



# General Assembly

Distr.: General  
9 November 2012

Original: English

---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Fifteenth session**  
21 January–1 February 2013

**Compilation prepared by the Office of the High  
Commissioner for Human Rights in accordance with  
paragraph 5 of the annex to Human Rights Council  
resolution 16/21**

**Barbados**

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1972)	CRPD	ICCPR-OP 2
	ICESCR (1973)	(signature only, 2007)	CAT
	ICCPR (1973)		OP-CAT
	CEDAW (1980)		OP-CRC-AC
	CRC (1990)		OP-CRC-SC ICRMW CPED
<i>Reservations, declarations and/or understandings</i>	ICERD (General declaration, interpretative declaration art. 4 (a) (b) (c), 1972)		
	ICESCR (Reservation, arts. 7 (a), 10, para. 2, 13, para. 2 (a), 1973)		
	ICCPR (Reservation, art. 14, para. 3 (d), 1973)		
<i>Complaint procedures, inquiry and urgent action<sup>3</sup></i>	ICCPR-OP 1 (1973)		ICERD art. 14 OP-ICESCR ICCPR, art. 41 OP-CEDAW CAT OP-CRC-IC ICRMW OP-CRPD CPED

**Other main relevant international instruments**

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide		Palermo Protocol <sup>6</sup>
	Rome Statute of the International Criminal Court		Convention on refugees <sup>7</sup>
	Geneva Conventions of 12 August 1949 and Additional Protocols I and II <sup>4</sup>		1961 Convention on the Reduction of Statelessness
	1954 Convention relating to the Status of Stateless Persons		ILO Conventions No. 169 and No. 189 <sup>8</sup>
	ILO fundamental conventions <sup>5</sup>		Additional Protocol III to the Geneva Conventions of 12 August 1949 <sup>9</sup>
	UNESCO Convention against Discrimination in Education		

1. The United Nations Development Programme (UNDP) noted that while the ratification of a number of international instruments was called for, the Government was reluctant to ratify those instruments for various reasons, in particular due to its lack of capacity to meet the reporting demands resulting from the approval of new instruments.<sup>10</sup>

2. UNDP reported that there was pressure from civil society to ratify CRPD and other treaties, which might provide a window of opportunity for the ratification of new instruments.<sup>11</sup> It also noted that Barbados had signed, but not yet ratified, CRPD, and that the Government National Disabilities Unit had been engaged in an initiative to promote that ratification.<sup>12</sup>

3. UNHCR recommended that Barbados accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and the 1961 Convention on the Reduction of Statelessness.<sup>13</sup>

4. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) noted that the Ministry of Labour had signed ILO Convention No. 189 concerning Decent Work for Domestic Workers, and that UN-Women was working with the Government towards its ratification.<sup>14</sup>

**B. Constitutional and legislative framework**

5. UNDP noted that the legal system of Barbados was based on a model in which fundamental rights and freedoms contained in the Constitution generally reflected political and civil rights. However, the existing legal order did not include more recent notions of discrimination (gender, race, sexual orientation, for example), grave human rights abuses such as torture, and social and economic rights expressed in international human rights treaties.<sup>15</sup>

6. UNICEF indicated that, with regard to the accepted UPR recommendation requesting Barbados to “give consideration to all international obligations in the field of human rights provisions in revision of the Constitution; incorporation of international human rights obligation into domestic law”, Barbados was actively looking at further

revising the Constitution and updating its legislation to conform with its treaty obligations and had already started to review all laws directly relating to family and children.<sup>16</sup>

7. The United Nations High Commissioner for Human Rights urged the Government to step up its efforts to incorporate international human rights law into national legislation, including by establishing legislative definitions of discrimination based on gender, race or sexual orientation. In addition, Barbados had to ensure that laws conform to international norms and that they are adequately implemented and translated into action.<sup>17</sup>

8. UNICEF noted that Barbados had made some significant progress in ensuring that national laws, policies and practices conform to the spirit and intent of the Convention on the Rights of the Child. Despite those legislative interventions, there was still scope for significant improvement in regard to the child protection mandate of the State.<sup>18</sup>

9. Regarding recommendation 6 on addressing discrimination against women by means of sensitizing civil society and taking steps to enact legislation to enshrine a specific right of non-discrimination on the basis of gender, UNDP and UN-Women noted that the Caribbean Human Development Report included the issue of domestic violence and victimization of women and contained recommendations for Barbados that would be incorporated into the dialogues with stakeholders.<sup>19</sup>

