

BARBADOS

CEDAW A/47/38 (1992)

27. The Committee considered the initial report of Barbados (CEDAW/C/5/Add.64) at its 190th and 194th meetings, on 20 and 23 January 1992.

28. In introducing the report, the representative of Barbados stated that the commitment of the Government to the elimination of discrimination against women had been manifested by the unanimous adoption of a parliamentary resolution on the improvement of the status of women, the provision of a Charter of Women and the National Development Plan, the establishment of the National Commission on the Status of Women and the Bureau of Women's Affairs in 1976, the acceptance by Parliament of the National Commission's report, the ratification of the Convention on the Elimination of All Forms of Discrimination against Women and Convention (No. 100) of the International Labour Organization (ILO) concerning Equal Remuneration Men and Women Workers for Work of Equal Value. Difficulties with regard to the preparation of the country report were related to obtaining statistical information disaggregated by sex and to the very few staff of the Women's Bureau.

29. The representative said that significant progress in regard to eliminating areas of recognized and recorded discrimination against women had been achieved by the systematic implementation of the national program of action. In its effort to report on the status of women in the country, the National Commission on the Status of Women had presented 212 recommendations aimed at eliminating discrimination against women in all areas, of which 190 had been implemented within the period of the report. Following parliamentary acceptance of the National Commission's report, the Bureau of Women's Affairs had disseminated the recommendations to the ministries and agencies, and had held a national conference with governmental and non-governmental organizations and with private sector agencies to facilitate their implementation.

30. The representative pointed out that a non-militant approach to the elimination of discrimination had been the hallmark of the country's progress in that area. In implementing the National Plan of Action, it was necessary to recognize the social and cultural reality of Barbadian women. Many women welcomed the changes and breaking down of the social barriers to their development and contribution, others feared the consequences on family and working relationships. Women themselves and also men were already more comfortable with the social strides made by Barbadian women. The process of integration was facilitated by the active involvement of 44 women's organizations. The Bureau of Women's Affairs was holding leadership training seminars on political participation and consciousness raising. While outlining briefly the main points of the report, the representative mentioned additional action on violence against women since the reporting period. She concluded by enumerating the areas requiring ongoing action and support, such as strengthening of the Bureau, adjustment of some areas of legislation, improvement of the participation of women in the political and civil decision-making process, more support of women in the self-employment/entrepreneurial areas, strengthening of

the data resource bases and amendments to the Constitution.

31. In general comments, members of the Committee expressed appreciation for the frank, concise, informative and well-structured report that adhered closely to the general guidelines as well as for the excellent presentation. It documented well the strong commitment of the Government and of non-governmental organizations to the advancement of women. The annexes to the report showed the Government's initiatives in informing women of their rights. Members were impressed by the implementation of the large number of recommendations by the National Commission on the Status of Women although there was still a lot that had to be done for the advancement of Barbadian women. For example, many experts observed that despite the high percentage of women voters, women were hardly represented in the Parliament or other higher political office. It would be difficult for women to promote themselves if they could not participate in the planning and development of the country. Some experts asked for the reasons for the high percentage of women heads of households and about their professions. They enquired about the relationship between tourism and prostitution and asked whether the big role that tourism played in the country was only a way of giving women minor jobs or whether it also brought more women into management positions. The wish was expressed that future reports should contain more statistical data disaggregated by sex. They expressed concern that the reporting period was limited to the years 1982-1987, and felt that it should have contained more information on the current situation, especially on the topics on which the Government was currently focusing its attention.

32. With regard to articles 2 and 3, members requested more information on the recommendations that had been adopted by the National Commission on the Status of Women, on the exceptions that were anticipated by the Constitution and on the budget of the National Commission. They also enquired about the budget allocations for the Bureau of Women's Affairs and the relationship between the Bureau and the Ombudsman. They wanted to know whether cases dealt with by the Ombudsman had been publicized. They asked about the results of the inquiry that was conducted by the Commission into the one-parent family, with special reference to women's roles therein. Other questions asked were whether the Convention could be referred to directly by the courts, whether the National Commission could propose draft laws, whether each woman could have access to the Legal Aid Scheme and whether that Scheme was free of charge.

33. On article 4, members asked whether the Bureau of Women's Affairs had discussed any possible affirmative actions and temporary special measures such as a quota system.

