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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Barbados**

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## **I. Overview**

1. The development of human rights protection mechanisms by the Government of Barbados has been inextricably linked to the Government's efforts to promote respect for human rights. The Government of Barbados recognises that all persons should be protected against all forms of exploitation and that the constitutional provisions covering such must be strengthened with legislative and administrative measures which prevent the breach of human rights and fundamental freedoms and provide recourse for persons whose rights have been infringed. While Barbados has had to deal with the challenges created by the downturn in the global economy and intense pressure to reduce its expenditure, the Government remains committed to the protection and promotion of human rights, especially as it relates to safeguarding the economic and social rights of the most vulnerable and marginalised within the society.

## **II. Methodology and consultative process**

2. The report was compiled by the Ministry of Foreign Affairs and Foreign Trade in consultation with the Ministries of Home Affairs; Social Care, Constituency Empowerment and Community Development; Education and Human Resource Development; Labour and Social Security; Family, Culture, Sports and Youth; the Civil Service; the Office of the Attorney General; the Office of the Ombudsman; the Bureau of Gender Affairs; the Child Care Board; the National Disabilities Unit and the Commission for Pan African Affairs. Consultations were also held with a number of stakeholders and civil society organisations.

## **III. Developments since previous Universal Periodic Review**

### **A. Broadening the Government's commitment to human rights development**

#### **National Policy on the rights of elder persons**

3. The Government of Barbados continues to promote the inclusion of its aged populations in all areas of national activity and views this as being directly linked to sustainable levels of national development, particularly as it is considered that projections suggest that Barbados is increasingly showing the characteristics of becoming an ageing population.

4. Barbados embraces the benefits that potentially accrue to the society as a result of this and take the position that older adults are a valuable resource and therefore must be accorded the full protection and consideration that their contribution to our society deserves. It is further considered that older persons are the repositories of tradition, culture, knowledge and skill and younger generations benefit from their experience. The view is also held that their growing numbers brought about by their increased longevity serves to create new opportunities for both individual and societal development. The elderly are also seen as an important pillar of society and a much needed stabilising influence in family life. The Government of Barbados recognises that these attributes are essential in fostering intergenerational linkages.

5. Against this background, the Government has drafted a National Policy on Ageing, which was finalised in January 2010. The National Policy is based on four core principles *viz* Equal Opportunity, Equal Access, Inclusion and Active Ageing, which emanated from a number of international protocols, especially the Madrid Political Declaration and

International Plan of Action Adopted at the Second World Assembly on Ageing by the United Nations in 2002. The National Policy has identified the following priority areas of focus, namely Financial and Economic Security for Older Persons; Health and Health Care; Mental Health and Health Care; the Physical and Built Environment; the Social Environment; Legislation; Research and Institutional Arrangements.

6. The National Policy on Ageing also outlines short term, medium term and long term recommendations and the agencies that will be slated to address these priority areas. It is expected that the National Policy paper on Ageing will be submitted shortly for the consideration of the Cabinet of Barbados.

#### *Programmatic Activity - World Elder Abuse Awareness Day*

7. The National Assistance Board in collaboration with other organisations in Barbados has joined the international community in observing June 15<sup>th</sup> as World Elder Abuse Awareness Day. On June 15, 2010 a committee was established at the National Assistance Board with various community stakeholders to establish a National Protocol for the Prevention, Reporting, Investigation and Management of Elder Abuse. The Protocol is intended to sensitise the public to the issue of elder abuse and conditions which are conducive to this phenomenon and a clearly identified point in the age care system to which suspected cases of elder abuse can be referred by agencies, professionals, older persons and the community at large. The Elder Abuse Protocol has been drafted and is under consideration by the Ministry of Social Care, Constituency Empowerment and Community Development.

#### **National Youth Policy**

8. Progress continues to be made with respect to having the concerns of Barbadian youth championed at the national policy level. This progress continues to be inextricably linked to the elaboration and the implementation of the National Youth Policy. This major policy initiative for youth provides a publicly approved framework for action on youth development and stands as recognition of a legislative commitment to the nation's young people.

9. The National Youth Policy seeks *inter alia*, to create conditions for youth empowerment in view of the far-reaching economic and social changes that took place during the first decade of the 21st century. The Policy, which was completed in 2011, was laid in Parliament in October 2012. The Policy identifies a number of key strategy areas for intervention including employment, education, family, core values, gangs, housing, lifestyle diseases, political participation and the environment.

10. Barbados continues to bolster efforts toward the full inclusion, civic engagement and participation of its young persons and to this end the Government has continued to promote the youth empowerment agenda. The Government of Barbados, through the Division of Youth, has sought to ensure that all young people are fully equipped to participate at every level of the decision-making and governance process both locally and regionally. This is being done through the judicious use of both local and regional partnerships.

#### **Poverty alleviation**

11. Barbados continues to enjoy a very high Human Development Index and an average poverty line which is four times in excess of the UN standard of US\$1.25 per day minimum standard. This notwithstanding, the Ministry of Social Care, Constituency Empowerment and Community Development continues to be in the vanguard of poverty eradication efforts in Barbados. The Ministry is committed to bringing an increasingly research based, evidence driven approach to the practice of social development and poverty reduction.