### C. Institutional and human rights infrastructure and policy measures

#### Status of national human rights institutions<sup>20</sup>

<i>National human rights institution,</i>	<i>Status during previous cycle</i>	<i>Status during present cycle<sup>21</sup></i>
Office of the Ombudsman of Barbados	C Status (2001)	C status (2001)

10. At the end of a three-day mission to Barbados, the High Commissioner for Human Rights encouraged the Government to establish a comprehensive human rights dialogue and converge around a national human rights action plan, a step very much in line with best practices. The High Commissioner also noted that the implementation of human rights required the coordinated participation of ample sectors of government and civil society. That also required the establishment of an independent national human rights institution as a key element of the national human rights protection system, especially for vulnerable groups or victims.<sup>22</sup>

11. The High Commissioner noted that Barbados had committed to upgrading the Ombudsman's Office in line with relevant international standards, and that, once that had been accomplished, Barbados could become the first Caribbean country to establish one of those key independent institutions.<sup>23</sup>

12. UNICEF noted that while successive cabinets had appointed members to the National Monitoring Committee on the Rights of the Child, comprising both State and civil society representatives, the Committee lacked the necessary structure, support and accountability to effectively carry out its stated mandate, and the political will to effect the necessary changes appears low.<sup>24</sup>

13. Regarding recommendation 5 on "provid[ing] the Bureau of Gender Affairs with sufficient human and financial resources to enable it to contribute efficiently to the promotion and protection of the rights of women", UNDP and UN-Women reported that the Bureau had seen an increase in its human resource complement since 2008.<sup>25</sup>

14. The High Commissioner for Human Rights stated that Barbados rightly planned to achieve developed country status as soon as possible, but it needed to empower every member of society fully, especially those who were most vulnerable and excluded, so as to fulfil that legitimate aspiration.<sup>26</sup>

15. The High Commissioner observed that several of the challenges Barbados itself had identified in the preparation of its national report under the UPR in 2008 remained, including: “issues relating to discrimination, stigmatization and marginalization”; “the lack of adequate sanctions for sexual harassment”; and “the psychological and physical impact which domestic violence has on children”.<sup>27</sup>

16. The High Commissioner noted that it was evident that some of the priorities identified by the Government in 2008, such as the prevention and control of HIV; preventing crime; eradicating domestic violence; ensuring the rights of migrants; and combating human trafficking, would require continued attention in order for Barbados to fulfil its human rights commitments and to achieve its development goals.<sup>28</sup>

17. UNDP was particularly concerned at the lack of social data available for policymaking, which led to, inter alia, difficulties in the measurement of key indices such as the family of human development indices, as well as in addressing the rights of people with disabilities.<sup>29</sup>

18. A 2008 United Nations Development Group report noted the need for assistance on crime and violence, especially among youth, in order to respond to rising (youth) crime and violence, including gender-based and sexual violence, and other phenomena that adversely affected human security.<sup>30</sup>

19. UNDP noted that actions had already been initiated with the Barbados Council for the Disabled to formulate a national advocacy campaign—Stand up for Persons with Disabilities—focusing on the empowerment of persons with disabilities as a preliminary step in the implementation of the Barbados White Paper priority areas.<sup>31</sup>

20. The High Commissioner for Human Rights urged everyone in Barbados to work hard continuously to establish a stronger culture of human rights and respect for the dignity of every human being.<sup>32</sup>

## II. Cooperation with human rights mechanisms

21. Barbados has not fulfilled its obligation, under article 22 of the Constitution of the ILO, to send all the reports on ILO conventions which have been ratified by the country in time for the ILO Committee of Experts to review them. In 2012, 22 reports were due by 1 September. As at 7 September, none had been received.<sup>33</sup>

### A. Cooperation with treaty bodies<sup>34</sup>

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	August 2005	—	—	Combined seventeenth and eighteenth report, nineteenth report and twentieth report, overdue since 2007, 2009 and

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
				2011, respectively
CESCR	April 1983	–	–	Second report overdue since 1991
HR Committee	March 2007	–	–	Fourth report overdue since 2011
CEDAW	August 2002	–	–	Fifth, sixth, seventh and eighth reports overdue since 1999, 2003, 2007 and 2011, respectively
CRC	May 1999	–	–	Second, third, fourth and fifth reports overdue since 1997, 2002, 2007 and 2012, respectively

