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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 \***

**Barbados**

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. METHODOLOGY AND CONSULTATIVE PROCESS**

1. The national report of Barbados for the Universal Periodic Review was prepared in accordance with the General Guidelines for the Preparation of Information under the Universal Periodic Review.
2. The Ministry of Foreign Affairs was responsible for coordinating meetings with relevant Government Ministries, NGO's and civil society and the production of the final report. An initial meeting was convened with the principal ministries and government departments responsible for the implementation of the various human rights conventions along with the Office of the Ombudsman. Written submissions were received from those ministries as well as from the National Organization of Women (NOW) and the Barbados Association of Non-Governmental Organizations (BANGO). The submissions and other relevant information were collated into a draft report which was circulated. Further meetings were convened to allow representatives of all the participating agencies as well as NGO's to undertake a thorough review of the draft document. The final report takes into account the results of that review.

## **II. COUNTRY BACKGROUND**

### **A. The Constitution**

3. The Constitution is the Supreme Law of Barbados. Successive governments of Barbados have been committed to the protection of human rights of the individual. It is against this background that the government and people of Barbados took the decision at independence to enshrine this principle in the Bill of Rights provisions contained in the Constitution of Barbados. The Bill of Rights guarantees a number of basic freedoms such as the right to life; the right to personal liberty; protection from slavery and forced labour; protection from inhumane treatment; protection from discrimination on grounds of race, place of origin, political opinions, colour or creed; right to a fair trial and the presumption of innocence.
4. The Constitution provides that any person alleging the violation of any of the above rights may apply to the High Court for redress. The High Court thus serves as the effective domestic guardian of human rights in Barbados. Every individual has the constitutional right to seek redress from the High Court in respect of any human rights violations by the State.

### **B. The Government**

5. Barbados has a form of government based on universal adult suffrage and characterized by regularly held free and fair elections. The electoral system is patterned after the British Westminster system and Barbados is a member of the Commonwealth recognizing the Queen of England as Head of State with a Governor General serving as her representative in Barbados. This system is multi-party and the party that wins the majority forms the government and may serve a term of five years and may be re-elected. The winning party appoints a leader who serves as Prime Minister and the Head of Government. General elections were last held on 15 January 2008 and resulted in a change of government with the Democratic Labour Party capturing twenty of the thirty seats in the House of Assembly. The Honourable David John Howard Thompson was sworn in as Prime Minister. The Barbados Labour Party won the other ten seats and formed the Opposition.

6. Barbados has a bicameral legislature: the House of Assembly is composed of 30 members elected by universal adult suffrage who represent the 30 constituencies into which the island is divided for electoral purposes. The Senate consists of 21 members made up of twelve members appointed by the Governor-General on the advice of the Prime Minister; two members appointed by the Governor-General on the advice of the Leader of the Opposition and seven members appointed by the Governor-General at his discretion to represent religious, social, economic or such other interests as he may deem necessary.

7. Under Section 64 of the Constitution, the Cabinet which is appointed by the Governor-General on the advice the Prime Minister is charged with the general direction and control of the government of Barbados and is collectively responsible to Parliament. Responsibility for the making of laws for the peace, order and good governance of Barbados is vested in Parliament.

### **C. The Judiciary**

8. Section 80 of the Constitution provides that there shall be a Supreme Court of Judicature consisting of a High Court and a Court of Appeal. The Court of Appeal hears cases from the Magistrate's Court and the Supreme Court. There is a Family Division of the Supreme Court which deals with family matters. This Court may seek the assistance of the relevant social services related to family matters. Judges are appointed by the Governor-General on the advice of the Prime Minister and after consultation with the Leader of the Opposition. Once appointed, the Chief Justice and Justices of Appeal shall continue in office until the age of seventy years and in the case of a Judge of the High Court – sixty-five years. The Constitution also protects against the arbitrary removal of judges from office. The Courts have the power to review any law passed by parliament to ensure that it is consistent with the Constitution.

9. The Caribbean Court of Justice is the final appellate Court for Barbados having replaced the Judicial Committee of the Privy Council of United Kingdom in 2005.

