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ON CIVIL AND
POLITICAL RIGHTS**

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Twelfth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 267th MEETING

Held at Headquarters, New York,
on Thursday, 26 March 1981, at 10.30 a.m.

Chairman: Mr. MAVROMMATIS

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* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.267/Add.1.

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The meeting was called to order at 11 a.m.

SOLEMN DECLARATIONS BY NEWLY ELECTED MEMBERS OF THE COMMITTEE IN ACCORDANCE WITH ARTICLE 38 OF THE COVENANT (continued)

1. The CHAIRMAN welcomed Mr. Aguilar and Mr. Al Douri, newly elected members of the Committee.
2. Mr. AGUILAR and Mr. AL DOURI made a solemn declaration, in accordance with article 38 of the Covenant, to discharge their duties impartially and conscientiously.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Barbados (continued) (CCPR/C/1/Add.36)

3. Mr. WALKER (Barbados), replying to questions raised by members of the Committee, said that since the submission of the report in 1978 his Government had enacted legislation which went towards implementing some further provisions of the Covenant. It was proud of its performance in the field of human rights, and Barbados had been internationally acclaimed as one of the freest nations. The Government did not, however, rest on its laurels, its stated position being to improve the quality of life for all its citizens. It viewed the right to life as embracing notions such as freedom of conscience, of association, of movement and of expression and protection from discrimination, inhuman treatment and deprivation of property. It pursued a policy of education for all up to university level, sought to ensure employment for all its citizens and encouraged participation in social activities. It was engaged in great economic activity, including building projects which provided much employment, a housing programme which placed emphasis on accommodation for the lower-income and middle-income groups, and the establishment of industrial parks in both urban and rural areas.
4. With respect to article 1 of the Covenant, he said that his Government had always supported and often co-sponsored United Nations resolutions on self-determination for Namibia and other colonies and Non-Self-Governing Territories, including Western Sahara, East Timor and, of course, Territories in the Caribbean region. Barbados was helping to train Namibians and had been a member of the Commonwealth team which had supervised the elections leading to the creation of an independent Zimbabwe, and its Minister for External Affairs had been elected Chairman of the Commonwealth Ministerial Committee on Belize.
5. Some members of the Committee had expressed concern at the fact that the provisions of the Covenant could not per se be invoked before or directly enforced by the courts or administrative authorities of Barbados. It must be appreciated that treaty-making power was vested in the executive, and what the passage in the report which had drawn the attention of members of the Committee was intended to convey was that, when Barbados became a party to a treaty, legislation still had

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(Mr. Walker, Barbados)

to be enacted, in appropriate cases, to give effect to its provisions unless there existed a body of law which would ensure compliance.

6. On the question of the time period for the registration of births, he explained that section 8 (1) of the Registration Act required that notice of a birth should be given to the registrar of the district in which the child was born within 28 days after the birth. With respect to the death penalty, section 2 of the Sentence of Death (Expectant Mothers) Act provided that, where a woman convicted of an offence punishable by death was found to be pregnant, the sentence passed on her should be life imprisonment instead of death.

7. A question had been asked about the independence of the judiciary. In accordance with section 81 of the Constitution, the Chief Justice and Puisne Judges were appointed by the Governor-General on the recommendation of the Prime Minister and after consultation with the Leader of the Opposition, and under section 84 a judge could only be removed from office for inability to discharge his functions or for misbehaviour.

8. Replying to questions about sex discrimination, he said that the Government was committed to the attainment of equality of the sexes and there were no longer any fields of activity which were the sole preserve of men. Women were elected to the House of Assembly and appointed to the Senate, as well as to the boards of various statutory corporations and service commissions; they were also found in increasing numbers in the public service, journalism and communications and public transport. Equality of the sexes carried with it the right to equal pay for equal work, and the lead taken by the Government in that respect was being followed in the private sector. The Government was actively pursuing a policy of co-education at the secondary level. It had established a Department of Women's Affairs and a Commission on the Status of Women; the Commission had submitted a comprehensive report, some recommendations of which had already been embodied in legislation. Under section 9 of the Minors Act the mother of a minor had the same powers to apply to the court in respect of any matter affecting the minor as were possessed by the father, and under section 10 (1) the mother of a minor could be awarded custody and rights of access even if she was residing with the father. The term "spouse" had been introduced into the Succession Act, thereby creating equality between the sexes in that respect.

