

BARBADOS

CCPR A/36/40 (1981)

148. The Committee considered the initial report (CCPR/C/1/Add.36) submitted by the Government of Barbados at its 264th, 265th and 267th meetings held on 24 and 26 March 1981 (CCPR/C/SR.264, 265 and 267).

149. The report was briefly introduced by the representative of the State Party who drew the Committee's attention to the general legal framework outlined in the report which served to place in its proper context the specific information in relation to particular articles of the Covenant.

150. Members of the Committee expressed their satisfaction at the achievements of Barbados in the field of human rights, noted the effectiveness of the legal system which was designed to protect them and commended the ratification by Barbados of the Optional Protocol. Noting that the enjoyment of human rights and the ability to monitor the observance of the Covenant by States parties required a well-informed citizenry, members requested information on the rate of literacy in Barbados and on whether publicity was being given to the Covenant itself, the report submitted to the Committee and its consideration at the current session.

151. With respect to article 1 of the Covenant, it was noted that the report did not deal with the subject matter of this article and information was requested on the position of Barbados regarding the right of self-determination of peoples enunciated in that article.

152. As regards article 2 of the Covenant, reference was made to the non-discrimination clause and information was requested on the omission in the Constitution of sex, language, national or social origin, property, birth or other status as grounds on which discrimination was prohibited. Information was also sought on the exceptions provided in the Constitution to the principle of non-discrimination in regard to non-citizens and to matters of personal law. Members noted that the Covenant was not directly incorporated in domestic legislation and that, although most of the Covenant rights dealt with were guaranteed in the Constitution, section 26 of the Constitution could be so interpreted as to give laws existing before the Constitution had come into force precedence over the Constitution itself and over its human rights provisions. Members of the Committee accordingly requested clarification of the meaning of section 26 of the Constitution and asked in what manner the provisions of the Covenant were given legal effect, how they were implemented and what legislative or other measures as might be necessary had been adopted to ensure to all individuals within Barbados the rights recognized in the Covenant. Reference was made to the statement in the report that the Covenant could not, *per se*, be invoked before or directly enforced by the courts, tribunals or administrative authorities of Barbados and it was asked what redress was available if a provision of the Covenant was not covered by domestic law or if a law contravened any such provision and whether any legal provision existed in Barbados to the effect that when national law conflicted with an international obligation, it was the latter which would prevail. In this connexion the representative was requested to clarify the statement in the report to the effect that

appropriate remedies were available for interference with the personal liberty unless such interference was justified under some specific laws. He was also asked if he could give some examples of remedies given by the High Court since the Covenant had come into force.

153. As regards article 3 of the Covenant, members felt that more information should have been given. Questions were asked as to why, in the Constitution, women were not placed on equal footing with men; what the Government's attitude was to the principle of equality between the sexes and what action had it taken to achieve such equality; whether women's movements existed in Barbados and, if not, what the Government was doing to make women aware of their rights. Information was requested on the percentage of girls attending school as compared with boys and on women's participation in the social, political and economic life of the country, on the practice with regard to the award of the custody of children; on whether the principle of equal pay for equal work between men and women was respected in Barbados and on whether remedies were available for women who believed that their rights under this article were violated. The question was asked whether the provisions of the Constitution relating to the possibility of acquiring citizenship through marriage applied to men as well as to women.

154. With reference to article 4 of the Covenant, members wondered whether, under the Constitution, emergency provisions allowed for distinctions to be made on some prohibited grounds and for derogations from the articles enumerated in paragraph 2 of that article. Information was requested on whether, since the coming into force of the Covenant, any public emergency had been proclaimed in Barbados and, if so, whether implementation of provisions relating to it had been consistent with the provisions of the Covenant.

