



**International covenant
on civil and
political rights**

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**Human Rights Committee
Eighty-ninth session
New York, 12-30 March 2007**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

BARBADOS

1. The Human Rights Committee considered the third periodic report of Barbados at its 2439th and 2240th meetings, held on 21 and 22 March 2007 (CCPR/C/SR.2439 and 2440). At its 2451st meeting (CCPR/C/SR.2451), held on 29 March 2007 it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's third periodic report and the opportunity thus offered to resume the dialogue with the State party based on a report after an interval of more than 18 years, the State party having not submitted a report since 1991 when its third periodic report was due. The Committee considers that the failure to submit a report for such a long period of time constitutes a breach by Barbados of its obligations under article 40 of the Covenant and an obstacle to a thoroughgoing consideration of the steps to be taken to ensure the satisfactory implementation of the provisions of the Covenant. The Committee expresses the hope

that the State party will submit its reports in the future in accordance with the schedule established by the Committee.

B. Positive aspects

3. The Committee welcomes
 - a) The adoption of the Penal System Reform Act, which puts a greater emphasis on rehabilitation, as well as providing the courts with a broader range of sentencing options;
 - b) The establishment in 2001 of the Police Complaints Authority to investigate complaints of ill-treatment and misconduct by police;
 - c) The adoption of the Evidence Act with its provisions for audio and videotaping of police interviews.
4. The Committee notes with satisfaction that the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials are being implemented by the Police Force.

C. Principal subjects of concern and concluding observations

5. The Committee notes that the Covenant as such has not been incorporated into the State party's law, although many of its principles are contained in Chapter 3 of the Constitution. It also notes the Constitutional Review Commission's recommendation that the amended Constitution should incorporate the State party's international legal obligations and that the Constitutional Review Commission will shortly report to Parliament on the "internationalization" of the Constitution, so as to give full consideration to all human rights norms (art. 2).

The State party is encouraged to undertake the necessary measures to incorporate the Covenant into the domestic law through, inter alia, the ongoing constitutional reform process.

6. The Committee notes that the State party has not yet established a national human rights institution (art. 2).

The State party should establish an independent national human rights institution, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) annexed to General Assembly resolution 48/134. Consultations with civil society should be organized to this end.

7. Although the Committee notes that no specific time limits have been set so far, it is concerned that the Constitutional (Amendment) Act 2002 permits limitation of the length of time granted to condemned prisoners, including those sentenced to death, to appeal to, or to consult external bodies, including international human rights bodies such as the Human Rights Committee(arts. 2 and 6).

The State party should guarantee the effective right to a remedy, in particular for all persons sentenced to death. It should ensure that interim measures of protection issued by the Human Rights Committee in cases brought by individuals under sentence of death are respected in all circumstances.

8. The Committee is concerned about the lack of policy and legislative responses to trafficking in human beings in the State party (arts. 3, 7, 8, 26).

The State party should ensure that the human rights of the victims of trafficking are given prominent attention in the State party's response to this phenomenon, including with regard to provision of support and assistance to women and girls trafficked into the State party for purposes of prostitution. In addition, the State party should criminalize the trafficking of human beings in consultation with CARICOM.

9. While the Committee takes note that the death penalty has not been applied in the last 24 years, it remains concerned that the State party's laws make the imposition of the death penalty mandatory in respect of certain crimes, thus depriving the sentencing court of any discretion in imposing the penalty in the light of all the circumstances of the case (art. 6).

The State party should consider the abolition of the death penalty and accession to the Second Optional Protocol to the Covenant. In the meantime, the State party should amend its laws relating to the death penalty, removing the prescription of mandatory death sentences and ensuring their compatibility with article 6 of the Covenant.

10. The Committee is concerned by the fact that the laws of the State party do not provide for the granting of refugee status and do not codify the principle of non-refoulement (arts. 6, 7 and 13).

The State party is encouraged in its current efforts to adopt asylum policies in cooperation with UNHCR and to adopt in particular in its legislation the principle of non-refoulement.

11. The Committee, while taking note that the Constitution prohibits torture, and inhuman or degrading treatment or punishment, remains concerned about the lack of a legal definition of torture in domestic law (art.7).

The State party should introduce a legal definition of torture compatible with article 7 of the Covenant.

12. The Committee is concerned that corporal punishment is still available as part of judicial sentences and is permitted within the penal and education systems (arts. 7 and 24).

The State party should take immediate measures to eliminate corporal punishment as a legitimate sanction in its law and to discourage its use in schools. The State party should also take all necessary measures towards the eventual total abolition of corporal punishment.

13. The Committee expresses concern over discrimination against homosexuals in the State party, and in particular over the criminalizing of consensual sexual acts between adults of the same sex (art. 26).

The State party should decriminalize sexual acts between adults of the same sex and take all necessary actions to protect homosexuals from harassment, discrimination and violence.

14. The Committee requests the State party to widely disseminate the present concluding observations and its third periodic report to the general public, possibly by publishing them on the government website, making them available to newspapers, in public libraries and the Parliament library. The State party is also strongly encouraged to discuss the present concluding observations and its report with the Barbados Association of Non Governmental Organizations (BANGO).

15. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on the assessment of the situation and the implementation of the Committee's recommendations in paragraphs 9, 12 and 13.

16. The Committee requests the State party to provide in its next report, due to be submitted by 29 March 2011, information on the other recommendations made and on the Covenant as a whole.