## 2. Responses to specific follow-up requests by treaty bodies

### *Concluding observations*

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2006	Legal definition of racial discrimination; and withdrawal of reservations. <sup>35</sup>	–
HR Committee	2008	Death penalty; corporal punishment; and discrimination against homosexuals. <sup>36</sup>	2009 <sup>37</sup>

22. UNICEF referred to the State's long-outstanding reports on the implementation of CRC, due since November 1997; the final report was awaiting the Cabinet's approval for submission to the Committee on the Rights of the Child.<sup>38</sup>

23. UN-Women reported that the Bureau for Gender Affairs had sought support to develop a national gender policy for Barbados. In line with UPR recommendation 21, the Bureau was also seeking technical assistance to build its capacity for CEDAW reporting.<sup>39</sup>

## B. Cooperation with special procedures<sup>40</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	None	None
<i>Visits agreed to in principle</i>	None	None
<i>Visits requested</i>	None	Special Rapporteur on cultural rights (request sent on 7 May 2012)

---

*Responses to letters of  
allegations and urgent  
appeals*

---

During the period under review, no communications were sent.

---

### **C. Cooperation with the Office of the High Commissioner for Human Rights**

24. The High Commissioner for Human Rights conducted a visit to Barbados from 3 to 5 April 2012. It was the first mission by a United Nations High Commissioner for Human Rights to any of the English-speaking Caribbean States<sup>41</sup> since the Office of the High Commissioner was created in 1993.

25. The High Commissioner offered assistance in addressing persisting problems that Barbados needed to tackle, including citizen security; sensitizing civil society to discrimination against women, discrimination against the disabled, and discrimination based on sexual orientation or gender identity; developing programmes for human rights education and conducting campaigns to raise awareness of issues such as domestic violence and corporal punishment; and undertaking efforts to put an end to violence against women and sexual harassment.<sup>42</sup>

## **III. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **A. Equality and non-discrimination**

26. The High Commissioner for Human Rights noted that discrimination needed to be tackled. She noted that international human rights law was clear: no one should be discriminated against because of the group they belong to, including on the grounds of race, gender or sexual orientation or identity. She added that, while that may be unpopular with some segments of the population, it was the responsibility of Governments to show firm leadership on issues relating to all forms of discrimination.<sup>43</sup>

27. UNDP noted that the police in Barbados had been denounced as discriminatory in its treatment of victims when those victims were women; lesbian, gay, bisexual and transgender (LGBT) persons; migrants; and minorities. However, the stigmatization of people living with HIV/AIDS and discrimination against LGBT people was not limited to the actions of the police, but constituted a phenomenon that called for attention as a specific human rights concern.<sup>44</sup>

28. UNHCR noted that an individual could obtain citizenship by birth in the territory, through blood descent from a Barbados citizen, by registration or by naturalization.<sup>45</sup> However, it was concerned at gender inequality, as Barbadian law did not permit Barbadian women to confer their nationality to their children born abroad, whereas Barbadian fathers were able to do so.<sup>46</sup> UNHCR noted that discrimination against women in nationality-related legislation may lead to statelessness of children, if the father is stateless or cannot confer his nationality under the laws of his State.<sup>47</sup>

## **B. Right to life, liberty and security of the person**

29. The High Commissioner for Human Rights welcomed the Government's commitment to abolish the current mandatory death sentencing, and urged it to carry that out as quickly as possible and then move towards a moratorium and eventual abolition. She noted that the fact that there had not been an execution in almost 30 years was clear evidence of the readiness of society to move in that direction.<sup>48</sup>

30. UNDP noted that statistics on gender-based violence in Barbados were scarce. There were reports of the police not intervening in cases of domestic violence, with few victims of such abuse seeking help from the police and fewer reporting that they had been satisfied with the police response. Conviction rates for perpetrators were low, and court trials were often excessively lengthy. There was recognition from the Government that those were problems, with domestic violence being identified in its report to the UPR as a key national priority. The Cabinet had not yet responded to initiatives, such as the draft law to combat sexual harassment in the workplace, which had been awaiting consideration since 2002.<sup>49</sup>