Nowhere is this more evident than in the production of the Country Assessment of Living Conditions Report, the final copies of which were completed in October 2012. This Report presents an eclectic mix of quantitative and qualitative research to assess the current conditions affecting the welfare of people living in Barbados. It is also intended to provide signposts in the identification of policies, strategies, action programmes and projects to reduce the extent and severity of poverty in Barbados.

12. Preliminary information emerging from the report suggests that Barbados' present social and economic circumstances have been adversely affected by the prevailing global economic conditions. The report has also revealed that there are still several groups within the society who are structurally, psychologically and economically pre-disposed to the vagaries of poverty and vulnerability. In addition, the study has drawn attention to the presence of a residual level of discrimination, marginalisation, and social and familial exclusion in Barbados. The presence of these socially deleterious circumstances definitely serves to act against the maximisation of the human development of a small but important core of persons living on the island.

13. Cognisant of the coherent and well articulated framework to shape the evolution of social policy, the Government of Barbados will institute a Social Policy Framework (SPF) by the first quarter of 2013. This initiative is operating from the basic position that the articulation of coherent national and regional social policy frameworks is the best and most central means by which social development in Barbados can be entrenched and made sustainable. It has also been argued that one of the most obvious challenges to the promotion of sustainable human development is the absence of a coherent and well-articulated framework to shape the evolution of social policy and without such a framework policy interventions will continue to be largely ad hoc and reactive to the unfolding domestic and external situations.

14. The recently commenced Identification, Stabilisation, Enablement and Empowerment (ISEE) Bridge programme is also a tangible manifestation of the commitment of Barbados to improving its current modalities of social protection. The objective of the programme is to coalesce the major poverty reduction streams into one coherent and targeted programme. The ISEE Bridge is based on the belief that social protection is a critical means by which all stakeholders in the society can pool together collective financial, technical and intellectual resources as well as reserves of human and social capital to articulate and execute a wide range of political, social and economic actions to tackle poverty.

15. In this regard, the ISEE Bridge mainstreams the idea of enabling persons with a multi-dimensional suite of skills and resources by which they can effectively deal with risk and vulnerability as the best means by which chronic and intergenerational poverty can be ended. The project is modeled on a similar initiative in Chile, which was developed by Chile's Solidarity and Social Investment Fund (FOSIS) which targets selected households living in extreme poverty. Over a period of time, through the combined efforts of the households and the social agencies involved, work was undertaken to improve the social and economic circumstances of families/households so that they have become part of mainstream society.

16. The ISEE Bridge marks a paradigm shift in the way in which we address the issues of poverty, vulnerability and disadvantage. The programme seeks to penetrate beneath the presenting problem of poverty; to unearth the fundamental causative factors in each of the 30 families for the duration of the pilot and to develop solutions in which the individuals in the families play key roles in identifying and addressing these issues. The pilot was started in August 2012 and is expected to run for two years. The Ministry of Social Care is working therefore in tandem with a cross-section of government agencies who have been

involved in the ISEE process to bring about a holistic change to the existence of these families.

17. What is also worthy of mention with respect to these specific initiatives is that while they are undertaken at the national level, both initiatives conform to the best tenets of South-South cooperation and are being pursued in partnership with regional multilateral agencies such as the Caribbean Development Bank and the Organisation of American States, respectively.

### **Decent work**

18. The Labour Department which falls under the aegis of the Ministry of Labour and Social Security is charged with the enforcement of labour legislation which is intended to promote and protect the rights of persons involved in the employment relationship. This includes compliance with labour and occupational safety and health standards in the workplace and the protection of the employment rights in keeping with national law and ILO Conventions to which Barbados is signatory.

19. Barbados' Social Partnership mechanism also promotes and protects the human rights of citizens through the tripartite social dialogue. This commitment is reaffirmed through the six protocols. The Social Partners accept that the basis of any protection of workers' security of tenure must (i) take account of the Universal Declaration of Human Rights which specifically provides in Article 23 that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment" and (ii) be consistent with principles enunciated by the International Labour Organisation.

20. Barbados' decent work programme is grounded therefore in the four pillars of the ILO Decent Work Agenda. This includes, (i) respect for rights; (ii) employment creation; (iii) social protection and (iv) social dialogue. In addition, the Government has identified a number of priorities which will support efforts to enhance the goals of the National Strategic Plan such as:

- (a) the revision of legislation and policies that concern employment and enterprise development;
- (b) the development of human resources necessary to function in a knowledge based service economy; and
- (c) strengthening civil society and maintaining social dialogue at the tripartite level.

### **Gender equality**

21. Gender mainstreaming has become an integral part of the mandate of the Bureau of Gender Affairs, as a means of promoting the empowerment of women and achieving gender equality by seeking to remove all barriers and structures of inequality as well as monitoring and evaluating government policies and programmes. The Bureau of Gender Affairs has been developing a cadre of public officers who are equipped with the tools to mainstream the policies and programmes of their respective Departments. In addition to this, the Bureau recognises that the prevailing gender stereotypes continue to create challenges and promote obstacles to bridging the gap between the inequalities of men and women. In an effort to combat this, the agency through its training programmes continues to try to eradicate these gender stereotypes and continues to host its three day gender awareness and gender analysis workshop for Public Officers in an effort to mainstream government policies and programmes.

22. The Government of Barbados recognises the economic and social value of domestic work and the call for action to address the existing exclusions of domestic workers from labour and social protection. Given that most domestic workers are women, the implementation of new standards, policies and revision of legislation is an important step in advancing gender equality in the world of work and ensuring that women have equal rights and protection under the law.

