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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Barbados *

The present report is a summary of two stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

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

I. BACKGROUND AND FRAMEWORK

N/A.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

N/A.

B. Implementation of international human rights obligations

1. Equality and non discrimination

1. In a joint submission, the International Lesbian and Gay Association (ILGA), ILGA-Europe, the Caribbean Forum for Liberation and Acceptance of Genders and Sexualities (CARIFLAGS) noted that the effect of having legal penalties for sodomy and for vaguely defined “indecent” acts is that even when they are not enforced, these laws strengthen social stigma against homosexuals. That stigma, in turn, can be even more effective than legal penalties in stripping individuals of their rights. The organizations noted that when a homosexual person cannot find employment, secure adequate housing, or get proper medical treatment because of social stigma, these difficulties amount to deprivations of life, liberty, health and opportunity on the basis of sexual orientation.²

2. Right to life, liberty and security of the person

2. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) indicated that corporal punishment in Barbados is lawful in the home. The Prevention of Cruelty to Children Act (amended 1996) punishes assault, neglect and “unnecessary suffering” of children under 16 years, but states that “nothing in this Act shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child” (section 4).³ Corporal punishment is lawful in schools under the Education Act (1981, amended 2002). The Education Regulations (1982) state that it should be carried out by the headteacher or other authorised teacher. Under examination by the Human Rights Committee in March 2007, the government delegation stated that “the Government and people of Barbados did not view corporal punishment as torture, or inhumane or degrading in itself” and that there were no plans to review its legality.⁴

3. GIEACPC further highlighted that in the penal system, corporal punishment is lawful as a sentence for crime under the Juvenile Offenders Act (1932, amended 1998) and the Corporal Punishment Act (1967), which provides for up to 12 strokes for a person under 16 years of age and up to 24 strokes for a person over that age. The Magistrate’s Court Act (2001) allows for boys between the ages of 7 and 16 to be whipped at a police station, with the parent present if desired. Corporal punishment is lawful as a disciplinary measure in penal institutions under the Prisons Act (1964, amended 2002) and the Reformatory and Industrial Schools Act (1926, amended 1998).⁵ In alternative care settings, corporal punishment is prohibited in state-arranged foster care and in pre-school settings, and in day care centres and residential children’s homes run by the Child Care Board (Child Care Board Regulations 1985), but it is lawful in private foster care.⁶

3. Right to privacy

4. In a joint submission, the International Lesbian and Gay Association (ILGA), ILGA-Europe, the Caribbean Forum for Liberation and Acceptance of Genders and Sexualities (CARIFLAGS), the International Gay and Lesbian Human Rights Commission and ARC International, ILGA indicated that Barbados maintains criminal sanctions against sexual activity between consenting adults.⁷ The Sexual Offences Act of 1992, which criminalizes sodomy, has the effect of amounting per se to discrimination against homosexuals (Chapter 154, para.9). Similarly, the Laws of Barbados which define and proscribe the crimes of “Indecent Assault” and “Serious Indecency” are troublesome because of their vague definition (Chapter 154, paras.11 and 12).⁸ ILGA noted that these laws can be easily engineered to target and prosecute homosexuals and, more generally, all non-reproductive sexual behaviour. These laws strengthen social stigma against homosexuals.⁹

5. While commending Barbados for supporting the historic resolution of the Organization of American States (OAS) on “human rights, sexual orientation and gender identity” and welcoming the State’s commitment to strengthening human rights protections based on sexual orientation and gender identity¹⁰, the organizations, in keeping with this commitment, urged Barbados to bring its criminal provisions into conformity with international standards on the right to privacy and non-discrimination.¹¹

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

N/A.

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A.

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A.

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

Civil society

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| GIEACPC | Global Initiative to End All Corporal Punishment of Children |
| ILGA | Joint submission by International Lesbian and Gay Association (ILGA), ILGA-Europe*; Caribbean Forum for Liberation and Acceptance of Genders and Sexualities (CARIFLAGS); International Gay and Lesbian Human Rights Commission; ARC International, Brussels (Belgium) |

² ILGA joint submission, page 1.

³ Global Initiative to End All Corporal Punishment of Children, page 1.

⁴ Global Initiative to End All Corporal Punishment of Children, page 1.

⁵ Global Initiative to End All Corporal Punishment of Children, page 1.

⁶ Global Initiative to End All Corporal Punishment of Children, page 1.

⁷ ILGA joint submission, page 1.

⁸ ILGA joint submission, page 1.

⁹ ILGA joint submission, page 1.

¹⁰ ILGA joint submission, page 3.

¹¹ ILGA joint submission, page 3.