31. The High Commissioner for Human Rights invited the authorities to continue to address outstanding challenges, particularly regarding discrimination, domestic violence and human trafficking, and noted that reports suggested that domestic violence and sexual harassment were particularly serious problems in Barbados, and that rape was shockingly commonplace. She called on the authorities to adopt more effective legislative measures to combat those crimes, and to undertake public awareness programmes to tackle the underlying discriminatory attitudes that permitted them to continue.<sup>50</sup>

32. The ILO Committee of Experts reiterated its observation that there appeared to be no legal provisions in Barbados that specifically prohibited the trafficking of children under the age of 18 years.<sup>51</sup> The Committee also repeated its direct request to the Government, as it had not reported on measures taken or envisaged to secure the prohibition of the sale and trafficking of children under 18 years of age, in conformity with article 3 (a) of the Convention.<sup>52</sup>

33. UNICEF noted with concern that the Government of Barbados had not accepted the UPR recommendations to eliminate all forms of corporal punishment from its legislation; however, it had agreed to establish public awareness initiatives to change people's attitudes on corporal punishment.<sup>53</sup>

34. With regard to UPR recommendation 11, relating to harmonizing the method of data collection by relevant agencies involved in the fight against domestic violence, UNDP and UN-Women<sup>54</sup> reported that there was a need to review domestic violence legislation (Protection Orders 1993). UNICEF made a similar observation.<sup>55</sup>

35. The ILO Committee of Experts requested the Government to redouble its efforts to monitor and combat the worst forms of child labour in the informal sector. It encouraged the Government to take necessary measures to increase cooperation between the Royal Barbados Police Service and the Ministry of Labour so as to allow for improved monitoring of the worst forms of child labour.<sup>56</sup>

## **C. Administration of justice, including impunity, and the rule of law**

36. The High Commissioner for Human Rights noted that, while in some areas laws and enforcement of laws needed strengthening, in other areas they may be unduly harsh. That was especially the case with regard to corporal punishment, and even more so with regard to the death penalty.<sup>57</sup>



37. UNDP noted the professionalism and training requirements relevant to Barbados described in the *Caribbean Human Development Report 2012*, such as challenges with the police system, including the need for enhanced responsiveness and effectiveness, legitimacy, integrity, improved accountability, reduced power abuses, and human rights. Closely relating to that issue were the existing crime data gaps. The *Caribbean Human Development Report* made extensive use of secondary data, including official statistics on reported crimes, although that had been limited by the absence of comparable data on all countries. Data gaps included lack of standardized data and data collection methods on violence against women; no statistics disaggregated by sex and age; data deficits on caseloads of courts and police investigators; and other criminal justice system indicators. Lack of data on new security challenges, such as school violence, was another notable area of deficit.<sup>58</sup>

38. The High Commissioner for Human Rights noted discussions during her visit to Barbados with different relevant actors regarding law and order issues, and especially the conduct of the police, and delays in the administration of justice concerning violence that took place within the family and the home.<sup>59</sup>

39. UNICEF noted that Barbados rejected the notion that it required appropriate legislative and administrative measures to combat domestic violence and physical abuse of children. With further regard to the UPR recommendation on “taking appropriate legislative and administrative measures to fight against domestic violence and physical abuse of children, and engage in an exchange of information with those countries that are developing best practices in these fields”, UNICEF noted that the reporting procedure was an area that needed attention. Barbados did not have mandatory reporting requirements, a situation that appeared to have compromised efforts to create a centralized system to handle all child abuse cases. In the absence of any written policies or protocols, consistent reporting of child abuse to the Child Care Board was left to chance. There were a few oral protocols with some agencies, but generally reporting was discretionary and occurred on an ad hoc basis.<sup>60</sup>

#### **D. Right to participate in public and political life**

40. A 2012 United Nations Statistics Division source indicated that, since 2008, the proportion of seats held by women in the national parliament was 10 per cent.<sup>61</sup>

#### **E. Right to work and to just and favourable conditions of work**

41. The ILO Committee of Experts asked the Government to take steps without further delay to ensure full legislative protection against direct and indirect discrimination in all aspects of employment and occupation, for all workers, on all the grounds enumerated in article 1, paragraph 1 (a), of Convention No. 111, namely race, sex, colour, religion, political opinion, national extraction and social origin.<sup>62</sup> The Committee recalled that the Employment Rights Bill did not contain a provision explicitly providing protection against sexual harassment. It asked the Government to step up its efforts to adopt legislation providing protection against sexual harassment.<sup>63</sup> The Committee drew the Government’s attention to its obligation under the Convention to address all forms of sex discrimination, including sexual harassment, in an effective manner. It asked the Government to consider incorporating provisions on sexual harassment into the Employment Rights Bill.<sup>64</sup>

