

Universal Periodic Review (29th session, Jan-Feb 2018)
Contribution of UNESCO
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

[Barbados](#)

I. Background and framework

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Convention ratified (24/06/1975)	Reservations to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not ratified			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	15/05/2014 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	02/10/2008 Acceptance			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	02/10/2008 Accession			Right to take part in cultural life

Right to education

II. Promotion and protection of human rights on the ground

1. The **Constitution of Barbados** of 1966 (as lastly revised in 2007) includes human rights guarantees but not explicitly the right to education. Education is dealt with in connection to the protection of freedom of conscience. The **Education Act of Barbados** of 1983 (lastly amended in 2015) sets out that education is provided for all citizens from pre-primary level to tertiary level and that education is compulsory between the ages of 5 to 16.
2. In terms of reporting to UNESCO, Barbados did not submit national report within the framework of the **9th (2016-2017) Consultations** of Member States on the measures taken to implement the UNESCO Convention against Discrimination in Education, though the country reported for the **8th Consultation (2011-2013)**. Similarly, Barbados did not report on the measures taken to implement the UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms for the **5th (2012-2013) and 6th (2016-2017) Consultations**.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

3. The Constitution of Barbados guarantees the freedom of expression in Article 20, which states, that “Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression”¹.
4. Freedom of expression can be limited on the reasonable grounds such “as in the interest of defense, public safety, public order, morality or public health”, “for the purpose of protecting reputations, rights and freedom of the other persons or private life of persons”².
5. A freedom of information law is still absent in legislation even though the drafting process began in 2008.
6. Defamation remains a criminal offence in Barbados punishable by imprisonment. Libel can be prosecuted as a criminal offence under Art. 34 of the Defamation act. The punishment is imprisonment for up to 12 months and/or a fine of up to \$US2000³.

➤ Implementation of legislation:

7. The Broadcasting Act regulates broadcasting sector⁴. The Act established Barbados Broadcasting Authority and its Board of Directors. The authority is an advisory body to the Minister responsible of Information in the fields of licencing, monitoring broadcasting

¹ http://www.oas.org/dil/the_constitution_of_barbados.pdf

² http://www.oas.org/dil/the_constitution_of_barbados.pdf

³ <https://bajan.files.wordpress.com/2007/04/cap199.pdf>

⁴ <http://www.wipo.int/edocs/lexdocs/laws/en/bb/bb049en.pdf>

standards and practices as well as advertising. The Minister responsible of Information issues broadcast licences.

➤ Safety of journalists:

8. UNESCO⁵ did not report any killing of journalist between 2008 until present time.

III. Recommendations

9. Below are the recommendations made within the framework of the 2nd cycle of the Working Group (23rd session) on the Universal Periodic Review (March 2013)⁶:

102.91. *Take measures to prevent and sanction police harassment and torture, including through human rights education and training modules.*

102.94. *Provide human rights education, including related to sexual orientation and gender identity, to all law enforcement officials.*

102.114. *In the context of the provisions of Barbados' Constitution in the area of the fight against discrimination, continue promoting legislative and public policy action to ensure the rights of persons with disabilities, especially in the areas of employment, education and the provision of State services.*

102.115. *Conduct a census of the population with disabilities so as to identify the types of disabilities involved, causes, potential levels of intervention including medical care and rehabilitation, education requirements, food and adequate housing appropriate to disabilities, technical aids and prosthesis, among others.*

Review and specific recommendations

10. Half of the recommendations that were made to Barbados in relation to education during the last UPR cycle referred to human rights training for law enforcement officials. However, no particular programme established further to the UPR recommendations could be identified according to available information.
11. The other recommendations that were addressed to the country specifically concerned persons with disabilities. In particular, Barbados was recommended to promote legislative and public policy action to ensure the rights of persons with disabilities, including but not limited to education. Important progress was made by Barbados on this matter. The country ratified in 2013 the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which it had signed in 2007. This ratification, which should be particularly commended, reflects the country's stronger commitment to ensuring the rights of persons with disabilities and its efforts to conform to international human rights standards. However, little indicates that concrete measures have been taken towards adopting and

⁵ <http://en.unesco.org/unesco-condemns-killing-of-journalists>

⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/118/35/PDF/G1311835.pdf?OpenElement>

promoting a rights-based and inclusive approach to the education of persons with disabilities and, according to the latest review by the Committee on the Rights of the Child (CRC), children with disabilities continue to face persistent discrimination and challenges.⁷ Furthermore, while Barbados was recommended to conduct a census of the population with disabilities to identify the types of disabilities involved and potential levels of intervention, the lack of data and information continues to be an issue for the country, as pointed out by the CRC.⁸