9. As to the question of a public emergency, he was happy to say that no such emergency had been declared since 1937.

10. Questions had also been asked about detention. Section 67 (1) of the Magistrates (Jurisdiction and Procedure) Act provided that a person taken into custody without a warrant should be released on his own recognizance if it would not be practicable to bring him before a magistrate within 24 hours and unless the offence appeared to be a serious one. Similar provision for release on a recognizance was made in section 4 (1) of the Juvenile Offenders Act, even where a person under the age of 16 was apprehended with a warrant.

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(Mr. Walker, Barbados)

11. Legal aid, including aid at the appeal stage, was available under the Legal Aid in Criminal Cases Act for a person charged with any capital offence, manslaughter, infanticide, concealment of birth or rape. At present, the Government was in the process of setting up a department with a view to widening the scope of legal aid.

12. Referring to the question raised about the seven-year period of residence as a qualification for election to the House of Assembly, he said that a reading of section 43 of the Constitution and section 4 of the Representation of the People Act would show that that qualification pertained only to Commonwealth citizens (other than citizens of Barbados).

13. He regretted that time constraints had made it impossible to prepare a fuller response, but emphasized that his Government looked forward to future dialogue with the Committee.

14. Sir Vincent EVANS said that the additional information provided by the representative of Barbados was most welcome. Obviously, there were many other questions which he had not had time to deal with, but those questions, as reflected in the summary records, would doubtless be brought to the attention of the Barbadian authorities with a view to the submission of further written information to the Committee in due course.

15. Mr. TOMUSCHAT asked whether the representative of Barbados was in a position to answer his question about the imposition of the death penalty on persons under 18 years of age.

16. Mr. TARNOPOLSKY expressed the hope that, when providing further written replies, the Government of Barbados would emphasize the effects of sections 26 and 15 of the Constitution.

17. Mr. ERMACORA reiterated his request for information on ethnic and religious groups in Barbados.

18. Mr. WALKER (Barbados) said he believed that there was legislation exempting minors under the age of 18 from the death penalty, but he could not give a definite reply because he had been unable to trace the relevant provisions in the material available to him in New York. He would certainly draw the attention of his Government to the relevant summary records, and to the point made by Mr. Tarnopolsky. With respect to religious groups, he explained that a very large number of denominations were represented in Barbados. The Anglican Church had been disestablished and disendowed in 1969 and it therefore had no supremacy over other religious groups. However, the Government contributed to many religious organizations.

19. Mr. PRADO VALLEJO requested that special attention should be given in the written replies from the Government to the status of the Covenant in relation to Barbadian legislation.

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20. Mr. BOUZIRI thanked the representative of Barbados for the great effort he had made to reply to many of the questions raised by members of the Committee. He was sure that the fruitful dialogue between the Committee and the Government of Barbados would continue.

21. Mr. WALKER (Barbados) said that his Government would certainly study the question of the status of the Covenant. Generally speaking, if the Government considered that there were already laws on the statute book to meet the provisions of a treaty, covenant or agreement to which Barbados was a party, then there was no need to enact further legislation. In many cases - for example, some of the ILO Conventions - Barbadian legislation went much further than the international instrument concerned.

22. Mr. SADI said that the status of the Covenant vis-à-vis national legislation was a key element. While he appreciated the preliminary answer given by the representative of Barbados, the report (CCPR/C/1/Add.36) nevertheless indicated that not all the provisions of the Covenant were already reflected in national legislation. The Committee had noted a number of omissions, not only in the case of Barbados, but in that of almost every other State party.

23. Mr. WALKER (Barbados) pointed out that the report had been prepared in 1978. While he could not guarantee that every single provision of the Covenant had since been embodied in national legislation, he believed that the reference in the first paragraph of the report to "most" of the rights dealt with in the Covenant might be somewhat obsolete.

24. The CHAIRMAN thanked the representative of Barbados for his replies. The Committee appreciated the fact that the Government had sent a senior legal official to participate in its work, and he knew that members could look forward to a continued fruitful dialogue with Barbados. In the course of a recent visit to that country, he had learnt about various pieces of new legislation on which he was sure the Government would report in its further written replies. He believed that it would also be useful to members of the Committee to have copies of or extracts from any new legislation which furthered the enhancement and enjoyment of human rights and fundamental freedoms.

25. Mr. Walker (Barbados) withdrew.

26. The CHAIRMAN said that the Committee would proceed to consider agenda item 8 in closed session.

The public meeting rose at 11.40 a.m.