10. At present, there exist three avenues of appeal for citizens of Barbados outside of the national legal system:

(a) The Inter-American Court on Human Rights (Barbados being party to the American Convention on Human Rights);

(b) The United Nations Human Rights Committee (Barbados being a party to the Optional Protocol of the International Covenant on Civil and Political Rights which allows for the appeal of individuals to the Committee).

(c) The Caribbean Court of Justice (CCJ) which was inaugurated in April 2005, as the judicial Court of the Caribbean Community, having both original and appellate jurisdictions - in the former regard, is responsible for the interpretation of the Revised Treaty of Chaguaramas and in the latter will ultimately serve as the final Court of Appeal for CARICOM Member States. Barbados has already enacted enabling legislation making the CCJ its final Court of Appeal. Barbados is also a member of the Court in its original jurisdiction. This allows citizens or corporate entities who believe that their rights as defined under the Treaty have been breached to access the Court in its original jurisdiction as a treaty interpretation body.

### **III. PROMOTION AND PROTECTION OF HUMAN RIGHTS IN BARBADOS**

#### **A. International human rights instruments**

11. Barbados is party to the following major regional and international human rights instruments: The American Convention on Human Rights; International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights; International Convention on the Elimination of all Forms of Racial Discrimination; International Convention on the Suppression and Punishment of the Crime of Apartheid; Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Barbados is also a signatory to the United Nations Convention on the Rights of Persons with Disabilities and the Belem Do Para Convention which commits to the elimination of all forms of Violence against Women.

12. Like most Commonwealth countries, Barbados has a dualist legal system. International human rights instruments cannot generally therefore be invoked directly before municipal courts; instead domestic legislation must first be enacted by the Parliament of Barbados in order to incorporate international conventions and instruments into the national legal system.

#### **B. International Labour Organization Conventions**

13. Barbados is currently a member of the Governing Body of the International Labour Organization (ILO) and is party to 36 ILO Conventions concerning the rights and privileges of workers. Among these are the International Labour Organization Employment Policy Convention; ILO Discrimination (Employment and Occupation) Convention, 1958; ILO Freedom of Association and Protection of the Rights to Organize Convention, 1948 and ILO Right to Organize and Collective Bargaining Convention, 1978 and Worst Forms of Child Labour Convention, 1999.

#### **C. The Ombudsman**

14. In 1981, the Parliament of Barbados passed the *Ombudsman Act (1981)* Cap 8A establishing the office of Ombudsman. Under the provisions of the Act, the Ombudsman is charged with the responsibility of investigating and reporting upon allegations of improper, unreasonable or inadequate administrative conduct. He is protected from arbitrary removal from office.

#### **D. The Fair Trading Commission**

15. Recognizing the need for modernization of the economy and the creation of new institutions geared to safeguard the rights of the consumer, the Government created the Fair Trading Commission in 2001 with a mandate to improve competition within the business community, improve efficiencies in markets where monopolies exist, safeguard the rights of consumers and generally promote their welfare.

16. The Commission is charged with the responsibility for enforcing the Utilities Regulation Act, some provisions of the Telecommunications Act, the Fair Competition Act and the Consumer Protection Act. Under the Fair Competition Act the Commission is responsible for promoting and maintaining fair competition in Barbados. The Commission conducted inquiries into complaints of anticompetitive practices in the telecommunications, petroleum, financial services, retail, and the

motor industry sectors. The complaints dealt with predatory pricing, restriction of competition, refusal to supply, discriminatory pricing, tied selling, selected list of valuers and resale price maintenance. From April 2007 to March 2008, 2,734 persons contacted the Commission seeking assistance with consumer related issues. The Commission reviewed standard form contracts from a cross-section of industries such as telecommunications, banks, motor vehicle garages, retail outlets, plumbing outlets and other service industries, for unfair contract terms.

