of provisions to ensure girls can remain in school while pregnant nor return after

<sup>6</sup> <https://www.wipo.int/edocs/lexdocs/laws/en/bb/bb049en.pdf>

<sup>7</sup> <https://en.unesco.org/themes/safety-journalists/observatory/country/223660>

<sup>8</sup> <https://en.unesco.org/education/girls-women-rights/25>

pregnancy. As a result of such concerns, a new gender policy is in the process of being developed, though no information on its finalization and publication is available.<sup>9</sup>

### Persons with disabilities

12. To ensure that inclusion of persons with disabilities in education is continued, and in line with Recommendation 96.92 and 96.133, the Minister of Education announced in July 2019 that a new special education policy would be approved<sup>10</sup>. Such policy would be in accordance with Article 53 of the Education Act, which stipulates that “(1) The Minister may, for the purposes of ascertaining which children of compulsory school age require special educational treatment, carry out such investigations as he considers necessary, and after the investigations the Minister may provide for the education of any child requiring special educational treatment. (2) The Minister may, where practicable, provide special schools appropriate for the education of children requiring special educational treatment; but where it is not practicable to do so the Minister may provide facilities for special education at any school.”<sup>11</sup> However, no such policy announced in 2019 could be located by UNESCO.

### Corporal Punishment

13. Recommendations 96.121, 96.122, 96.123, and 96.125 all concern the elimination and prohibition of corporal punishment, particularly in educational institutions. Nevertheless, legislation expressly grants the right to parents and educational personnel to utilize corporal punishment in general, and explicitly in educational settings in Article 4 of the Prevention of Cruelty to Children Act<sup>12</sup>, as amended in 1996, and Article 18 of the Education Regulations, 1982<sup>13</sup>.

---

<sup>9</sup> <https://education-profiles.org/latin-america-and-the-caribbean/barbados/~inclusion>

<sup>10</sup> <https://education-profiles.org/latin-america-and-the-caribbean/barbados/~inclusion>

<sup>11</sup> <http://www.unesco.org/education/edurights/media/docs/2b3919b0fe9be502ac8b09879e547991e8197828.pdf>

<sup>12</sup> <http://badaj.org/wp-content/uploads/2014/07/Prevention%20of%20Cruelty%20to%20Children%20Act.pdf>

<sup>13</sup> [http://104.238.85.55/en/showdoc/cr/1982\\_43](http://104.238.85.55/en/showdoc/cr/1982_43)

## Distance Learning and digital education

14. Given the difficulties posed by the COVID-19 pandemic, the Ministry of Education, Technological and Vocational Training (METVT) developed a Roadmap for the Safe Reopening of Schools in Barbados<sup>14</sup> – a comprehensive framework for the maintenance of quality education when face-to-face return to school was not possible.
15. In September 2021, the decision was made to facilitate online instruction due to increasing spread of the virus among the population. Nevertheless, the roadmap acknowledges certain challenges with exclusively online learning, including:
- Reduced collaborative learning
  - Inequality of access to devices, Wi-Fi and electricity
  - Impairment of the attainment of relevant developmental milestones
  - Absence of the social interaction necessary for child development
  - Limited opportunities for students to develop skills in particular subject areas
  - Deterioration of physical and emotional well-being of teachers and students.
16. UNESCO's Initiative on the Evolving Right to Education also highlights some of these concerns and the need to ensure inclusive education under all circumstances given the digital transformation and the COVID-19 pandemic.<sup>15</sup> In light of the challenges of distance learning, the Roadmap proposed a phased return to school according to certain safety measures, with those who required physical interaction given priority.

### Specific recommendations:

17. Barbados should be encouraged to:

---

<sup>14</sup> <https://mrd.gov.bb/attachments/Barbados%20Roadmap%20for%20Reopening%20of%20Schools.pdf>

<sup>15</sup> <https://www.unesco.org/en/education/right-education/evolving>

- i. Expressly enshrine the right to education without discrimination in the Constitution of Barbados and the Education Act
- ii. Make accessible the new gender policy in case it is adopted, and place special emphasis on the implementation of provisions to expressly permit pregnant girls' continuation of education and right to return after pregnancy, as well as the special education policy to ensure disabled persons' inclusion in education
- iii. Amend the Prevention of Cruelty to Children act and the Education Regulations, 1982 to explicitly prohibit under all circumstances corporal punishment in educational settings
- iv. Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
- v. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education<sup>16</sup> and Her Atlas: Monitoring the right to education for girls and women<sup>17</sup>

## **B. Freedom of opinion and expression**

18. Barbados is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.
19. Barbados is recommended to continue to pursue drafting an access to information law that is in accordance with international standards and present it for adoption at the parliament.
20. Barbados is recommended to provide information into the status of the judicial inquiry on the unresolved journalist killing, as requested by the UNESCO Director General.
21. Barbados is recommended to strengthen the independence of broadcast licensing in line with international standards.

---

<sup>16</sup> <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

<sup>17</sup> <https://en.unesco.org/education/girls-women-rights>

### **C. Cultural Rights**

22. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Barbados is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Barbados is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

### **D. Freedom of scientific research and the right to benefit from scientific progress and its applications**

23. Barbados did not submit its National Report on the implementation of the *Recommendation on Science and Scientific Researchers* (2017) for the consultation period from 2017 to 2020. Therefore, Barbados is encouraged to report to UNESCO on its implementation actions, especially noting legislative, regulatory or other measures adopted by it and funding allocated, with the aim to ensure application of these norms and standards in national law, policy and practice.
24. Particular attention should be paid to measures towards the realization of the human rights of scientific researchers (freedom of association, freedom of research, expression and publication, working conditions, etc.) and also of human rights related to the practice of science. The latter include access to and uses of scientific knowledge and data, the sharing of benefits of scientific progress and its applications, the principle of equality and non-discrimination, with emphasis on removal of gender barriers in access to science education and scientific careers, the protection of human subjects of research, as well as the dialogue between scientific community and

society.

25. Furthermore, Barbados is encouraged to share data on national policy and practice and expand input on issues covered by the 2017 Recommendation in its national report to the UPR, particularly in relation to the right to share in scientific advancement and its benefits (article 27, Universal Declaration of Human Rights). This will allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Barbados is urged to consider addressing issues of equality and non-discrimination in access to education, as well as to scientific benefits and their applications, and to include reference to the relevant dimensions of the right to share in scientific advancement and its benefits in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto. Finally, Barbados is invited to expand the scope of application of freedom of expression to include scientists and scientific researchers.