23. To this end, the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), in collaboration with the Ministry of Labour and Social Security, is undertaking a nine-month project entitled “Advancing Decent Work for Domestic Employees”. The purpose of the project is to assist the Government of Barbados with the ratification of the International Labour Organisation (ILO) Convention No. 189 concerning Decent Work for Domestic Workers which was adopted by the ILO in June 2011.

24. The objectives of the UN Women-sponsored project are to:

(a) Bring the national policy and practice into coherence with international decent work standards, and in particular, the ILO Convention No. 189 on Decent Work for Domestic Workers;

(b) Build the capacity of state actors to monitor and address the working conditions of domestic workers;

(c) Support the development of leadership, voice and influence by domestic workers; and

(d) Advance a wider societal understanding and commitment to decent work standards for domestic workers.

25. The outputs of the project will be:

(a) A Baseline Study on domestic work in Barbados;

(b) A Needs Assessment of domestic workers and trades unions for the purpose of advancing advocacy on decent work standards and rights;

(c) A seminar on ILO Convention on Domestic Work;

capacity building of labour inspectorates, trade unions, employers’ organisations and domestic workers to effectively administer the convention;

(d) Drafting instructions to reform existing legislation on domestic work, Domestic Employees Act 1961 Cap. 344; and

(e) Public advocacy/outreach programmes.

26. The Ministry of Labour and Social Security has engaged the services of a consultant to undertake the Baseline Study and the Needs Assessment.

27. Greater efforts have also been made to sensitise the public of the impact of stigma and discrimination in increasing person’s risk to contracting and spreading HIV. Through its education programme, the Bureau of Gender Affairs has sought to sensitise members of the church, antenatal clients of the Ministry of Health and members of the Defence Force to the gender issues surrounding HIV. Workshops were held with sixty (60) health care workers to develop an understanding of gender as well as identify the impact of stigma and discrimination in fuelling the epidemic. The objectives of the workshops were to:

(a) develop an understanding of gender as an analytical concept and its relation to HIV vulnerability, risk, treatment and prevention;

(b) contribute to the development of a human rights based response to HIV; and

(c) build a cadre of trainers with the capacity to deliver training in gender and HIV at regional, national and organisational levels.

#### *Capacity building*

28. The Bureau of Gender Affairs has implemented programmes to strengthen the NGO Community by providing technical assistance where possible, providing funding and offering technical support to the NGO community. The Bureau of Gender Affairs in collaboration with the Advisor on Poverty has sought to strengthen and re-energise the Women Entrepreneurs of Barbados. As a result this group has received funding from the European Union and was able to find temporary location from which its members were able to ply their trade.

#### *Data collection*

29. The Bureau of Gender Affairs has been encouraging the national statistical office and other Government departments to disaggregate their data by sex so that the government would be able to track indicators for gender equality as well as monitor the empowerment of women through its multisectoral efforts and partnership.

### **Trafficking in Persons**

30. Barbados has signed but not ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children. However, notwithstanding this, it has taken a number of steps to implement the provisions of the Protocol. In February 2011, Barbados passed the Transnational Organised Crime (Prevention and Control) Act which *inter alia* criminalises and penalises the offence of trafficking in persons. In addition, in February 2012, the Cabinet of Barbados agreed to establish a National Task Force for the Prevention of Trafficking in Persons. The Task Force, which is chaired by the Attorney General, comprises representatives from the Bureau of Gender Affairs (which is the agency with oversight for trafficking in persons), the Immigration Department, the Royal Barbados Police Force, the Ministry of Labour and Social Security, the Ministry of Family, Culture, Sports and Youth, the Office of the Director of Public Prosecutions, the Ministry of Defence and Security, the Ministry of Social Care, Constituency Empowerment and Community Development, the Ministry of Foreign Affairs and Foreign Trade, the Barbados Business and Professional Women's Club and the Barbados Red Cross Society. The task force is charged *inter alia* with:

- (a) Developing a National Plan for the Prevention of Trafficking in Persons which will outline Barbados' overall response to combat trafficking in persons, including the procedures to be followed in suspected trafficking cases;
- (b) Coordinating the implementation of the Plan;
- (c) Coordinating information-sharing among Government agencies;
- (d) Establishing policies to enable the Government to work with non-governmental organisations and other elements of civil society;
- (e) Identifying and engaging in efforts to facilitate cooperation with foreign countries and international organisations;
- (f) Coordinating and providing training for law enforcement, immigration and relevant officials in addressing trafficking in persons;
- (g) Preparing public awareness programme designed to educate potential victims of trafficking and their families on the risk of victimisation; and

(h) Discouraging the demand that fosters the exploitation of persons, especially women and children.

31. Over the last year, a number of public education programmes were launched to raise public awareness about the global problem of human trafficking. Moreover, in a four month period, six (6) public meetings were conducted to sensitise the public on the issue. Consultations were also held with groups and individuals that have expressed an interest in working with the Bureau of Gender Affairs to address and combat the problem of human trafficking.

32. The Commissioner of Police has also set up a unit within the Police Force to investigate all cases of suspected trafficking. In addition, law enforcement officers drawn from Immigration, the Police and Coast guard officials, as well as the members of the Task Force have been trained in the identification, and treatment of victims of human trafficking as well as prosecution of perpetrators.