42. The ILO Committee of Experts encouraged the Government to take appropriate measures to strengthen mechanisms to enforce equal remuneration for men and women for work of equal value for both unionized and non-unionized workers, including by providing

training for labour inspectors and judges, as well as awareness-raising activities for the general public.<sup>65</sup>

43. The ILO Committee of Experts noted the significant occupational gender segregation, with women being confined primarily to a limited range of occupations. The Committee requested the Government to provide full information on the outcome of the consultations and the status of the national gender policy and initiatives and measures taken or envisaged to promote access by women to a wider range of occupations.<sup>66</sup>

44. The ILO Committee of Experts asked the Government to take steps, in collaboration with the employers' and workers' organizations, to promote the use of gender-neutral terminology in defining the various jobs and occupations in the collective agreements.<sup>67</sup>

45. The ILO Committee of Experts requested the Government to amend section 4 of the Better Security Act, 1920, to bring it into conformity with the Convention on Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). It also noted that the Government had indicated that the administrative authority had undertaken to move towards the drafting of essential services legislation. It recalled that no penal sanction should be imposed against a worker for carrying out a peaceful strike and measures of imprisonment should not be imposed on any account, including in respect of strikes in essential services.<sup>68</sup> The Committee also requested the Government to bring its legislation into conformity with the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), regarding anti-union dismissals and other prejudicial acts based on trade union affiliation or activities. It further requested the Government to take all necessary measures to ensure that the legislation provides adequate protection against all acts of anti-union discrimination in taking up employment and throughout the course of employment, including at the time of termination, and covering all measures of anti-union discrimination as well as adequate and dissuasive sanctions.<sup>69</sup>

46. The ILO Committee of Experts, noting that the minimum wage for domestic workers had not been re-evaluated for over 20 years, had drawn the Government's attention to the frequent undervaluation, due to stereotypes, of domestic work. It also had encouraged the Government to take concrete measures to promote and facilitate access by women to positions offering higher levels of remuneration. The Committee had commented for many years that the existing legislation did not provide full legislative protection against discrimination as defined under Convention No. 111 and noted that the Government had made reference to the Employment Rights Bill since 2004.<sup>70</sup> The ILO Committee of Experts asked the Government to take steps to readjust the minimum wages for domestic workers.<sup>71</sup>

47. The ILO Committee of Experts expressed its hope that measures would be taken to re-examine sections of the Shipping Act, with a view to ensuring that no penalties involving compulsory labour may be imposed for violations of labour discipline.<sup>72</sup> The Committee expressed the firm hope that measures would be taken to bring the shipping legislation into conformity with the Convention.<sup>73</sup>

48. The ILO Committee of Experts requested the Government to provide information on the measures taken, within the framework of the Roadmap 2016, to combat child labour, and on the results achieved.<sup>74</sup> The Committee requested the Government to indicate whether the list of hazardous work prohibited for children under 18 years, which had been adopted by the Ministry of Labour, had been included in any Government legislation or regulation, and to indicate what penalties existed.<sup>75</sup> The Committee requested the Government to provide information on the number of cases involving children and young persons under 18 investigated by labour officers, the Child Care Board and factory and shops officers.<sup>76</sup>

## **F. Right to social security and to an adequate standard of living**

49. The High Commissioner for Human Rights noted the investments towards the achievement of economic, social and cultural rights.<sup>77</sup>

50. Regarding the Government's commitment to take appropriate measures to develop its domestic legislation so as to guarantee economic, social and cultural rights for all and to foster economic, social and cultural rights for its people, it was noted that a Social Safety Net Assessment that UN-Women and UNICEF had supported in 2010 had, to date, not been presented to Cabinet.<sup>78</sup>

## **G. Right to health**

51. UNICEF noted that the Government of Barbados had highlighted its educational programmes for the prevention of HIV/AIDS in its comprehensive National Policy on HIV/AIDS. In an environment where HIV among youth was of major concern and the need for intensified emphasis on HIV prevention was widely recognized, those shortcomings in the education sector which compromised the fostering of protective behaviours among adolescents must be addressed with some urgency.<sup>79</sup>