34. Under article 5, members requested further information on programmes for suppressing violence against women; on the types of violence that occurred and whether they included domestic violence; on the services that existed to help women victims of violence; and on related statistics. They wanted to know whether domestic violence constituted a criminal offence, and if so, what the sanctions were. They asked whether the programmes that had been introduced to modify social and cultural patterns of conduct had shown any result and whether analyses had been carried out on the reasons for the preponderance of women in certain professions. Another question asked was whether the Government was giving any assistance to women's organizations.

35. On article 6, members enquired about the extent of the problem of prostitution, they asked

whether there was a discernable link between unemployment and prostitution, and felt that women between 15 and 24 years of age might not be drawn into prostitution if a functional programme existed for them. They asked whether prostitution constituted an offence or whether the conviction of the culprit was left to the arbitrary decision of a magistrate, whether only the prostitute was prosecuted or also the client and the pimp. They enquired whether prostitutes were protected by any special legal measures or whether rape and violence in connection with prostitution were covered by general legal provisions. Members wanted to know what type of preventive measures related to prostitution had been taken, what their results were and whether rehabilitation programmes existed. They asked whether the promotion of tourism had resulted in an increase in prostitution, and further information was requested about the connection between prostitution and the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

36. Regarding article 7, concern was expressed at the low number of women in politics despite the Government's commitment to the advancement of women, despite a high percentage of women being literate and educated, and despite a high percentage of women voters. Other questions asked were whether women did not want to get into leadership positions, why there were so many women's organizations, whether women's organizations were trying to make women aware of their political responsibility, whether political parties had sought to increase the number of women members and whether women themselves would not join efforts to present their candidates and promote other women candidates. Members enquired about the reasons for the fluctuating voting pattern of women between 1966 and 1986, and asked whether the members of the Senate were elected or appointed. If appointed, why had the Government not appointed more women.

37. On article 8, members commented on the low representation of women in the diplomatic service. They asked whether any programmes were being carried out to encourage women to enter it and to reach the upper echelons.

38. Regarding article 9, members welcomed the Government's intention to revise the discriminatory nationality law.

39. Regarding article 10, members were impressed by the low rate of illiteracy. They requested statistics on the percentage of enrolment in secondary and tertiary education broken down by sex. They asked which percentage of public schools followed a coeducational system, why the percentage of girls who studied commerce was so high and whether there were plans to include sex education and family planning into school curricula.

40. On article 11, questions were asked about the economic situation of the many female-headed households and the availability of government welfare programmes. Members enquired whether there was a legal provision regarding equal pay for work of equal value. They wanted more information on the Legal Aid Scheme. It was not clear whether it corresponded to the institution of ombudsman or to availability of legal assistance. Appreciation was expressed at the inclusion of agricultural work into the gross domestic product. Members asked whether there was a set annual rate of contribution to the pension scheme, and what share was paid by the employers and what share by the employees. In case of dismissal on the grounds of pregnancy, the question was asked whether women who were given redress could take up their former occupation or whether

they received only financial compensation. Also, they asked whether laws prohibited employment discrimination against pregnant applicants for jobs. Members enquired whether the maternity leave of 12 weeks was granted at full pay. One member welcomed the frank assessment in the report that it was difficult to provide for nursing facilities for breast-feeding mothers at the workplace. Several members commented on the over-protective character of measures regarding the safety and health of women at the workplace and asked whether night-work for women was forbidden. They also wanted to know whether there were plans to offer a tax discount to single women heads-of-households.

41. On article 12, clarification was sought about the legality of abortion and as to whether the problem of clandestine abortion had been eliminated. The question was asked whether information on family-planning services and contraceptives was available to teenagers and adolescents, whether they were free of charge and whether women had access to family-planning advice without the husband's consent. Questions were asked about the female mortality rate and the reasons for mortality.

42. On article 13, members expressed concern at the provision according to which normally only the husband had access to children's allowances.

43. Concerning article 14, clarification was sought as to whether rural or urban women involved in agriculture and whether there was any distinction regarding school education for rural women.

44. Under article 16, questions were asked on whether specific legislation empowered the courts with respect to property rights in common-law relationships, why so many couples lived in common-law relationships, whether a man could simultaneously enter into a legal marital union and a common-law union, thus having two wives, through which procedure could a child born out of wedlock be legitimized, which family name children born out of wedlock were given and what the situation was regarding family names of the spouses and the children within a legal marital union. Members enquired whether the dowry system existed. They questioned whether it was realistic that the law foresaw only one ground for divorce, whether there were female judges and whether judges tried to reconcile the parties in a divorce. Other questions concerned the definition of the breaking down of a marriage, whether it had to be on moral, economic or emotional grounds, and whether the judge could decide on the continuation of maintenance of children beyond the age of 18 years.