33. The Government expects that the aforementioned administrative and legislative measures will assist in ensuring that Barbados is not used as a source, transit or destination point for human trafficking and that any cases identified can be successfully prosecuted. The Government commits to working with regional and international partners to combat the global problem of trafficking in persons and provide a greater level of assistance to victims so identified.

#### **Rights of persons with disabilities**

34. The Government of Barbados believes that persons with disabilities should achieve maximum independence, including equal access to employment. Barbados continues therefore to implement the principles of the Convention on the Rights of Persons with Disabilities even though it has not yet ratified the Convention. Many of these policies are reflected in the White Paper on Disability and guide the work of the National Disabilities Unit. In addition, the Convention has been reviewed by the Office of the Attorney General and a Paper is currently being prepared for submission to the Cabinet on the Ratification of the Convention on the Rights of Persons with Disabilities.

35. The Unit continues to develop programmes and take action to promote the rights of Persons with Disabilities. In 2010, the Unit developed the project – Technology Services for Blind or Visually Impaired Persons, which has four (4) components – (i) computer classes; (ii) transcription to Braille; (iii) an Assistive Devices Resources Centre and (iv) Adjustment to Blindness which consists of one-on-one rehabilitation.

36. In 2011, the Disabilities Unit, in collaboration with the Department of Emergency Management, conducted training to educate emergency volunteers (District Emergency Organizations) on interacting with Persons with Disabilities in emergency situations. A Manual entitled “How to Relate to Persons with Disabilities (at Emergency Shelters)” was developed at the end of the training to guide emergency volunteers and the general public.

37. The Unit also supports activities promoting social well-being and cultural development. In 2012, it assisted in sending a group of children from The Ann Hill School to participate in the Sports Day for persons with disabilities held in Trinidad. This provided not only sporting but cultural exposure for these students, for many of whom this was their first experience travelling overseas.

38. In addition to the Unit’s efforts in providing skills to Persons with Disabilities, the Unit also supports economic activities provided by NGOs. It provided a financial grant to assist First BASE (Barbados Association for Supported Employment), a NGO project whose objective is “to provide sheltered employment for the more dependent school leavers



of the Learning Centre” (a school for children with learning disabilities) by establishing micro business opportunities.

### **Racial Discrimination**

39. In 1998, the Cabinet of Barbados established the Commission for Pan-African Affairs (CPAA). The purpose of the CPAA is to address and help correct the deficiency in national institutions and cultural life in terms of the relative dearth of relationships, exchanges and inter-actions with the nations’ population groups and institutions of the continent of Africa and the wider African Diaspora. The CPAA is essentially a special measure to counter the legacy of enslavement that continues to impact negatively on human rights, including racial discrimination, of the Black segment of the society. It is also expected that the CPAA would add a new dimension and new value to the existing complex of international relationships and inter-actions and would also assist in developing the African derived segment of the Barbadian cultural village. The CPAA in recent years has adopted a four pillared approach to fulfilling its mandate comprising institutional strengthening, mental decolonisation, empowerment and innovation.

40. In accordance with the Convention on the Elimination of Racial Discrimination (CERD) recommendation to monitor “*all trends which can give rise to such segregation, to work for the eradication of any negative consequences that ensue...*” the CPAA is in the process of designing a racial surveillance system which will systematically and consistently evaluate, monitor and report on racial discrimination and race relations in Barbados. Key to this is the incorporation of a legal definition of racial discrimination into domestic legislation in accordance with the CERD’s definition. It is anticipated, however, that the Government of Barbados will require UN expertise to assist with the development of indicators for this methodology.

41. Mental decolonisation demands that a nation conducts its own research and develop the resources to produce its own knowledge. The CPAA has, over the last two years, documented original important audio/visual and printed work to support its programme of mental decolonisation at its small but highly specialised and growing Pan-African Education and Media Resource Centre. Perhaps the most coveted of these are its interviews with school Principals; its lecture series on the emancipatory force of cricket; and its full length interviews on fifteen (15) internationally renowned Barbadian Pan-Africanists who were awarded by the CPAA. In addition, the CPAA was able to produce briefs on racism and New Partnership for Africa’s Development (NEPAD) to inform Barbados’ contribution to the General Assembly sessions of the United Nations. The work of the CPAA is therefore important to national development in the broadest sense.

42. In keeping with this objective, in May 2011, the CPAA launched its Mabalazi Programme in an effort to streamline its various education programmes. This project seeks to designate at least one teacher in every school to be an ambassador who will encourage Africentric and Barbadian content and approaches. Under this programme teachers learn the many subtle ways that black children are made to feel inferior and are taught to positively reinforce their own identity and that of their students while speaking to them positively and treating them lovingly to build self-esteem, individual confidence and, eventually, collective national confidence. In discussion with the CPAA, several Principals identified self-esteem as a serious challenge and have therefore enthusiastically embraced this project.

### **HIV/AIDS and human rights**

43. The National Strategic Plan for HIV Prevention and Control 2008-2013 identifies HIV as a major threat to the continued development of Barbados as it endangers the country’s human capital, putting productive capacity and resultant economic growth in

peril. Indeed, HIV is one of the greatest burdens of infectious diseases in Barbados for the 15-49 years age group. The potential for escalation in the burden on welfare services and increasing treatment costs is significant. Such a negative impact on the productive population combined with increases in the aged population could generate a cost to the country that is monetarily and socially unsustainable.