52. A 2012 United Nations Statistics Division source indicated that the under-five mortality rate per 1,000 live births increased marginally between 2009 to 2011.<sup>80</sup>

53. UNFPA reported that recent research had been conducted to clarify current approaches to prevention, care and response to gender-based violence in the primary health-care system and strengthening existing programmes aimed at addressing and preventing gender-based violence.<sup>81</sup>

## **H. Right to education**

54. A 2012 United Nations Statistics Division source indicated that the net enrolment ratio in primary education increased from 93.4 per cent in 2007 to 95.1 in 2008.<sup>82</sup>

55. UNICEF noted that Barbados had accepted the UPR recommendation to continue with the positive efforts made in the field of education. One area of prevailing weakness however, was the access to and quality of the special needs education provided. In 2011, UNICEF identified significant challenges within the teaching and learning environments with respect to the limited ability of teachers to teach reading as a skill and the lack of emotional, instructional and organizational support necessary for the development of students' receptive and expressive language skills. The key recommendation was for training and staff development to be implemented, with a strong focus on the priority areas identified.<sup>83</sup>

56. UNICEF noted the outcomes of a 2011 UNICEF-supported review of the quality of learning environments and the teaching methodologies at Government-operated schools providing special education in Barbados, which identified challenges relating to the limited number of qualified staff and the need for the upgrading of assistive technologies to enhance developmental and educational opportunities. Key recommendations pointed to the need for a policy to guide the implementation, delivery and quality of special education, a structured system for staff training, and development of technically specific skills. Another weak area in the educational system was the meaningful participation of students in school governance.<sup>84</sup>

## I. Persons with disabilities

57. UNDP noted that recent estimates put the number of persons with disabilities in Barbados at around 20,000.<sup>85</sup>

58. In a 2009 study, the Economic Commission for Latin America and the Caribbean noted that although the Constitution of Barbados contained anti-discrimination provisions, there were no laws in Barbados that specifically prohibited discrimination against persons with disabilities with respect to employment, education or the provision of State services. A White Paper on Persons with Disabilities providing a foundation for future legislation was approved by Parliament in 2002.<sup>86</sup>

## J. Migrants, refugees and asylum-seekers

59. UNHCR noted that Barbados had neither passed legislation or administrative regulations on asylum or refugee status, nor established a formal national asylum procedure. UNHCR was not aware of any asylum seekers or refugees in Barbados.<sup>87</sup> It expressed its belief that Barbados needed to develop effective, balanced and credible national systems for refugee protection. UNHCR recommended that Barbados consider the passage of domestic refugee legislation and/or administrative policies, which would ensure that the country was in full compliance with international standards of treatment relating to refugees, including the right to work, and that the State accept technical support from UNHCR.<sup>88</sup>

60. UNHCR noted that it was not aware of practices in recent years that had violated the principle of non-refoulement; however, more efforts were needed to strengthen the proactive identification of persons in need of international protection, so that the Government does not inadvertently violate the non-refoulement principle due to gaps in the legislative and policy framework.<sup>89</sup>

61. UNHCR noted that Barbados had retained a number of reservations to provisions of the 1954 Convention relating to the Status of Stateless Persons. Barbados was among the Caribbean countries affected by mixed migratory movements of undocumented people. However, UNHCR had little information about the nature, numbers, and scope of undocumented migrants landing in or transiting through Barbados, and called on Barbados to develop its capacity to manage those movements. That should include mechanisms to identify undocumented migrants who may be in need of international protection.<sup>90</sup>

62. UNHCR recommended that Barbados implement a statelessness determination procedure to identify stateless persons within its territory and to amend its laws to ensure equality between Barbadian mothers and fathers with respect to their ability to confer their nationality to their children in all circumstances.<sup>91</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Barbados from the previous cycle (A/HRC/WG.6/3/BRB/2).

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights

OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

<sup>4</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>5</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>6</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>7</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

<sup>8</sup> International Labour Organization Conventions No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and No. 189 concerning Decent Work for Domestic Workers.