#### **E. Non-governmental organizations**

17. There exists in Barbados a thriving Non-Governmental Organization (NGO) fraternity, which plays an important role in both the stimulation of debate on human rights as well as the specialized concerns of the various NGOs. These organizations range from grass-roots community groups to local arms of international organizations and have played an integral role in developing a Barbadian society built on sound democratic principles. The Barbadian NGO community has actively encouraged public participation and interest in the governance process and has fostered human and social development initiatives.

18. The Barbados Association of Non-Governmental Organizations (BANGO), a network organization of NGO's, was established in July 1997. Recognizing the inter-relationship between sustainable development and an empowered civil society, the organization seeks to create an environment of partnership and cooperation between individuals and NGOs, to strengthen the capacities of individuals, communities and institutions and to use advocacy to influence policy formulation in the public and private sectors.

19. The Congress Against Racism-Barbados Inc. (CARB), formerly the Barbados NGO Committee for the World Conference Against Racism (BNC-WCAR), is a coalition of non-governmental organizations which coordinated the participation of Barbadian NGOs in the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa on August 31 to September 7, 2001. CARB comprises *inter alia* the following NGOs: the Society for the Resettlement of Caribbean Nationals (SRCN), the Ichirouganaim Council for the Advancement of Rastafari (ICAR), DAWN Caribbean, the Pan-African Movement of Barbados, the Clement Payne Movement and The Universal Day of Hope and Trust.

20. The National Organization of Women is the umbrella body for women's organizations, whereas the Barbados Christian Council and the Barbados Council of Evangelical Churches are the two umbrella bodies in the faith-based community. The Barbados Council for the Disabled and the Barbados National Organization for the Disabled (BARNOD) are the umbrella organizations serving the Disabled Community or Persons with Disabilities and both receive assistance from the State.

### **IV. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

#### **A. New prison facilities**

21. The fire which destroyed Glendairy Prison on 29 March 2005 necessitated the construction of a purpose built complex to replace the building that was over 100 year old. This complex, which was completed in 2007, is designed to facilitate the separation of male and female sentenced inmates as well as those on remand, awaiting trial and sentencing. Further provision has been made for the

categorizing of inmates according to the level of security risk, namely high, medium and low risk. The Complex also consists of facilities for Medical, Dental, Psychiatric and Psychological management and treatment. At the prison rehabilitation is integral to offender management policy and programmes were developed to provide inmates with academic and vocational training and employment skills to assist them in gaining suitable employment on release, thereby attempting to reduce the levels of recidivism.

## **B. Police Complaints Authority**

22. In 2004, Parliament passed the Police Complaints Authority Act which created the Police Complaints Authority (PCA) as an independent government agency under the direction of the Attorney General. The decision to establish an independent Police Complaints Authority was taken in recognition of the need to provide an independent civilian body outside the Police Force to receive complaints against Police conduct, and to make decisions on complaints in the interest of justice and transparency. The Inaugural meeting of the Authority took place on 4 June 2004 and since then 178 applications have been filed, including 82 requests for investigation. 25 matters have been concluded and 91 are pending investigation. The membership of the Board of the Authority was increased from five persons, to seven persons in 2006.

## **C. Social and economic rights**

### **1. Family and children**

23. The new Government has instituted a free bus service for all school children with effect from the commencement of the new school year in September, 2008. Plans have been announced for a new National Summer Camp Programme designed to create a cadre of community leaders, and provide an opportunity for training youth in counseling and activities management while developing in them a sense of duty towards their juniors. The camps will be staffed by youth volunteers drawn from the Sixth Forms of the Secondary schools (ages 16-18 years), the Barbados Community College and the Cave Hill Campus of the University of the West Indies.

### **2. Education**

24. Since independence in November 1966, successive governments of Barbados have subscribed to the philosophy that education is the primary catalyst for social transformation and accordingly have adopted a policy of free education for all children. Barbados is MDG Plus with respect to education as there is universal primary education; equal access to secondary education, which is compulsory up to age 16 years; and tuition free tertiary education. The remaining goal is to offer universal education at the nursery level and the Government has partnered with the private sector in a joint effort to secure this objective.