45. In replying to the questions raised, the representative of the Government mentioned that some of the misunderstanding of the situation in the country stemmed from cultural, historical and political differences. It was also stated, in response to specific questions, that Barbados had a bicameral system. The members of the House of Assembly were elected, while the members of the Senate were appointed. The representative stated that many women, as much as men, avoided participation in active politics. Regarding subsequent questions under article 16 concerning the high percentage of women-headed households, the representative said that that percentage was related partly to common-law relationships and partly to divorce cases. Theoretically it was possible for a man to have a wife married to him and a common-law spouse. But the smallness of the country and the active "quakevine" tended to preclude such a practice. Previously, children

born out of wedlock had to assume their mother's name; currently they could also take their father's name. Professional women sometimes kept their maiden name.

46. The representative of Barbados, having noted the concern expressed by members of the Committee over the protective legislation in favor of women, said that so far there had been no complaints in that area. She noted that although men might wish to have both a wife and a common-law relationship, bigamy was a criminal offence. For the section on tourism, she explained that almost an equal proportion of men and women were employed in the tourist industry; women were actively involved in the service, accommodation and promotional areas; the director of the Board of Tourism was a woman; and women were also managers of a large proportion of hotels and guest houses.

47. Turning to questions raised under articles 2 and 3, the representative said that attempts were being made to change the provision of section 23 of the Constitution, which dealt with protection from discrimination, however without specifying sex. Referring to other questions, she said that the Convention was not considered to be directly part of national law and could, therefore, not be directly referred to by the courts. The office of the Ombudsman had been set up to deal with complaints surrounding the public service, which were referred to it through recognized procedures, and it published an annual report on its work. Women could make use of the courts whenever their rights were infringed. The National Commission, which had been established in 1976, had completed its task in 1978 and had been replaced by the National Advisory Council of Women. She circulated to the members of the Committee a document containing the 212 recommendations of the National Commission, which had been prepared for the Bureau of Women's Affairs for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi in 1985. Those recommendations had all been accepted and acted upon by the Government and they constituted the basis for the National Plan of Action. Since 1970, there had been a Ministry for Women's Affairs, of which the Bureau of Women's Affairs formed a part. The Bureau, and several women's organizations as well, provided legal aid for women.

48. In replying to questions raised in connection with the large number of households headed by single women, she explained that they might be the result of a divorce, of a visiting relationship where the father bore the responsibility for the maintenance of the children, or of a union in which the father had abdicated his family responsibilities. She also said that historically the legacy of slavery had discouraged permanent family unions and marriage. In cases of divorce, reciprocal maintenance obligations existed for the spouse and the children, whereas in the case of visiting relationships women were mostly working outside the home and were assisted by the father and, if not, support could be enforced through the courts or obtained from the Welfare Services.

49. Regarding the issue of violence against women, as referred to in questions under article 5, she said that there was domestic violence and violence related to several offences committed against women and children of either sex. Any kind of violence was a criminal offence and the perpetrator was put under criminal law sanctions. Also, the assaulted victim could sue the perpetrator in a civil law suit. The proposed legislation dealing with domestic violence, harassment and sexual offences had been recommended by the National Commission and was currently in the final stages of debate.

in Parliament. It allowed for counseling of the victim, the perpetrator and family members, and for protective measures. She mentioned shelters for battered women, a telephone hotline crisis service and a mass-media programme, and said that efforts were being made to collect gender-based statistics on violence.

50. On article 6, neither the Board of Tourism nor a university study of the phenomenon had concluded that there was a linkage between tourism and prostitution. Although she admitted that prostitution existed in Barbados, she said that it had not reached the proportions of “sex tourism”. The Government and several agencies provided skills training for young women, thus providing employment prospects for them in order to prevent them from being drawn into prostitution. The conviction of a person under the Vagrancy Act was not left to the arbitrary decision of a magistrate, it was done following normal court procedures based on evidence as any other court case. Trafficking in women was not currently evident in the country, and the immigration department closely controlled any entries. Seminars were being held for preventing drug abuse by young people, and rehabilitation for drug offenders was available through the hospital services.