<sup>9</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal

- Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>10</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 1.
- <sup>11</sup> *Ibid.*, p. 1.
- <sup>12</sup> *Ibid.*, p. 3.
- <sup>13</sup> UNHCR submission to the UPR on Barbados, 2012, pp. 2 and 3.
- <sup>14</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 6.
- <sup>15</sup> *Ibid.*, p. 1.
- <sup>16</sup> UNICEF submission to the UPR on Barbados, first page. UNICEF reported that the outcomes of work begun by the Ministry of Family, Youth Affairs and Culture in July 2012 are expected to include, inter alia, the final White Paper detailing the Government's policy decisions on the specific issues and required reform of legislative and institutional approaches on family and children's issues to inform legislative and institutional amendment and reform.
- <sup>17</sup> OHCHR, "Pillay welcomes human rights progress in Barbados, calls for action on remaining gaps," statement of the United Nations High Commissioner for Human Rights at the end of a three-day mission to Barbados, Geneva, 5 April 2012.  
[www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=12048&LangID=E](http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=12048&LangID=E).
- <sup>18</sup> UNICEF submission to the UPR on Barbados, second page.
- <sup>19</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 5.
- <sup>20</sup> According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (not in compliance with the Paris Principles).
- <sup>21</sup> For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/20/10, annex.
- <sup>22</sup> OHCHR, "Pillay welcomes human rights progress" (note 17 above).
- <sup>23</sup> *Ibid.*
- <sup>24</sup> UNICEF submission to the UPR on Barbados, second page.
- <sup>25</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 4.
- <sup>26</sup> OHCHR, "Pillay welcomes human rights progress" (note 17 above).
- <sup>27</sup> *Ibid.*
- <sup>28</sup> *Ibid.*
- <sup>29</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 1.
- <sup>30</sup> See 2008 Resident Coordinator Annual Report Barbados. Available from [www.undg.org/rcar08.cfm?fuseaction=RCAR&ctyIDC=BAR&P=1095](http://www.undg.org/rcar08.cfm?fuseaction=RCAR&ctyIDC=BAR&P=1095).
- <sup>31</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 3.
- <sup>32</sup> OHCHR, "Pillay welcomes human rights progress" (note 17 above).
- <sup>33</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 8.
- <sup>34</sup> The following abbreviations have been used for this document:
- |              |   |
|--------------|---|
| CERD         | Committee on the Elimination of Racial Discrimination;        |
| CESCR        | Committee on Economic, Social and Cultural Rights;            |
| HR Committee | Human Rights Committee;                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women; |
| CRC          | Committee on the Rights of the Child.                         |
- <sup>35</sup> CERD/C/BRB/CO/16, para. 24.
- <sup>36</sup> CCPR/C/BRB/CO/3, para. 15.
- <sup>37</sup> CCPR/C/BRB/CO/3/Add.1.
- <sup>38</sup> UNICEF submission to the UPR on Barbados, first page.
- <sup>39</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 6.
- <sup>40</sup> For the titles of special procedures, see [www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx) and [www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx).
- <sup>41</sup> OHCHR, "Pillay welcomes human rights progress" (note 17 above).
- <sup>42</sup> *Ibid.*

- <sup>43</sup> Ibid.
- <sup>44</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, pp. 1-2.
- <sup>45</sup> UNHCR submission to the UPR on Barbados, p. 3.
- <sup>46</sup> Ibid. See also UNHCR, “Background note on gender equality, nationality laws and statelessness”, 8 March 2012, p. 5. Available from [www.unhcr.org/refworld/docid/4f59bdd92.html](http://www.unhcr.org/refworld/docid/4f59bdd92.html).
- <sup>47</sup> UNHCR submission to the UPR on Barbados, p. 3.
- <sup>48</sup> OHCHR, “Pillay welcomes human rights progress” (note 17 above).
- <sup>49</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 1.
- <sup>50</sup> OHCHR, “Pillay welcomes human rights progress” (note 17 above).
- <sup>51</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), adopted 2011, published 101st ILC session (2012), first and twelfth paragraphs. Available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2700664](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700664).
- <sup>52</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), adopted 2010, published 100th ILC session (2011), first paragraph. Available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2334550](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2334550).
- <sup>53</sup> UNICEF submission to the UPR on Barbados, third page.
- <sup>54</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 5.
- <sup>55</sup> UNICEF submission to the UPR on Barbados, second page.
- <sup>56</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), adopted 2011, published 101st ILC session (2012) (note 51 above), sixth and eighth paragraphs.
- <sup>57</sup> OHCHR, “Pillay welcomes human rights progress” (note 17 above).
- <sup>58</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 4.
- <sup>59</sup> OHCHR, “Pillay welcomes human rights progress” (note 17 above).
- <sup>60</sup> UNICEF submission to the UPR on Barbados, p. 2.
- <sup>61</sup> United Nations Statistics Division, Millennium Development Goals Indicators, coordinated data and analyses, available from <http://mdgs.un.org/unsd/mdg>.
- <sup>62</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2011, published 101st ILC session (2012), first paragraph. Available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2699482](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699482).
- <sup>63</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Barbados, adopted 2011, published 101st ILC session (2012), first paragraph. Available from [www.ilo.org/dyn/normlex/en/f?p=1000:13101:0::NO:13101:P13101\\_COMMENT\\_ID:2699482](http://www.ilo.org/dyn/normlex/en/f?p=1000:13101:0::NO:13101:P13101_COMMENT_ID:2699482).
- <sup>64</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2010, published 100th ILC session (2011), second paragraph. Available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2334521](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2334521).
- <sup>65</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning ILO Equal Remuneration Convention, 1951 (No. 100), adopted 2011, published 101st ILC session (2012), fifth paragraph. Available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2699156](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699156).
- <sup>66</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2011, published 101st ILC session (2012) (note 63 above), fourth paragraph.
- <sup>67</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning ILO Equal Remuneration Convention, 1951 (No. 100), adopted 2011, published 101st ILC session (2012) (note 65 above), second paragraph.
- <sup>68</sup> See also ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), adopted 2011, published 101st ILC session (2012), second paragraph. Available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2698699](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2698699).