44. In response to this threat, Goal 3 of the country's National Strategic Plan speaks to:

- (a) Continued reduction in the spread of HIV and minimisation of its negative impact.
- (b) Improved information systems, research, monitoring and evaluation (M&E) to support decision making with respect to HIV and AIDS.
- (c) Creation of a national multi-sector HIV and AIDS Programme.

45. This strategic approach is in consonance with the Government's commitment to the Millennium Development Goals, particularly Goal 6 – combating major diseases. These efforts are supported by the Barbados National AIDS Strategic Plan 2008-2013, which forms the framework for creating a national sustained and committed HIV/AIDS mitigation response.

46. In an effort to reduce the impact of stigma and discrimination, a number of activities have been developed to empower People Living with HIV and AIDS (PLHIV), inform society and effect attitudinal and behaviour change in this regard. These include:

- (a) orientation workshops to encourage and support the development of workplace policies on HIV;
- (b) the introduction of the Policy and Code of Practice on HIV and AIDS and other life threatening illness for the Public Sector;
- (c) the national efforts to effect change in social norms related to stigma and discrimination. These include public debates, meetings and seminars on HIV as part of a major Anti-Stigma and Discrimination campaign under the theme "Ultimate Love" that speaks to empowerment, human rights, gender and ethical as well as socio-economic issues relevant to HIV;
- (d) the piloting of anti-Stigma & Discrimination legislation, now at the stage of drafting instructions and at the instruction of the Cabinet, review of the 16-18 disconnect between the age of consent and the age of majority;
- (e) the establishment of the HIV Food Bank and Personal Development Centre at the Vashti Inniss Empowerment Centre located at Ladymeade, which is aimed at putting a number of support services at one location to improve access and to enhance the supportive environment;
- (f) new emphasis on developing prevention interventions targeting single, unemployed dependent women, Persons with Disabilities, Migrant Workers and Vulnerable Children;
- (g) the recent establishment of a Civil Society Organisation financial support Grant Scheme;
- (h) the creation of a platform for appropriate advocacy and community mobilisation through social and behaviour change communication;
- (i) the formulation of a supportive research agenda; and
- (j) greater emphasis on Monitoring and Evaluation.

47. National AIDS programmes across the globe have embraced the goal of Universal Access to HIV prevention, treatment, care and support by 2015. To achieve this goal, countries need to address the obstacles that block the provision and uptake of HIV-related services for prevention, treatment, care and support. Experts and communities have consistently identified HIV-related stigma and discrimination as critical barriers to effectively addressing HIV in countries. In addition to being globally pervasive, stigma and discrimination operate at multiple levels throughout society - within individuals, families, communities, institutions and media, and in government policies and practices.

48. To achieve the goals and objectives of the Barbados HIV Programme, the Government remains cognisant of the manifestations and the untoward effects of stigma and discrimination which hinder access to HIV preventative and care services. The Ministry of Health therefore continuously seeks to implement strategies to alleviate HIV-related stigma and discrimination. Examples of such include the recent closure of the Elroy Phillips Centre, given the waning demand for and stigma attached to the Centre and to concentrate the activities of the Centre in an on-going project to decentralise and integrate HIV care services into Primary Health Care.

49. This inclusive approach to the provision of HIV services in Barbados is in keeping with Government's commitment to ensure Universal Access to HIV prevention, treatment, care and support services for citizens in need. It is expected that this integration of services should reduce the stigma associated with HIV care in Barbados while also improving access to those in need.

## **B. Legislative measures**

50. In February 2011, the Parliament of Barbados passed the Transnational Organised Crime (Prevention and Control) Act. The Act establishes the trafficking in persons as a criminal offence in accordance with Article 5 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The Act also proscribes the penalties for persons convicted of the offence of trafficking in persons and establishes a Criminal Assets Recovery Fund.

51. In 2012, the Parliament passed the Employment Rights Act which makes new provision for the rights of employed persons and related matters. The Act provides for the establishment of an Employment Rights Tribunal, and contains provisions pertaining to the right to a statement of employment particulars, the right to itemised pay statement and enforcement in respect of statement of particulars, changes and pay as well as the right of employers and employees to minimum notice, the right of the employee to a certificate of employment record and enforcement in respect of the minimum period of notice of termination. The Act also enshrines the right not to be unfairly dismissed, and rights in relation to lay-off and short-time and priority in hiring.

52. At part of Barbados' efforts to strengthen its good governance and human rights apparatus, the Government has amended the Community Legal Services Act, to increase the range of services offered for legal aid. The Community Legal Services (Tariff of Fees) (Amendment) Regulations, 2012 makes provision for assistance in summary cases where the person charged is a minor, in matters before the Court of Appeal and in applications under the Domestic Violence (Protection Orders) Act. Moreover, the Government has amended the Safety and Health at Work (SHAW) Act, which makes provision (i) for securing the health, safety and welfare of persons at work; (ii) for protecting other risks to health and safety in connection with activities at work; (iii) for controlling the release of certain emissions into the environment; (iv) to consolidate the law relating to health, safety and welfare in the workplace and (v) related matters. The Act, which was passed in 2005 is scheduled to be proclaimed by January 2013. The Parliament of Barbados has also begun

debate on the new Prevention of Corruption Act. The Bill, which is currently before a Joint Select Committee of Parliament, provides *inter alia* for the establishment of a Prevention of Corruption Commission and Financial Disclosure, including the declaration of affairs by persons in public life and the annual filing of declarations by those persons. The Act also addresses solicitation, bribery and other offences.