155. Commenting on the statement in the report to the effect that, since the Covenant was not per se part of the laws of Barbados, the question dealt with in article 5 of the Covenant did not arise, members questioned the validity of this argument. They pointed out that it did not matter whether the Covenant was part of domestic law; rather, it was important that the Covenant could not be interpreted as imposing greater restrictions than were permissible under it and that the Covenant could not be used as a pretext for restricting, or derogating from fundamental rights already existing in the State on the ground that the Covenant does not recognize these rights or recognized them to a lesser extent.

156. In connection with article 6 of the Covenant, the view was expressed that the inherent right to life should be protected not only in relation to penal law but also in terms of social and humanitarian law. Information was requested on measures adopted with a view to enhancing public health and living standards and to reducing infant mortality and long-standing unemployment. Stressing that human life must have priority over all other consideration, members asked whether it was permissible under the laws of Barbados to kill thieves caught in flagrante delicto and whether the law expressly prohibited the imposition of the death penalty on persons below eighteen years of age and the execution of pregnant women, as stipulated in the Covenant, and, if not, whether the Government intended to take steps to ensure that the provisions of article 6 were incorporated in the domestic law. It was also asked how often the death sentence had been carried out in Barbados in recent years and for what crimes; whether the Government had considered the abolition of that penalty and, if so, what the state of public opinion on the subject was.

157. As regards article 7 of the Covenant, members commended the information on prison conditions and the rules governing the treatment of prisoners and asked how those rules were actually monitored and applied, whether there were independent and impartial procedures by which complaints about ill-treatment could be received and investigated, what the functions and powers of the Visiting Committees were, what provisions were there for maintaining family contacts by persons deprived of liberty, what provisions governed solitary confinement and to what extent the after-care of prisoners, referred to in the report, had been successful in rehabilitating them.

158. Commenting on article 9 of the Covenant, members thought that the formulation of section 13 of the Constitution dealing with the restrictions on personal liberty was ambiguous and widely drawn. They requested clarification of the terms “reasonable suspicion”, “reasonably suspected to be of unsound mind”, “tried within a reasonable time”, and “as soon as reasonably practicable” and wondered whether time limits could be more specific so as to demonstrate a willingness to give real meaning to the Covenant. In this connection, reference was made to section 23 (1) of the Constitution which stipulated that no law shall make any provision that was discriminatory either of itself or in its effects and information was requested on the measures available in Barbados to ensure the supremacy of the Constitution in that respect. Questions were asked as to what legal safeguards there were to ensure that no person was detained on the ground of mental illness without good reasons and that those confined to mental institutions received adequate care; what the definition of “vagrants” was and how long they were deprived of liberty; whether the compensation for unlawful arrest was material or whether it would also entail a moral element and what rules applied if government officials were responsible for such an arrest.

159. In connection with article 12 of the Covenant, it was noted that the Constitution provided for various restrictions on the movement or residence within and departure from Barbados of individuals, particularly non-citizens, as “reasonably required” in the interest, *inter-alia*, of public safety and public order, and information was requested on the remedies available to persons whose freedom of movement was thus restricted.

160. With reference to article 14 of the Covenant, information was requested on the administration of justice, particularly on how the independence and impartiality of the judiciary were guaranteed, on how judges were appointed and whether they could be removed from office, whether labor courts existed and, if so, what their procedures and competence were; and on whether the Government planned to provide free legal assistance to the accused if he did not have sufficient means to pay for it, as required under article 14 of the Covenant.

161. As regards article 17 of the Covenant, it was noted that the report dealt only with the questions of searches and information was requested on the laws providing the protection of privacy, family and correspondence, particularly against wire-tapping and electronic surveillance.

162. In relation to article 18 of the Covenant, clarification was requested of the statement in the report to the effect that no person shall be hindered in the enjoyment of his freedom of thought and of religion except with his own consent. Questions were asked as to the age at which a child could choose his own religion, how a religious community was defined and how many such communities existed in Barbados.