### **3. Community technology programme**

25. This is a community-based technology programme which is aimed at bridging the Digital divide. Over 10,000 persons have been trained since its inception in 2002. The programme operates from 15 centres across the island referred to as Resource Centres.

#### **4. Social protection**

26. Barbados provides a safety net for its most vulnerable in the form of monetary transfers as well as assistance-in-kind. Personal development and skills training are part of the programme which seeks to move away from the concept of a “hand-out” to that of a “hand-up”. This aspect of the programme is known as the Welfare-to-Work Programme and is responsible for significant reductions in the Welfare Roll.

#### **5. The elderly**

27. Programmes for the elderly are premised by the concepts of “Active Ageing” and “Ageing in Place”. Active Ageing comprises a programme which seeks to keep our seniors active for as long as possible. The Recreational Activities Programme allows our seniors to engage in varying forms of exercise, drama and dance and craft, while in the National Senior Games the seniors compete against each other in track and field and fun events. Ageing in Place is an alternative programme to institutional care. Seniors are allowed to stay in their own homes and are given the required support by trained staff in order to cope. The programme is known as the Home Care Programme.

#### **6. Persons with disabilities**

28. Assistance is given with the provision of assistive devices e.g. wheel chairs and walkers. Homes are modified to facilitate mobility for Persons with Disabilities. Bathrooms are made disabled friendly and there is a ramp programme which sees approximately 60 ramps per year being built as part of the infrastructure of the homes of Persons with Disabilities.

29. Sign language classes have been introduced by the National Disabilities Unit to facilitate communication between those who are deaf or hearing impaired and the wider society. In 2007, the introduction of the Call-a-Ride Programme, made possible through the availability of five retrofitted buses which can accommodate Persons with Disabilities, especially the physically challenged, now allow them to be more mobile. These buses can also accommodate wheel-chairs. A bus service is also provided for children with disabilities attending school.

30. To ensure quality education for all students and recognizing that children with disabilities must benefit from full participation in the school system, the Ministry of Education has recently attached Special Needs Annexes for children with disabilities to some public schools. There are some institutions that are dedicated to the education of children with disabilities including the Challenor School and the Learning Centre. In recent years students with visual and hearing disabilities who attend the Irving Wilson School, which is a specialised school for students with disabilities, have been able to write the Barbados Secondary Schools’ Entrance Examination and earn places in secondary schools. To facilitate the adjustment into secondary school, students are provided with specialised equipment to cater to their specific needs. Additionally, all recently constructed schools and those repaired under the Education Sector Enhancement Programme have been equipped with facilities, ramps and toilet facilities, to accommodate students in wheel chairs, as there is a focus to accommodate these students in the normal class room setting. However, more facilities, specialized staff and better teacher-training are needed for educating children with disabilities. It should be noted that there is a proposal for a comprehensive Special Needs Policy that is now under active consideration by the Ministry of Education.

#### D. Challenges

31. During consultations with members of civil society, concerns were raised on a number of issues including the absence of the requisite legislative and institutional framework to facilitate the full participation of non governmental organizations other than the trade unions and the private sector civil society in the Social Partnership.

32. In particular, the MESA raised concerns about the presence of gender discrimination in the some of the provisions of the Maintenance Act 1984 - which applies solely to children born outside a marriage. Under s 6 of the Maintenance Act a *single woman may make application to a magistrate for a summons to be served on the man alleged by her to be the father of the child*. However, there is no corresponding provision under the Maintenance Act for a single male, in similar circumstances, to apply for a maintenance order.

33. Issues relating to discrimination, stigmatization and marginalization were also raised by members of civil society, in particular members of the Rastafarian faith. There is a sense that such persons are the subject of profiling which might lead to prejudices and incorrect assumptions being made and rights being infringed. In view of this, the Government will need to embark on a series of training and sensitization programmes for public officers responsible for providing services to members of the public to ensure that such persons are not discriminated against based on race, class, religion, culture or ethnicity.