51. Turning to article 7, the representative said that women were indeed actively involved in politics and decision-making. They used their force and were politically very much aware; they canvassed and campaigned. The two main reasons for the low representation of women in Parliament were women’s fear of the disruption of family life by holding public office and the rigorous nature of political campaigning. For those reasons, women hesitated to offer themselves as candidates for elections, and a quota system would not make any changes in the short term. She said that the Committee’s pertinent observations on the low number of women in public office would be brought to the attention of the appropriate authorities. She added, however, that the head of State was a woman. Regarding the query concerning the high number of women’s organizations, women chose the organizations to which they wanted to be affiliated. They identified issues of national concern and often initiated action. The Government provided subventions to women’s organizations, which promoted the cause of women, and supported a programme for furthering young women’s careers. The umbrella body was the National Organization of Women, through which policy matters could be channeled for the attention of the Government.

52. On article 9, the representative reported that women’s organizations and the Government were currently reviewing the law concerning citizenship.

53. Referring to article 10, she said that all schools, with the exception of three public secondary schools, were coeducational. Students selected the subjects they wished to pursue, and family life education was a regular feature in secondary schools and youth organizations.

54. On article 11, it was reported that by law there was equal pay for work of equal value; however, in practice that law was not strictly observed, as in other countries. She explained the four different pension schemes and said that the court decision in case of unfair dismissal on grounds of pregnancy might result in compensation or in reinstatement. She was unaware of complaints from pregnant applicants for jobs. During the 12-weeks maternity leave the employee received a full salary. The legislation concerning protective measures regarding safety and health at the workplace applied equally to women and men. All women in case of need could resort to the Legal

Aid Scheme, which had been established by the Government and was supplemented by a legal aid project for women funded by the Inter-American Commission of Women of the Organization of American States. Legal aid was free of charge for applicants unable to meet the cost.

55. Referring to article 12, she stated that termination of pregnancy was permitted by law in special circumstances prior to, and up to a duration of, 12 weeks. Seminars were being held to educate young people, and contraceptive information and facilities were readily available. She also said that the HIV/AIDS scare and public information seemed to have led to a reduction in teenage pregnancies. Figures on the female mortality rate, which was very low, would be provided in subsequent reports.

56. Turning to article 13, it was reported that low-income persons were exempted from income tax. The provision according to which only the husband had access to children's allowance referred only to the filing of income tax returns and not to actual maintenance.

57. Under article 14, the representative stated that both rural and urban women were involved in agriculture; women could also own and operate their own farms and agricultural enterprises. Rural and urban children had equal access to school education.

58. On article 16, it was reported that the Family Law Act of 1981 recognized a common-law relationship to the extent that, on separation, the parties had an enforceable right to maintenance and property distribution. Children born out of wedlock were regarded as the children of both parents and had the same rights as children born within a marital union. The dowry system had never existed in Barbados. Divorce was based on an irretrievable breakdown of the marriage evidenced by a 12 months' separation. The Government provided counseling and reconciliation services. Support for children was normally offered up to the age of 18, but might continue depending on specific circumstances.

59. Members expressed their gratitude to the representative for having answered the questions. However, considering that Barbadian women scarcely participated in political life and there was no quota system to provide incentives, some members observed that women were generally utilized in political campaigns and that something had to be done to remedy that situation. The representative commented that the participation of women in political life was a recent phenomenon. As women were hesitant to go into active politics, it would take some time to see significant changes in that respect. However, the strategies adopted by the Bureau of Women's Affairs and the consciousness-raising seminars were showing positive results, which would be reflected in the subsequent periodic report.

60. Regarding a comment made on whether development aid reached women and women's organizations, the representative explained that women could have direct access to such aid through their organizations, provided that their project proposals were in harmony with the national development aid programme.

61. With respect to a comment made with regard to battering and rape, she said that not only the female victim could claim protection, but also a third party on behalf of the victim.

62. Members had asked for more information on the situation of female-headed households, but she said that it was certainly difficult for outsiders to understand that situation in the Caribbean. For centuries women had had to handle that burden as a legacy of slavery, and they did it very well. The extended family was an essential family-support mechanism. As, owing to current developments, that support was fading away, the Government was trying to ensure regular day-care facilities, which should correspond to a set standard. She emphasized that the single female heads-of-household were not disadvantaged. For instance, recent information showed that about 60 per cent of all mortgages were granted to women. She also mentioned a certain magazine that highlighted on a continual basis the different roles played by women in society.