53. In addition, the Government is in the process of amending the Mental Health Act to provide a legal framework for the reform of mental health services in Barbados. The amendments are aimed at providing services that are fully accessible and eliminating stigma and discrimination associated with providing or receiving services. The amendments would also include provisions that ensure the level of care given to persons with mental illnesses are at the same standard as that provided to persons with other type of illnesses or disability. It is also anticipated that the proposed amendments to the Act would have a positive impact on reforming Barbados' mental health system through the establishment of prevention strategies that would reduce the demand for institutionalised mental health treatment services, while at the same time provide easy access to high quality services at the primary, secondary and tertiary levels.

54. With respect to improvements to the legislative framework surrounding the youth, Barbados continues to adhere to the provisions of the Convention on Rights of the Child. It should be noted that the Monitoring of the Rights of the Child Committee continues to look at this issue while the principal agency responsible for child protection in Barbados, the Child Care Board, is in the process of compiling in association with UNICEF its second status report on Barbados' progress towards the adoption of the Convention on Rights of the Child. The Government of Barbados has also established the National Advisory Council on Family Matters which dealt with several issues directly related to child protection and maintenance to name a few while the Family Law Council currently is reviewing legislation with respect to children and child rights with a view to harmonising relevant policies at the national level.

55. The Government has also introduced a new Holidays with Pay Bill in Parliament. The new Bill will (i) make better provision for the granting and calculation of the annual holiday pay due to an employee; (ii) increase the penalties for offences under the Act; (iii) make better provision for the Chief Labour Officer to initiate proceedings for offences under the Act; and (iv) provide for related matters.

#### **IV. Achievements in implementation of accepted recommendations**

##### **Consider legislative measures to deal with sexual harassment**

56. The Minister of Labour and Social Security proposes to introduce into Parliament, an Employment Sexual Harassment Bill, 2012 which would address the issue of sexual harassment in the workplace. The Ministry is aiming to have this new piece of labour legislation introduced into Parliament before the end of 2012.

57. In October 2005, the Cabinet approved an Expanded Draft Policy Paper on Sexual Harassment which informed further consultation among stakeholders on the proposed sexual harassment legislation. There has been extensive tripartite consultation on the policy paper by the following entities: the Congress of Trade Unions and Staff Associations of Barbados (CTUSAB), National Union of Public Workers (NUPW), Barbados Employers' Confederation (BEC), Bureau of Gender Affairs, Caribbean Human Rights, Women and Development Studies, the Coalition Against all forms of Sexual Harassment (CASH), the Institute for Gender and Development Studies, the Small Business Association(SBA) and the Men's Education and Support Association (MESA).

58. The consultative process led to agreement on further amendments to the draft Bill. In 2011, Discussion Papers on the proposed enactment of legislation relating to sexual harassment were submitted to, and approved by the Cabinet Committee on Governance and thereafter, the full Cabinet.

59. Drafting instructions were issued to the Chief Parliamentary Counsel (CPC) to inform the preparation of an Employment Sexual Harassment Bill. The draft Bill, which is currently being reviewed by the Labour Department, will (i) protect employees in both the public and private sector from sexual harassment; (ii) provide a framework for the reporting and handling of cases of sexual harassment; and (iii) establish a tribunal to hear and determine matters related to sexual harassment and provide for related matters. Of note is the inclusion of provisions which would address allegations of sexual harassment in the workplace by a third party.

**Give consideration to all international obligations in the field of human rights provisions in revision of the Constitution; consolidate the process of updating national legislation in accordance with international commitments**

60. The Government has introduced a number of pieces of legislation, such as the Employment Rights Act and the Transnational Organised Crime (Prevention and Control) Act, 2011, which are aimed at ensuring that its international human rights obligations are progressively incorporated into domestic legislation. The Government has continued, however, to face human and financial constraints which have slowed the rate of progress in this area. This notwithstanding, it is anticipated that additional legislation will be introduced over the next four years.

61. The Government has taken steps to amend the Holidays with Pay Act, and the Mental Health Act and is in the process of drafting specific legislation on Discrimination and Sexual Harassment. With regard to sexual harassment, it should be noted that the 2007 Public Service Act already contains provisions that prohibit sexual harassment within the public service.

**Incorporate a legal definition of racial discrimination into domestic legislation**

62. The Government is looking at the best way to address this issue. At present, draft legislation has been prepared that prohibits discrimination on the basis of race *inter alia in the work place*.

**Take measures to include a definition of torture in line with article 7 of the ICCPR in domestic legislation**

63. Internal discussions are continuing regarding the provision of a definition of torture within domestic legislation.

**The establishment of a National Human Rights Institution**

64. In 2008 the Governance Advisory Board was mandated to review the Office of the Ombudsman and the current Ombudsman Act and make recommendations for a new Ombudsman Act. In this regard, the Governance Advisory Board has made recommendations to the Cabinet Committee on Governance on the areas necessary to facilitate the inclusion of human rights protection and promotion in the new Ombudsman Act.

65. The Government has also been in discussion with the Commonwealth Human Rights Unit concerning the requirements for expanding the current Office of the Ombudsman into a National Human Rights Institution.

66. The Office of the Chief Parliamentary Counsel is currently reviewing the draft legislation with a view to having the new legislation completed as soon as possible.