34. In addition, concerns were raised about how complaints or allegations of misconduct or infringement of rights by public authorities, in particular the police, are dealt with. Although the legislative and institutional framework in the person of the Ombudsmen and the Police Complaints Authority has been established to address these issues, the Government recognizes that more has to be done to strengthen these frameworks and to engender public confidence in the complaints system.

35. The National Organization of Women expressed concern about the lack of a Sexual Harassment Act since at present, complaints are dealt with as assaults rather than as an industrial relations issue. The psychological and physical impact which domestic violence has on children is another area of concern. The president of NOW further expressed frustration at the lack of support systems at the administrative level for women and the issue of collection of child maintenance.

36. The Government is aware that there are several pieces of legislation which have to be updated to reflect current international human rights norms as it relates to equality, integrity, freedom of information and freedom of association and is committed to undertaking this reform in the shortest time possible but is constrained by limited human resources and other capacity constraints.

37. The Government is cognizant of the need to strengthen the legislative, institutional and procedural framework necessary to give greater effect to these rights, to promote greater respect for human rights among all sectors of the society. Thus it must adopt and institute the requisite regulations and administrative rules to provide for greater monitoring and compliance.



## **V. KEY NATIONAL PRIORITIES**

### **A. Prevention and control of HIV/AIDS**

38. Barbados' policy towards Persons with HIV/AIDS is grounded in the philosophy that our people and their inherent capabilities is our greatest resource. Since the 1990's data confirm that in Barbados AIDS is among the leading causes of death among persons in the 15-44 age range. Since the mid-1980s, the Government has committed resources to combating the spread of HIV/ AIDS in Barbados. From 2001, the national response to HIV/ AIDS was increased with the government committing US \$50 million over a five year period to the Expanded National Response programme. Part of this initiative included an objective to provide all Barbadian citizens who are HIV positive with Highly Active Anti-Retroviral Therapy (HAART) free of charge if the criteria for provision were met. Efforts to combat and control the spread of the disease have also included a number of public awareness and sexual education programmes and free distribution of prophylactics.

39. The broad-based nature of the HIV/ AIDS response has been highlighted as a best practice and has been made possible through the multi-sectoral National HIV and AIDS Commission (NHAC), which was established in 2001 and is the central coordination authority of sectors and partners responsible for HIV/AIDS awareness, prevention and treatment. Current stakeholders include Persons Living with HIV (PLHIV), representatives from the private sector, media, youth groups, faith-based organizations, unions, NGO, employers and medical personnel. The NHAC recently completed the draft National Strategic Plan (2008-2013).

40. Central to the partnership with civil society has been engagement with PLHIV who have been represented on successive National Committees and Commissions since 1995. The NHAC provides funding for several services provided by CSOs such as CARE Barbados (Comfort Assist Reach out Educate), United Gays and Lesbians against AIDS Barbados (UGALAAB) and the AIDS Society of Barbados (ASOB).

41. The Barbados HIV response has emphasized medical treatment and the care of Persons Living with HIV (PLHIV), the reduction of stigma and discrimination, and prevention including information, education and communication (IEC) programmes. With the advent of antiretroviral drugs Barbados has experienced a significant reduction in the incidence of mortality associated with the disease.

42. The Government sees as one of its priorities, the provision of a comprehensive policy document which is multi-sectoral in scope, developmental and human rights based. The objective of the Policy is "to achieve positive and sustained behavioural change, not only among the vulnerable and marginalized groups, but also across the entire population through evidence-based planning and targeted interventions guided by operational research". (Barbados National HIV Policy, p.8) Accordingly, the Government of Barbados has secured a loan from the World Bank of \$35 million dollars to assist with the implementation of the National HIV/AIDS Strategic Plan 2008-2018.

### **B. National Task Force on Crime Prevention**

43. The National Task Force on Crime Prevention (NTFCP) following recommendations from various studies, is proposing to facilitate a Violence Prevention Programme which aims to address violence against woman, gender based violence and violence in schools. The NTFCP will establish a

Violence Prevention Committee comprised of representatives from UNIFEM, government and non-governmental agencies

44. As part of this strategy, the NTFCP will establish Crime Prevention Clubs in secondary schools. The aim of this club is to give club members the opportunity to plan and execute crime and violence prevention programmes in their schools and surrounding communities. This will contribute to a safe learning environment for children.