163. Commenting on articles 19, 21, and 22, members requested information on the number of newspapers published in Barbados including those which were controlled by the Government and others which might be less disposed towards the Government; on the number of political parties active in the country and on whether new parties could be formed and, if so, under what conditions; on whether the right to form trade-unions, to undertake collective bargaining and to strike, was recognized by law, and on whether there existed national human rights commissions in the country. Noting that the Constitution provided that, except with his own consent, no person should be hindered in the enjoyment of his freedoms of expression, assembly and association, one member wondered whether the limitation implied in such consent was legally correct, as it would seem that the rights involved were so fundamental that they could not be waived. Information was sought on laws protecting national security, particularly those covering sedition and sedition-related offences and criticism of the Government and its officials.

164. With reference to article 20 of the Covenant, members noted the absence in the report of any information concerning the prohibition of war propaganda and of the advocacy of racial hatred and they wondered whether the laws of Barbados expressly provided for such prohibitions as required by the Covenant.

165. In connection with articles 23 and 24 of the Covenant, explanation was requested of the statement in the report that the celebration of any marriage could not be enforced by reason of any promise or contract and questions were asked as to whether men and women under the age of 18 could marry and, if so, under what conditions; and what steps had been taken to ensure the equality of spouses in marriage. Information was also sought about the problems arising from the breakdown in the tradition concept of the family and from the economic necessity for mothers to work, about the extent to which child-care and children born out of wedlock were problems in Barbados, and about the measures taken to safeguard the rights and welfare of children, including the right to acquire a nationality.

166. As regards article 25 of the Covenant, it was asked why at least seven years of residence was required for election to the House of Assembly; whether voting districts were delimited in such a way as to ensure that the principle of "one man, one vote" was effectively applied; and whether the electoral law provided for the possible recall of a deputy and, if so, under what conditions such recall could be effected.

167. In relation to article 27 of the Covenant, members inquired whether ethnic, linguistic or religious minorities existed in Barbados and, if so, what their number was, and what measures had been taken to ensure their rights and the preservation of their cultural heritage.

168. Replying to questions raised by members of the Committee, the representative of Barbados informed the Committee that since the submission of the report in 1978 his Government had enacted legislation which went toward implementing some further provisions of the Covenant; that 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; and that its stated position being to improve the quality of life for all its citizens.

169. As regards article 1 of the Covenant, he pointed out that this Government had always

supported and often co-sponsored United Nations resolutions on self-determination for Namibia and other colonies and Non-Self-Governing Territories and that his country was helping to train Namibians.

170. In connection with questions raised under article 2 of the Covenant he stressed that treaty-making power was vested in the executive and that when Barbados became a party to a treaty, legislations still had to be enacted, in appropriate cases, to give effect to its provisions unless there existed a body of law which would ensure compliance.

171. Responding to questions raised under article 3 of the Covenant, the representative stated that his Government was committed to the attainment of equality of the sexes, that there were no longer any fields of activity which were the sole preserve of men, that 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. Moreover, the Government 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. He also pointed out that the mother of a minor had the same rights to apply to the court in respect of any matter affecting the minor as were possessed by the father and that she could be awarded custody 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.

172. With reference to article 4 of the Covenant, he informed the Committee that no public emergency had been declared since 1937.

173. As to article 6 of the Covenant, he referred to the Sentence of Death (Expectant Mothers) Act which 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.

174. With respect to article 9 of the Covenant, the representative pointed out that the law 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 recognizance was made even where a person under the age of 16 was apprehended with a warrant.

175. Replying to questions raised under article 14 of the Covenant, he stated that 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 that a judge could only be removed from office for inability to discharge his functions or for misbehavior. As to legal aid, he pointed out that it was available, including at the appeal stage, for a person charged with any capital offence such as manslaughter, infanticide, concealment of birth or rape, and that, at present, the Government was in the process of setting up a department with a view to widening the scope of legal aid.

176. In connection with article 18 of the Covenant, he indicated that a very large number of denominations were represented in Barbados, that the Anglican Church had been disestablished and disendowed in 1969 and it therefore had no supremacy over other religious groups; and that the

Government contributed to many religious organizations.