67. Moreover, as precursor to expanding the scope of responsibilities of the Office of the Ombudsman for the promotion and protection of human rights, the Commonwealth Secretariat has offered to assist the Government of Barbados with developing and executing a human rights education programme under the auspices of the Office of the Ombudsman. It is hoped that this programme can be operationalised over the coming year.

**Provide the Bureau for Gender Affairs with sufficient human and financial resources to enable it to contribute efficiently to the promotion and protection of the rights of women.**

68. The Bureau of Gender Affairs is currently staffed by a Director, 2 Programme Officers and a Research Officer. However, a proposal for the institutional strengthening of the Bureau of Gender Affairs has been drafted and submitted to the parent Ministry for review before submission to the Cabinet. In addition, the Bureau continues to work closely with regional and international organisations such as the International Organisation for Migration and UN Women to execute its programme of activity.

**Seek technical assistance towards human rights training and other areas to augment country's efforts in meeting its human rights obligations**

69. The Ministry of Foreign Affairs and Foreign Trade has been consulting with the Commonwealth Human Rights Unit on a number of issues. As part of its package of assistance to Barbados and the region, the Commonwealth Secretariat has sponsored approximately seven workshops between 2009 and 2012, which have allowed various public officials to receive training on UPR related matters.

70. The Government wishes therefore to go on record in acknowledging the important support that it has received from the Commonwealth Secretariat in developing capacity in the area of human rights promotion and protection. The Government looks forward to collaborating closely with the Secretariat as it seeks to create a hybrid national human rights institution and launch a human rights public education programme possibly, under the auspices of the Office of the Ombudsman.

71. Barbados also looks forward to receiving technical assistance from the UN Office of the High Commissioner for Human Rights and welcomes the placement of a Human Rights Advisor in the UN Office in Barbados with effect from mid-November 2012.

72. In addition to the foregoing, the Government is also interested in receiving technical assistance in developing indicators for a racial surveillance system.

**Combating domestic violence**

73. The Government remains firmly committed to pursuing a policy of zero tolerance to all forms of violence against women. To this end, interventions at the legislative, programmatic and educational level have been instituted.

74. In relation to the legislation, a reform committee was established by the Bureau of Gender Affairs to review the existing Domestic Violence Protection Orders Act in order to address the gaps in the legislation and ensure that all victims are protected. The Committee has completed its deliberations and has made a number of recommendations. These include the need for a preamble to the legislation to speak to its purpose and for the principles of respect for human rights, non-discrimination, equity, the best interest of the child, a gender sensitive and victim-centred approaches to be all embedded in the legislation. It was also recommended that the amended Act should provide a comprehensive definition of domestic

violence to include not only physical abuse but also sexual, psychological and financial abuse. Moreover, it was recommended that category of persons who could find relief under the Act should be expanded to include persons who are dependent because of physical or mental impairment and other intimate relationships regardless of sexual orientation. These recommendations have been incorporated into a Cabinet paper for Cabinet's consideration.

75. In addition, the Government continues to make a sum of money available annually, to a local NGO which runs a shelter for battered women.

76. A programme "Partnership for Peace", which was designed by UN Women, targeting perpetrators of Domestic violence and aimed at their rehabilitation has been introduced under the auspices of the Ministry of the Family. The Government is also seeking to reform the perpetrators by implementing a perpetrators programme. The sixteen week psycho-educational programme is designed to encourage and support men in pursuing a violence-free lifestyle. The programme is also guided by the basic principles of perpetrator accountability and victim safety. Government and the NGO community have also come together to implement a white ribbon campaign so as to encourage both men and boys to speak out against violence and also to signify that they themselves would not engage in acts of violence against women.

77. The Bureau also continues its public education to reduce domestic violence and other forms of gender based violence through public forums aimed at men, work with community and faith based groups and in highlighting the sixteen days of activism against gender based violence.

78. Initial work on developing a National Plan of Action to deal with Domestic violence as well as an Operations Protocol to guide the interventions of NGOs working in the area of Domestic Violence has begun.

79. The Bureau of Gender Affairs is also developing a protocol for domestic violence by bringing together all of the NGO's who work in this area to discuss the way forward.

#### **Promoting the rights of children**

80. As a party to the UN Convention on the Rights of the Child, Barbados is committed to inscribing the principle that the best interest of the child should be the primary consideration in the formulation of policies and programmes relating to children.

81. The Government is streamlining its legislation to ensure that this principle is reflected in all legislation that pertains to children. To this end, the Ministry of the Family has hired a legal consultant to look at the Family Law Act and the legislation relating to children to bring these in line with internationally accepted protocols and standards.

82. The Government has also established a Child Maintenance Fund to provide maintenance support to children who are only supported financially by one parent. The Fund, which can be accessed three months after the Order to pay has been faulted, will provide a weekly stipend to each child for up to four months, after which the circumstances of the child and parent will be reviewed. Where required the applicant can have access to the Fund for a further four months. It is intended that the Fund will be revolving as the defaulting parent will be required to reimburse the fund for any payments made.

83. The Government has decided to move ahead with the establishment of the Fund to give much needed assistance and relief to single parents, usually mothers, who have not been able to collect court-ordered maintenance payments because of the inability or refusal of the other parent to make the required payment to the Court.