45. Since 2004 the NTFCP has been facilitating an Offenders Assessment Programme at the Government Industrial School, the Prison and the Probation Department. The aim of the Offender Assessment Programme is to assess the risk which an offender poses and the treatment necessary for rehabilitation. This project takes into consideration basic human social rights by giving offenders an opportunity for rehabilitation and reintegration into mainstream society.

46. A Literacy Testing programme for inmates of Her Majesty's Prisons is being planned by NTFCP. This programme was one of the recommendations emerging from the Commission on Law and Order report, and will be piloted in the current financial year.

### **C. Domestic violence**

47. The scourge of domestic violence has impacted negatively on families and has had devastating consequences for societies not only socially but also economically. Barbados has committed itself to a number of International Conventions which speak to the elimination of violence in all forms against women namely, the Committee for the Elimination of Violence against Women (CEDAW) Convention ratified in 1980, the Belem do Para Convention in 1995 and the 1995 Beijing Plan of Action.

48. In fulfillment of these obligations the Government, through the Bureau of Gender Affairs, has sought assiduously to keep this issue in the public domain engaging in a number of activities such as workshops and panel discussions aimed at creating an awareness of this problem. The Day for the Elimination of Violence against Women has been observed on 25 November each year which the Sixteen Days of Activism has been celebrated from 25 November to 10 December each year. These two events have advocated a zero tolerance approach to domestic violence and are ranked highly on the Bureau's annual calendar. The Bureau has played an active role in the coordination of activities to commemorate these two occasions and has worked in tandem with its stakeholders to ensure their success.

49. To ensure that young people are a part of this sustained effort to eradicate domestic violence, the Bureau has partnered with the National Organization of Women to establish a domestic violence programme in secondary schools in Barbados. Over the years, one of the greatest challenges to fighting the scourge of domestic violence has stemmed from the inability to accurately measure its extent. This has been due in large part, to the fact that there has been no harmonized method of data collection by those agencies involved in the fight against domestic violence. The Bureau, in recognizing this limitation, has created an instrument called the Domestic Violence Data Collection Protocol which will allow for a comprehensive collection of data on gender based violence and provides information on both the victim and perpetrator. In March 2008 the Cabinet of Barbados approved a recommendation on this issue thereby paving the way for a pilot project to be undertaken in August 2008 using the Domestic Violence Data System Data Form. This project will involve a

number of agencies which are stakeholders in the fight to eradicate domestic violence and has been undertaken in collaboration with the United Nations Development Fund for Women (UNIFEM). The Bureau of Gender Affairs has also commissioned a survey on the extent of domestic violence in Barbados.

#### **D. Good governance**

50. Barbados as a matter of policy is committed to the principles of good governance and the elimination of public and private incidences of corruption. Enabling legislation has been drafted and it is anticipated that this legislation will be finalized in the very near future thereby placing Barbados in a position to move towards ratification of the Convention. In the meantime, Barbados has been focusing on this issue domestically. Apart from the drafting of enabling legislation a Governance Advisory Unit and a Governance Advisory Board have been established in the Office of the Prime Minister. The Governance Advisory Unit was set up in 2008 to ensure and facilitate the timely achievement of the Government's good governance objectives which include: the drafting of integrity legislation including provisions for the declaration of assets of public officials and a code of conduct for Ministers; the drafting of freedom of information legislation; the drafting of amendments to the Defamation Act; the enactment of new constitutional provisions to rationalize the powers of the Prime Minister; and the drafting of Contractor General legislation. The Governance Advisory Board also advises the Prime Minister on such matters as he may refer to it. The Government is also committed to the fullest collaboration and consultation with all stakeholders on matters of good governance and the fullest implementation of public information and education programmes on this issue.