177. Responding to a question under article 25 of the Covenant, he stated that, in the light of the relevant articles of the Constitution, the seven-year period of residence as a qualification for election to the House of Assembly pertained only to Commonwealth citizens, other than citizens of Barbados.

178. The representative of Barbados regretted that time constraints had made it impossible to prepare a fuller response but that he would certainly draw the attention of his Government to the relevant summary records and to the questions raised by Committee members and emphasized that his Government looked forward to future dialogue with the Committee.

179. The Chairman of the Committee expressed the hope that the Government of Barbados would report in its further written replies on any relevant legislation enacted since the submission of the report and expressed the hope that copies of or extracts from new legislation which furthered the enhancement and enjoyment of human rights and fundamental freedoms be made available to members of the Committee.

CCPR A/43/40 (1988)

547. The Committee considered the second periodic report of Barbados (CCPR/C/42/Add.3) at its 823rd, 825th and 826th meetings, held on 18 and 19 July 1988 (CCPR/C/SR.823, 825 and 826).

548. The report was introduced by the representative of the State party who drew attention to certain new developments since the consideration of his country's initial report, notably the entry into force of the Community Legal Services Act in 1981, the Family Act in 1982 and the Administrative Justice Act in 1983. Those legislative measures helped to bring the laws of Barbados into closer conformity with the provisions of the Covenant and removed certain ambiguities that had been noted by the Committee when it examined the initial report. He also informed the Committee that an ombudsman, who enjoyed the confidence of both the Government and the opposition, had been appointed and was now in a position to exercise his functions fully.

Constitutional and legal framework within the Covenant is implemented

549. With regard to the issue, members of the Committee wished to know what the Covenant's legal status was in relation to the Constitution and domestic laws, what happened in case of conflict between the latter and the Covenant, whether an individual had any recourse in cases where rights, guaranteed under the Covenant but not protected under the Constitution or laws of Barbados, were violated, what the powers, functions and activities of the ombudsman were and whether he was fully independent of the executive power, whether there had been any factors or difficulties affecting the implementation of the Covenant, and what efforts had been made to disseminate information about the Covenant and the Optional Protocol, particularly to schools, universities and to law enforcement personnel.

550. Members also wished to know why the domestic law relating to the death penalty had not been brought into line with article 6 of the Covenant, whether all the rights guaranteed under the Covenant were in fact protected in Barbados, whether the provisions of the Covenant could be invoked before the courts directly or indirectly, whether appeals were still referred to the Privy Council in London, whether any laws adopted prior to 1966, such as the law of 1936 relating to emergency powers, were still in force, although not in conformity with articles 12 to 23 of the Constitution or with the Covenant, and whether the legal profession and the bar in Barbados were adequately informed about the provisions of the Covenant.

551. In his reply, the representative of the State party explained that, although the Covenant did not have the force of law in Barbados, its provisions, with only a few exceptions, were reflected in the Constitution and domestic law. The fact that the provisions of the Covenant had not been incorporated into domestic law did not mean that there was necessarily a conflict between such laws and the Covenant. At the same time, the law authorizing the imposition of the death penalty on minors under the age of 18 was clearly in conflict with article 6 of the Covenant and required revision, a matter that would be brought to the attention of the appropriate authorities.

552. The ombudsman was also empowered to investigate alleged violations of rights through abusive, irregular or inadequate administrative actions by both central authorities and parastatal

bodies and to make observations concerning the general comportment of administrative authorities. In addition, he could apply to the High Court whenever he considered that a right had been violated or was not protected under the Constitution and existing laws. The ombudsman's tenure - and hence his independence - was protected under article 105 of the Constitution.