- <sup>69</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), adopted 2011, published 101st ILC session (2012), third paragraph. Available from [www.ilo.org/dyn/normlex/en/f?p=1000:13101:0::NO:13101:P13101\\_COMMENT\\_ID:2698986](http://www.ilo.org/dyn/normlex/en/f?p=1000:13101:0::NO:13101:P13101_COMMENT_ID:2698986).
- <sup>70</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 10.
- <sup>71</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning ILO Equal Remuneration Convention, 1951 (No. 100), adopted 2011, published 101st ILC session (2012) (note 65 above), third and fourth paragraphs.
- <sup>72</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning ILO Abolition of Forced Labour Convention, 1957 (No. 105), adopted 2011, published 101st ILC session (2012), third paragraph. Available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2699285](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699285).
- <sup>73</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 7.
- <sup>74</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning ILO Minimum Age Convention, 1973 (No. 138), adopted 2011, published 101st ILC session (2012), third paragraph. Available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2699983](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699983).
- <sup>75</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 7.
- <sup>76</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning ILO Minimum Age Convention, 1973 (No. 138), adopted 2011, published 101st ILC session (2012) (note 74 above), ninth paragraph. See also ILO Committee of Experts, Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), adopted 2011, published 101st ILC session (2012) (note 51 above).
- <sup>77</sup> OHCHR, “Pillay welcomes human rights progress” (note 17 above).
- <sup>78</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 3.
- <sup>79</sup> UNICEF submission to the UPR on Barbados, fifth page.
- <sup>80</sup> In 2009, the rate was 19.3; in 2011 it was 19.7. United Nations Statistics Division, Millennium Development Goals Indicators, coordinated data and analyses, available from <http://mdgs.un.org/unsd/mdg>.
- <sup>81</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 5.
- <sup>82</sup> United Nations Statistics Division, Millennium Development Goals Indicators, coordinated data and analyses, available from <http://mdgs.un.org/unsd/mdg>.
- <sup>83</sup> UNICEF submission to the UPR on Barbados, fifth page.
- <sup>84</sup> *Ibid.*, fifth and sixth pages.
- <sup>85</sup> UNDP, UNFPA, ILO and UN-Women submissions to the UPR on Barbados, p. 1.
- <sup>86</sup> Economic Commission for Latin America and the Caribbean, “A further study on disability in the Caribbean: rights, commitment, statistical analysis, and monitoring” (LC/CAR/L.237), 14 December 2009, p. 8. Available from [www.eclac.org/portofspain/publicaciones/xml/2/38242/lcarl237.pdf](http://www.eclac.org/portofspain/publicaciones/xml/2/38242/lcarl237.pdf).
- <sup>87</sup> UNHCR submission to the UPR on Barbados, 2012, p. 1.
- <sup>88</sup> *Ibid.*, pp. 2, 3.
- <sup>89</sup> *Ibid.*, p. 2.
- <sup>90</sup> *Ibid.*, p. 1.
- <sup>91</sup> *Ibid.*, p. 3.
-