### **Corporal punishment**

84. With regard to the issue of corporal punishment, the Government of Barbados, with the kind assistance of UNICEF, has implemented the Schools' Positive Behaviour Management Programme (SPBMP), formerly called the Child Friendly Schools programme, which aims to facilitate the development and use of positive behaviour management strategies, thereby eliminating the need to resort to corporal punishment. This programme is well entrenched in all primary and secondary schools.

85. Barbados is cognisant of the call for the total abolition of corporal punishment. However, based on surveys conducted in the last decade, there continues to be strong support for the retention of corporal punishment particularly within the school and home settings. The Government will continue to work with UNICEF and other international and civil society organisations to encourage the use of alternative methods of discipline. Moreover, the Government recognises that while significant advances have been made in moving the agenda for alternative disciplinary approaches forward, there is still a mammoth task of changing the national mindset in relation to corporal punishment.

86. The Government is currently reviewing the Education Act & Regulations, Cap 41. The Code of Discipline currently used in schools will also be examined as it relates to human rights. This review will provide the necessary guidelines for the legislative framework that will govern these issues.

### **Human rights and the Police**

87. The Royal Barbados Police Force remains committed to the principles of integrity and accountability of law enforcement personnel. The behavior of officers is governed by the Instructional Manual, especially as it relates to the use of force.

88. Polygraph testing has been introduced for all police officers at entry level. Officers selected for specialised units undergo mandatory testing by an internal team of polygraphers. Members of the police continue to receive training in customer service, public relations, human rights, community engagement, conflict resolution and officer safety.

89. The Police Force also recognises and values the importance of community engagement and seeks continually to establish relationships of trust and collaboration in communities across Barbados. A Crime Desk, which buttresses the Victim Support Programme, has been introduced in the three (3) territorial policing districts.

### **Police Complaints Authority**

90. The conduct of the members of the Royal Barbados Police Force and the interactions with members of the public continue to be held under strict scrutiny by an external disciplinary body, the Police Complaints Authority. The *Police Complaints Authority Act, Cap. 167* sets the framework for the operations of the Police Complaints Authority, by putting in place appropriate procedures for the handling, investigation and disposal of complaints against members of the Royal Barbados Police Force. This mechanism provides for transparency and confidence that complaints against the Police will be independently investigated and decisions made in the interest of justice and public safety.



## V. Challenges and constraints

### Establishment of a Human Rights Unit

91. In 2010, the Government of Barbados established a Human Rights Unit within the Ministry of Foreign Affairs and Foreign Trade utilising existing resources. However, that Unit has been affected by human resource constraints with the departure of two human rights officers in June 2011 and March 2012 respectively. We are pleased therefore to learn that the UN Office of the High Commissioner for Human Rights has placed a Human Rights Advisor with the UN Office in Barbados. The Government is confident that the appointment of this official will lend critical support to Barbados in its efforts to strengthen its human rights promotion and protection apparatus.

### Involvement of civil society in follow up and implementation

92. The Government continues to involve non-governmental and civil society organisations in various programmes and activities relating to human rights issues. For example, the Cabinet agreed that two civil society organisations should sit on the National Task Force for the Prevention of Trafficking in Persons. In addition, members of civil society participated in the Commonwealth Regional Workshop on UPR Follow-up and Implementation that was held in Barbados in June 2011. This is an area that will require further work. However, the establishment of a National Human Rights Institution in Barbados is expected to provide an important mechanism to facilitate the systematic and increased involvement of civil society in the follow-up and implementation of UPR recommendations.

### Civil society concerns

93. During consultations with civil society organisations, members of the Rastafarian Community raised concerns that the Barbadian society and police remain *intolerant to the religious/cultural practices of African centred/indigenous communities in Barbados and the wider Caribbean*.

94. The Government is committed to building a society that fosters tolerance and respect for the rights of all. The Government believes that programmes such as the Mabalozzi Programme and Community Outreach programme being implemented by various government agencies such as the Commission for Pan African Affairs, the Police as well as civil society organisations will raise greater awareness, understanding and tolerance for the religious and cultural beliefs of minority groups within the society.

95. The Government also recognises that relationships of trust between the police and other government agencies and members of the Rastafarian faith will need to be strengthened. To this end, Government in partnership with civil society organisations and regional and international partners will have to examine and identify mechanisms that promote greater dialogue, collaboration and cooperation.

## VI. Conclusion

96. Barbados is committed to the promotion and protection of human rights and fundamental freedoms and has undertaken to implement policies and measures that reflect this commitment. The Government is cognisant that limited resources and capacity

constraints continue to impact on its ability to implement some of the measures that will give greater protection to its citizens and those that reside on its shores.

97. The Government looks forward to working with the international community to build capacity and expand the level and scope of rights that its people enjoy. We welcome the appointment of a Human Rights Advisor in Barbados as we believe that this appointment will assist the Government in raising public awareness of human rights issues and in strengthening the legislative, administrative and institutional frameworks for the protection and promotion of human rights in Barbados.

98. We remain very concerned about the impact that the prolonged global recession is having on the economies of small states like Barbados, which are highly vulnerable to external shocks. We therefore join our voice with that of the Chairperson of the Committee on Economic, Social and Cultural Rights in stating that “[e]conomic and financial crises and a lack of growth impede the progressive realisation of economic, social and cultural rights and can lead to retrogression in the enjoyment of those rights.” We believe that in placing those rights in jeopardy, we run the real risk of also impeding the progression of civil and political rights.

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