553. Regarding the dissemination of information concerning the Covenant, he said that the members of the bar were very active in bringing the provisions of international human rights instruments to public attention - which was reflected in the increasing number of human rights complaints being lodged - and that Government ministers referred frequently in their public statements to the Universal Declaration of Human Rights and to the Covenant. There was also a very active Amnesty International chapter in Barbados, which frequently brought alleged human rights violations to the attention of the government authorities. National legislation was not identical in every respect with the provisions of the Covenant but the divergences did not present major difficulties. The Government of Barbados was not indifferent to the need for compatibility between domestic laws and international obligations and was proceeding to make necessary modifications as rapidly as was practical. The ombudsman also had a role in that regard, since he could intervene in cases where he found that rights guaranteed under the Covenant were not adequately reflected in domestic legislation.

554. Responding to other questions, the representative said that he had alluded to certain difficulties relating to the implementation of the Covenant in his introductory remarks and that the matter would be treated more fully in his country's third periodic report. The courts of first instance in Barbados were the magistrates' courts, which handled both criminal cases and minor civil cases. The High Court dealt with more serious civil and penal matters and had unlimited original jurisdiction as well as an appellate court function in respect of judgements rendered by lowering courts. Its own judgements could only be appealed to the Privy Council. Cases involving minors were handled by minors' courts that sat alongside the magistrates' courts. Litigation relating to labor law or administrative matters was handled by either the magistrates' courts or the High Court, depending on the seriousness of the matter. Persons seeking compensation for the violation of their constitutional rights could apply for redress to the High Court and there had been a number of instances in which such persons had obtained relief. No state of emergency had been proclaimed in Barbados since 1937 and the Government did not consider it necessary to adopt any special measures currently in that regard.

Non-discrimination and equality of the sexes

555. With regard to that issue, members of the committee wished to know the nature of the relationship between the Women's Affairs Bureau and the National Commission on the Status of Women and asked what the former's actual or planned activities were, whether there were any current plans to amend the Constitution, particularly by the deletion of paragraph 3 (a) and (b) of article 23, how many women there were in Parliament, in the judiciary, the public service, the universities and the professions, whether discrimination on the basis of sex in such areas as adoption, marriage, divorce, nationality or inheritance existed, what percentage of the population was of Asian origin and whether such persons were subjected to discrimination on the grounds of language.

556. In his reply, the representative of the State party explained that the establishment of the Women's Affairs Bureau had been recommended by the National Commission on the Status of Women. The National Commission had been established to study the role of women in society and the best way to ensure equality of sexes in Barbados. There had been notable progress in that regard in recent years, including the adoption of laws relating to the ownership of property, the status of children, family rights and inheritance. The Women's Affairs Bureau, on the other hand, was composed of civil servants and dealt with specific questions of discrimination against women and provided advice to the Government in that area. There was no current plans to delete paragraph 3 (a) and (b) from article 23 of the Constitution.

557. Responding to questions relating to the extent of women's participation in various fields of activity and the scholarization rate for girls, the representative stated that his Government was seeking to promote equality of the sexes and that there were no longer any fields of activity strictly reserved to members of one of other sex. Women were serving in the Assembly as well as the Senate, held leading posts in the public service, served as judges, doctors, and lawyers, and played an important role in the school system. Their numbers in the professions and in higher posts were still limited, but prospects for significant further improvements in that regard over the next decade were encouraging. There was no pay discrimination on the basis of sex and there was currently full equality of sexes with respect to adoption, marriage, divorce and inheritance. Under the new legislation on the family, couples who had lived for at least five years were recognized as constituting a family and each partner had custodial rights over the children. However, no action had been taken in the area of acquisition of nationality by marriage, despite a recommendation by the National Commission on the Status of Women that such inequality should be eliminated.