12. More could be done to overcome the prevalence of discrimination against persons with disabilities. Reviewing and amending the definition of discrimination in the Constitution would be a needed step forward, since the Constitution currently prohibits discrimination only on the grounds of race, place of origin, political opinions, colour, creed or sex. In that respect, Barbados could envisage extending the definition to cover other possible grounds of discrimination, such as disability and health status. In addition, Barbados could be encouraged to adopt an inclusive approach for the education of persons with disabilities. Barbados has reportedly been developing special curricula and individualised education plans, and has established of the first secondary school and vocational centre for adolescents with special needs.⁹ Instead, and in line with Article 24 of CRPD, Barbados should be recommended to ensure that inclusive education is given priority over the placement of children in special education schools and classes. Barbados could be further encouraged to carry out educational campaigns to address negative social attitudes and discrimination against persons with disabilities.
13. Discrimination can also affect non-nationals and migrant children in their access to education. However, legal protection against this form of discrimination is weak. The Constitution does not include reference to discrimination on the basis of nationality. Furthermore, it has to be noted that the Education Act was amended in 2015 so as to “limit the categories of persons who would be eligible for bursaries, grants, awards, scholarships and exhibitions awarded under that Act”.¹⁰ Citizenship being set as a condition, it has consequently the effect of excluding all non-nationals, including legal residents from benefitting from these schemes. Barbados could be invited to reconsider this amendment and, more broadly, to make more efforts to ensure that non-nationals can benefit from equal opportunities in education.
14. Another area of concern is the low coverage of the right to education in the national legal framework. As the Supreme Law of the country spelling out the fundamental human rights and freedoms, the lack of specific constitutional provisions on the right to education

⁷ Concluding Observations of the Committee on the Rights of the Child (CRC/C/BRB/CO/2), 3 February 2017, para. 21, accessible at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBRB%2fCO%2f2&Lang=en (Last accessed on 28 February 2017)

⁸ *Ibid.*, para 45

⁹ *Ibid.*, para. 45

¹⁰ Education (Amendment) Bill, 2014, accessible at :

http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=101021 (Last accessed on 28 February 2017)

weaknesses its full implementation. In the perspective of a forthcoming constitutional reform, Barbados could be invited to include explicit provisions on the right to education. Additionally, Barbados expressed reservation upon ratification to the International Covenant on Economic, Social and Cultural Rights (ICESCR) concerning the application of the right to education. Barbados stated: “it reserves the right to postpone ... the application of article 13 (2) (a) of the Covenant, in so far as it relates to primary education; since, while the Barbados Government fully accepts the principles embodied in the same articles and undertakes to take the necessary steps to apply them in their entirety, the problems of implementation are such that full application of the principles in question cannot be guaranteed at this stage.”¹¹ Article 13 of ICESCR provides notably that “The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right ... (a) Primary education shall be compulsory and available free to all”. Barbados could be invited to reconsider the opportunity of maintaining its reservation, since it accepted to be bound by similar provisions when ratifying other international human rights treaties.¹² Furthermore, in the context of the Sustainable Development Goal on Education (SDG-4), Barbados is committed to ensure the right to quality education for all throughout life. This includes commitment to ensure access to quality pre-primary, primary and secondary education for all and equal opportunity for access to effective quality post-secondary education and training. Therefore, in this perspective, Barbados could be encouraged to withdraw its reservation and fully implement Article 13 of ICESCR.

➤ **Specific recommendations:**

1. Barbados should be strongly encouraged to enshrine the right to education in its Constitution and to consider extending the constitutional definition of non-discrimination to cover a comprehensive list of potential grounds of discrimination.
2. Barbados could be encouraged to strengthen its efforts to counter discrimination against persons with disabilities, by carrying out awareness-raising activities and educational campaigns, and to adopt a rights-based and inclusive approach to the education of persons with disabilities.
3. Barbados could be encouraged to reconsider the Amendment adopted in 2015, which prevents all non-nationals from being eligible for bursaries, grants, awards, scholarships and exhibitions awarded under the Education Act.
4. Barbados could be encouraged to withdraw its reservation to Article 13 (2) (a) of the International Covenant on Economic, Social and Cultural Rights, which is not in line with its other legal and political commitments under international human rights treaties and SDG-4.

¹¹ Full text accessible at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4&clang=en#EndDec (Last accessed on 28 February 2017)

¹² These include notably the UNESCO Convention against Discrimination in Education, the UN Convention on the Rights of the Child, the UN Convention on the Elimination of All forms of Discrimination against Women and the UN Convention on the Rights of Persons with Disabilities

5. Barbados should be strongly encouraged to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
6. Barbados should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Database on the Right to Education¹³.

Freedom of expression

15. Barbados is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.
16. Barbados is recommended to continue to pursue drafting the freedom of information law in line with international standards and present it for adoption as soon as feasible.
17. Barbados is recommended to consider strengthening the independence of broadcast licensing in line with international standards.

Cultural Rights

18. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)¹⁴, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)¹⁵ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)¹⁶, Barbados is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Barbados is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of scientific research and the right to benefit from scientific progress and its applications

¹³ <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

¹⁴ Periodic Report available at: <http://whc.unesco.org/document/123037>

¹⁵ Periodic Report not available

¹⁶ Periodic Report not available

19. Barbados has not submitted its National Report on the implementation of the **Recommendation on the Status of Scientific Researchers** (1974) for the **Second Consultation** covering the period from 2013 to 2016 (<http://on.unesco.org/2hL0xGz>). Therefore **Barbados** is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument in line with the online monitoring questionnaire (<http://unesdoc.unesco.org/images/0024/002468/246830E.pdf>). When replying to the 2013-2016 monitoring questionnaire, **Barbados** is kindly invited to pay particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation. The issues under consideration are: autonomy and freedom of research and expression; academic freedom to openly communicate on research results; participation of scientific researchers in the definition of the aims and objectives of research; compliance of research methods with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; freedom of movement of researchers and respect for their economic, social and cultural rights.