51. At present, Barbados does not have a system of local government. The Government will shortly be introducing the Community Empowerment Programme (CEP), seen as a platform for promoting development and an avenue through which citizens can participate in the decision-making process and contribute to national development. Socially, it is a strategy to increase the effectiveness of development programmes, since the programmes are undertaken in response to the needs of the constituency which have been identified and prioritized by its constituents. The CEP will allow for a more efficient delivery of services to the constituents and the constituency as the level of bureaucracy will decrease. Livelihoods will be improved as local residents with the required skills will be on the frontline of employment opportunities within their respective constituencies. The institutional linkage of CEP to Central Government would be a Department of Constituency Empowerment while structural linkage to the constituents would be Constituency Councils.

52. The Government is intending to give greater responsibility and authority to citizens by creating thirty Constituency Councils. The Constituency Council will be a legally established body of local representatives, who have been nominated by residents and given authority to voice their concerns; maintain links with Central Government and other agencies; and to effectively and efficiently manage resources for the development of the given constituency.

#### **E. Culture**

53. As previously mentioned, Barbados is signatory to the International Covenant on Economic, Social and Cultural Rights, and is about to accede to the UNESCO 2005 Convention on the Promotion and Protection of the Diversity of Cultural Expressions. This is indicative of Barbados'

commitment to the belief that cultural rights are a fundamental part of universal human rights, and that each individual has the right to participate in the cultural life of his or her choice, and to have the freedom of cultural expression, as long as in so doing, respect for human rights is observed.

54. To this end, government established by act of Parliament in 1983, a National Cultural Foundation (NCF), a Statutory Corporation which falls under the purview of the Ministry responsible for Culture. The mandate of the National Cultural Foundation is to oversee national cultural development projects in all disciplines and, while respecting the fact that cultures grow and evolve, to seek at the same time to preserve and to nurture the cultural expressions of our people. Government is also firmly committed to the documentation and preservation of our heritage, both tangible and intangible, and to the view that a people have the right to access to information about their cultural heritage, and the right to be able to preserve it for posterity. To this end, Barbados is signatory to UNESCO's International Conventions on the protection of cultural heritage. Government also provides a substantial annual subvention to the Barbados Museum and Historical Society.

#### **F. Labour rights**

55. Article 23 of the United Nations Universal Declaration of Human Rights pertains to the rights of employees at the workplace. These range from the right to join a trade union to the right for equal pay for equal work. These are principles which are enshrined in the Decent Work concept of the International Labour Organization and are strongly supported by Barbados. Barbados actively supports rights at work and pursues policies that encourage employment creation, social protection and social dialogue. These are considered to be the major pillars of decent work and this country's position with respect to each are now briefly outlined as follows:

56. Barbados is committed to the safeguard of the rights of workers. This is evidenced through Barbados' ratification of the eight core ILO Conventions pertaining to fundamental principles and rights at work. Chapter three of the Barbados Constitution recognizes the right of a person to assemble freely and associate with other persons to form or belong to trade unions and other institutions for the protection of his interests. Additionally, the Trade Union Act facilitates the freedom of association and the modernization of this legislation is currently under consideration.

57. Barbados ratified ILO Convention 182 (concerning the worst forms of child labour) in 2000. The Ministry of Labour has established a tripartite committee that has formulated programmes aimed at raising national awareness on the scourge of child labour and eliminating the worst forms of child labour in Barbados. To date, the Ministry has produced and distributed promotional materials on child labour and on June 12<sup>th</sup> 2008, launched a mass media programme to bring attention to the issue. This mass media programme included television programmes highlighting the various formats that child labour could take. Moreover, Barbados has amended the Employment (Miscellaneous Provisions) Act. This legislation controls the types of work that children can perform and limits the hours of work that children can be employed for.

58. Chapter three of the Barbados Constitution offers protection from discrimination on the ground of race, political origin, colour or creed. Furthermore, provisions in the draft Employment Rights Bill prohibit the dismissal of an employee for a reason that relates to race, colour, gender, marital status, religion, age, political opinion, etc. The Barbados National Strategic Plan 2006-2025,

under Goal 1, Objective 1.13, also makes a commitment to the development of anti-discrimination legislation to address the violation of human rights, racial discrimination and discrimination based on gender, age and disability.