Right to life

558. With regard to that issue, members of the Committee wished to know how often and for what crimes the death penalty had been imposed and actually carried out since the consideration of the initial report of Barbados, whether there were any plans to bring the law concerning the imposition of the death penalty on persons under 18 years of age into conformity with article 6, paragraph 5, of the Covenant and what measures had been taken in the field of health care, particularly with a view to reducing infant mortality. It was asked whether there were laws regulating the use of firearms by the police, whether such laws had ever been violated and if so, whether such violations had ever led to loss of life and had been investigated and followed up. Members also requested additional information on article 6 of the Covenant, in accordance with the Committee's general comments Nos. 6 (16) and 14 (23).

559. In his reply, the representative of the State party said that, in the view of the Government of Barbados, the right to life had far greater implications than merely those relating to the death penalty. At the same time, it was clear that the Government would eventually need to address the question of eliminating the provision that allowed the imposition of the death penalty on minors under 18 years of age. As a general rule, the death penalty was commuted to a sentence of life imprisonment. The public authorities had taken a number of measures in the field of health care, including the creation of numerous polyclinics throughout the country and intensive campaigns for the mass vaccination of children. The health care of children and of older persons received priority and was provided free of charge under the social security system to children under 16 and adults

over 65 years of age as well as to the chronically ill. The police in Barbados were generally unarmed. Any abuse of regulations relating to the use of force was subject to sanction by a disciplinary committee. Police officers and security agents suspected of wrong-doing were subject to prosecution in the courts and in some instances prison sentences had been imposed. Victims of such abuse could also apply to the courts for compensation.

Liberty and security of person and treatment of prisoners and other detainees

560. With regard to that issue, members of the Committee wished to know what the maximum period of detention was, whether bail was available to everyone regardless of their means and whether there were any possibilities for release pending trial other than bail, whether persons detained in mental institutions, or their families or lawyers, could apply to the courts for release, whether the State accepted responsibility for providing compensation to persons who had been unlawfully detained, whether persons awaiting trial were detained separately from convicts and whether juveniles were held separately from adults, and what regulations governed the treatment of prisoners and detainees. It was asked whether sanctions had ever been taken against police officers or prison guards who had violated such regulations and, if so, how common such occurrences were.

561. Members also asked whether there were any special prisons, what the maximum allowable period for holding prisoners in “temporary solitary confinement” was and whether such confinement was the most severe form of detention, how frequently detainees made use of their right of recourse to the High Court on the grounds of encountering unreasonably long delays before being brought to trial, whether nursing mothers in detention were held in separate quarters from other detainees, what the law and practice was relating to the arrest of juveniles and what specific role parents or guardians played in that regard, whether imprisonment for failure to honor a contractual obligation was permitted under the law, and what the relevant procedures and practices were in respect of habeas corpus.

562. In his reply, the representative of the State party said that a person under arrest was normally brought before a judge on the day of arrest or on the following day but there was no maximum limit to the length of preventive detention. Detainees could apply to the High Court for release pending trial under the habeas corpus procedure. Persons confined in mental institutions or others acting on their behalf could also apply to the High Court for release. Bail was available for all crimes and offences except murder. In cases involving the payment of compensation for unlawful detention, the State conformed to the judgement of the courts. Detainees awaiting trial were separated from convicted persons and minors were held separately from adults. The conduct of prison officials towards prisoners was subject to the relevant prison regulations and had to be in conformity with them.

563. Responding to other questions, the representative said female detainees accompanied by small children were kept in separate quarters away from other prisoners and that prison authorities were eager to foster, to the maximum extent possible, normal relations between mothers and their children. It was up to the courts to determine the extent to which delays in bringing an accused person to trial were reasonable. There was no fixed minimum age in respect of the arrest or detention of juveniles, but they were held in special establishments, away from adults and there were separate facilities for boys and girls. A person could not be imprisoned for debt, but if he failed to

settle the debt, after having been ordered by a court to do so and found to be capable of doing so, he could be gaoled for contempt of court. Complaints could be lodged against prison officials for violations of human rights on the same basis as against any other official who had contravened the law. Police officers had been prosecuted and punished on several occasions for unlawful detention or mistreatment. Solitary confinement was a punishment resorted to only for brief periods for violations of prison rules. Under the law, all detainees had the right of recourse to habeas corpus proceedings and to engage a lawyer for the purpose.

Right to a fair trial

564. With regard to that issue, members of the Committee wished to know how soon after arrest a person could contact his family or lawyer, whether any consideration was being given to withdrawing the reservation of Barbados to article 14, paragraph 3 (f), of the Covenant, since enactment of the Community Legal Services Act, 1981-33, and how the bar was organized. Members also requested additional information on article 14, in accordance with the Committee's general comment No. 13 (21) and asked for clarification as to whether persons accused of theft or in detention could benefit from legal assistance under the new Legal Services Act.

565. In his reply, the representative of the State party said that all persons taken into police custody had to be presented to a judge as quickly as possible and that usually occurred within hours after the arrest. The Bar Association was represented on the Consultative Council of the Judiciary as well as on the relevant section of the Education Council dealing with the teaching of law at the University of the Caribbean. The Bar Association also reviewed draft legislation and could make recommendations and suggestions thereon to the Government. All detainees could apply for legal assistance on an equal footing. The independence of the judiciary in Barbados was fully guaranteed and all citizens who considered that their rights had been violated by the State could apply to the courts for redress.

Freedom of movement and expulsion of aliens

566. With reference to that issue, members of the Committee wished to know whether any restrictions on the freedom of movement of public servants or law enforcement officers were currently in effect and, if so, whether such restrictions were compatible with article 12 of the Covenant. They also requested additional information on the position of aliens, in accordance with the Committee's general comment No. 15 (27).

567. In his reply, the representative stated that there were no restrictions on the movement of public servants or law enforcement officers except those made necessary by the requirements of the public servants. Security personnel who were sometimes away from their posts without authorization were declared to be "absent without leave". While aliens did not specifically enjoy constitutional protection, article 22 of the Constitution provided for liberal access to Barbados and afforded considerable protection against expulsion.

Right to privacy

568. With regard to that issue, members of the Committee wished to know whether any legislation

regulating wire-tapping or electronic surveillance was being contemplated.

569. In his reply, the representative stated that his Government had no official position on wire-tapping or electronic surveillance and that such sophisticated methods were scarcely in use in countries like Barbados.

Freedom of religion and expression, prohibition of war propaganda and advocacy of national, racial or religious hatred

570. With regard to that issue, members of the Committee wished to receive information concerning laws and regulations pertaining to the recognition of religious sects by the public authorities, the controls exercised on the freedom of the press and the mass media, in accordance with the law, and the practice in Barbados in respect of the availability of information relating to administrative and governmental acts. Members also wished to know whether any legislation concerning the prohibition of propaganda for war was being contemplated, whether there were any plans to accord explicit constitutional protection to the right to seek information, whether laws relating to official secrets were still in effect and, if so, whether the Government envisaged their abolition.

571. In his reply, the representative of the State party said that freedom of religion was guaranteed under the Constitution and that there was no State religion in Barbados. The press and other media operated under ordinary laws and were not subjected to official control of any kind. Barbados had not formulated an official position in respect of the prohibition of war propaganda. The restrictions embodied in the Official Secrets Act were consistent with the provisions of article 19, paragraph 3 (b), of the Covenant and there were no plans to abolish that Act. The freedom to receive ideas, which was explicitly guaranteed in the Constitution, subsumed the freedom to "seek" information. There were, in practice, no restrictions on access to government information and such public documents as the records of parliamentary proceedings and the Official Gazette were available to anyone who wished to buy them.

Freedom of assembly and association

572. With reference to that issue, members of the Committee wished to receive additional information concerning the practical application of section 31 of the Public Order Act and the relevant laws and practices relating to the establishment of political parties, including the number of such parties and their representation in Parliament. Members also wished to know how trade unions were organized and regulated and what type of offences carried the penalty of loss of civic rights guaranteed under article 25 of the Covenant.