59. In accordance with Article 24 of the United Nations Declaration on Human Rights which states that everyone has the right to rest, leisure, reasonable limitation of working hours and holidays with pay the work week in Barbados is legislated to be forty hours and the Holidays with Pay Act entitles every employee to a paid annual holiday

60. The Government of Barbados continues to pursue its programme of employment generation by actively seeking employment opportunities for Barbadians, both locally and overseas. For local employment, the Ministry of Labour receives and fills vacancies from employers and offers employment guidance and counseling services to prepare local job seekers for entry into the labour market. For the overseas programme, the Ministry continues to participate in employment arrangements with Canada and the United States. Local workers are placed primarily in the hotel and agricultural sectors of these countries.

61. The Barbados National Insurance Scheme is recognized as having one of the more comprehensive systems of social security throughout the region, and at present is the only country in the English-speaking Caribbean with a system of unemployment insurance. Other benefits that are offered by this scheme include sickness, maternity, employment injury, old-age contributory pension and non-contributory old age pension.

### **G. Social partnership**

62. Barbados possesses a vibrant social partnership which comprises Government, the Private Sector and the Trade Union Body. This partnership is essentially an instrument in which all parties endeavour to formulate coordinated responses to the country's economic and social challenges. It has resulted in a much less disruptive industrial environment over the past five years and has been lauded by the ILO as a model to be followed. The partnership, through a series of protocols, has formulated a number of positions on a series of critical human rights issues. Under the latest protocol, the parties have pledged, inter alia, to (a) eliminate marginalization and discrimination targeted at persons with disabilities (b) protect the nation's children from the scourge of child labour and (c) promote values such as acceptance, tolerance and respect for the religious and cultural diversity of migrant workers.

### **H. Migrants**

63. Barbados is sensitive to the needs of migrants and to their rights to seek employment opportunities within the country. To this end, a draft migrant workers protocol within the context of a decent work agenda has been formulated by the Labour Ministry and distributed to the social partners for their input and comments. The contents of international migrant worker instruments from the United Nations and the ILO have been taken into consideration in the formulation of the protocol, which addresses (a) equal treatment of migrants with respect to employment and membership in trade unions (b) the right of migrants to be protected against human trafficking, degrading punishment and physical abuse and (c) the implementation of measures to secure the health and safety of migrants at the place of employment.

### **I. Human trafficking**

64. Although a relatively new phenomenon to the Caribbean, the issue of human trafficking presents one of the greatest challenges to the preservation of human rights in these modern times. In September of 2001, Barbados signed the United Nations Convention against Transnational Organized Crime and the annex to its protocol to punish, suppress and punish Trafficking in Persons, especially women and children. The Bureau of Gender Affairs was given the mandate to lead the process to combat trafficking in persons to Barbados in 2002, at a Meeting of the Principle Delegates of the Inter-American Commission of Women (CIM). The Bureau of Gender Affairs has collaborated with the Business and Professional Women's Club of Barbados to create an awareness of this activity through a series of initiatives which included public awareness campaigns and training to sensitize organizations likely to interact with the practice. These initiatives have had the financial support of the International Organization for Migration under the Caribbean Counter Trafficking Initiative.

65. In order to move the process forward, the Bureau is in the process of developing a protocol which will seek to intervene in cases of trafficking and offer treatment to the victims. With this in mind, there have been workshops held with strategic partners to develop the protocol, policy and procedures manual. In an effort to measure the extent of the problem in Barbados, the Bureau of Gender Affairs has made provisions for the conducting of a study on the incidence of human trafficking during this fiscal year.

### **VI. CAPACITY BUILDING AND TECHNICAL ASSISTANCE**

66. As previously stated Barbados like other small developing states is plagued by shortage of personnel who have been trained to monitor the implementation aspect of its human rights commitments, compile and analyze relevant data and produce the requisite reports. Capacity building and areas for technical assistance could focus on the preparation of the human rights reports and developing programmes for human rights education.

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