573. In his reply, the representative explained that, in one case involving the application of section 31 of the Public Order Act, in which that Act had been challenged in the magistrate's court, the court had found against the complainant, since it had been proven to its satisfaction that he had wrongfully accused someone of murder at a public meeting. There were no restrictions on the activities of political parties in Barbados. There were two major parties and three smaller parties, but the latter had only a limited appeal and, since independence, only the two main parties had been in public office. The activities of trade unions were regulated by a law enacted in 1964. Their officers were elected by the membership annually. Some of the larger unions sponsored educational and training

activities for their members. Under section 8 of the Representation of the People Act, a person was disqualified from voting or holding office if he was actually serving a prison sentence or had been sentenced to a term of imprisonment exceeding 12 months in Barbados, or if he had been sentenced to death by a court in any part of the Commonwealth.

Protection of the family and children, including the right to marry

574. With regard to that issue, members of the Committee wished to receive additional information concerning the system of protection of children, as envisaged under article 24, paragraph 1, of the Covenant and the right of children to acquire a nationality.

575. Responding to the questions raised by members of the Committee, the representative of the State party explained that, in cases where no paternity had been established or where there was no presumed paternity, the law provided that an application could be made to a court for a declaration of paternity. A child born in Barbados acquired the right to Barbadian nationality even if both parents were stateless. The relevant legislation provided an important protection for children and had been adopted upon the recommendation of the National Commission on the Status of Women. Further important protection for children was offered under the Family Act of 1981, which put the union of a cohabiting couple on the same legal footing as that of a married couple.

Rights of minorities

576. With regard to that issue, members of the Committee wished to know whether there were any special factors or difficulties affecting the enjoyment by minorities of their rights under the Covenant.

577. In responding, the representative stated that a considerable number of Asian immigrants had arrived in Barbados in recent years. The children of those Asian immigrants were fully integrated in the country's school system and provisions had been made to enable immigrants to practice their various religions.

General observations

578. Members of the Committee thanked the representative of the State party for his co-operation with the Committee and for having engaged in a useful and candid dialogue. Satisfaction was expressed over the improvements that had occurred since the consideration of the initial report of Barbados, including, in particular, the appointment of the ombudsman, the enactment of important legislation, such as the Community Legal Services Act, the Family Act and the Administration of Justice Act, the enhanced role of the Bar Association in the promotion and protection of human rights and the steps that had been taken to heighten public awareness of human rights issues. At the same time, members noted that the second periodic report of Barbados was rather short and contained few details in respect of relevant legislation, case law, public debate or the practical application of the provisions of the Covenant. It was hoped that such information, including a systematic review of the compatibility of domestic legislation with the provisions of the Covenant, would be provided in the third periodic report.

579. Attention was also drawn by members of the Committee to the fact that in certain respects the laws of Barbados were still not fully compatible with the Covenant, notably in respect of article 6, relating to the death penalty for minors, article 3, regarding the position of women as far as the acquisition of citizenship was concerned, and article 11, in so far as its guarantee against imprisonment for debt did not seem to be fully effective in Barbados. Accordingly, they expressed the hope that the comments of members regarding those and other issues would be brought to the attention of the authorities.

580. The representative of the State party welcomed the foregoing comments and assured members that he would draw the Government's attention to the points they had raised and would urge the competent authorities to introduce improvements, before the next report was submitted. Barbados was proud of its human rights record and would continue to seek to meet the Committee's requirements as well as possible.

581. In concluding consideration of the second report of Barbados, the Chairman again expressed appreciation to the representative of the State party for the considerable efforts he had made to reply to the many questions that had been posed by members, as well as to the points contained in the list of issues drawn up by the Committee earlier, which he had not had a chance to review prior to his arrival. Although more statistical data and information on legislation and practice would need to be provided in the third periodic report, during the open discussion with the representative of the State party, the Committee had become better acquainted with the progress that Barbados had achieved thus far in implementing the Covenant.