63. Referring to a request for clarifying the steps to be taken and the fields in which efforts should be concentrated to further improve the status of women in Barbados, the representative enumerated a number of areas in which assistance would be needed. The first one was to try to absorb the shock of the current structural adjustment situation, which would have negative effects, especially on female-headed households. Others were the problem of violence against women; the additional resources needed for carrying on the leadership-training programmes for facilitating entry into political life for women; and the strengthening of the Bureau of Women's Affairs, which had scarce financial and human resources. The Bureau also needed assistance for collecting and reorganizing statistical data and for doing research, especially as it was currently drawing on the university's support in that respect. Furthermore, help was requested from women's organizations to guide women and to motivate them to take strong action and to get more involved in political activities.

64. In concluding observations, the Committee expressed its appreciation for the content, the structure and the frankness of the report and its illustrative annexes. It demonstrated clearly the Government's political will to eliminate the obstacles to the advancement of women. The activities of non-governmental organizations to further the status of women had been noted. Considering the high percentage of women voters and the low participation of women in political life, members were satisfied to see that the Government was conscious of the problems. All the points raised had been clarified by the representative and the steps taken by the Bureau of Women's Affairs were specially welcomed. Members noted that the government offices were of the view that prostitution in Barbados did not lead to sex tourism. They also noted that the high percentage of female single heads-of-household was due to historical reasons, but that none the less the Government was going to assist those women, especially in relation to economic adjustment problems. They pointed out that the main fields of work of the Bureau required international assistance and hoped that foreign agencies and international organizations would help Barbadian women to overcome the economic crisis and assist the country in research on the effect of structural adjustment and women's lives. It would be gratifying if the international community could thus benefit from the findings. Special praise was given to the Head of State.

CEDAW A/49/38 (1994)

413. The Committee considered the combined second and third periodic reports of Barbados (CEDAW/C/BAR/2-3) at its 245th meeting, on 26 January (see CEDAW/C/SR.245).

414. In introducing the report, the representative of the Government noted that the country had suffered from the global economic crisis, which had led to a decline in the gross domestic product and to the introduction of stabilization and structural adjustment measures that were beginning to have an effect. The measures had not been painless and women had been disproportionately affected by them, including through an increased unemployment rate which was higher than that for men.

415. Educational opportunities were now largely equal and girls were generally more successful than boys. There had also been significant improvement in law reform, particularly in the area of family legislation, including domestic violence and sexual offences. The national machinery, the Bureau of Women's Affairs, had been supported by the reinstitution of the National Advisory Council on Women and a project to strengthen the Bureau further had been approved by the Inter-American Development Bank (IDB).

General observations

416. In response to a question about the reaction of the public in general, and especially men, to the economic and social progress achieved by women, the representative stated that the general public appeared comfortable with the changes, although some men and some women traditionalists had experienced difficulty in accepting changes. A variety of strategies had been pursued to raise the level of consciousness of men and women regarding changes, including use of the mass media, community organizations and the normative effect of judicial decisions. The evidence from divorce statistics, which were declining, suggested that there was increasing, rather than decreasing, harmony.

417. To the question whether there had been a negative reaction by men, the representative replied that some negative reaction had been expected, but an effort had been made to have those reactions expressed in various forums. It was noted that Barbadian society was affected by a number of influences, including an African heritage, United Kingdom colonial rule and proximity to the United States through transnational media. One example of change was the rapid introduction of coeducation, which had provoked a reaction among some men who preferred single-sex schools.

418. Replying to a question on consultation with non-governmental organizations in the preparation of the report and publicity given the Convention and the reports, the representative referred to the extensive use of media programmes on gender issues in which references to the Convention had been frequent. Asked for further details on consultation with non-governmental organizations, the representative replied that women's organizations and other non-governmental organizations had all been invited by the Bureau of Women's Affairs to provide input to the report in their areas of competence, and that input formed the basis of the report. In addition the media

were involved in advertising the report, which was circulated in the media, and its content discussed publicly. Its content was also included in the gender training programme for the leadership of the women's organizations.

Questions related to specific articles

Article 2

419. Responding to a question on the extent to which the Constitution had been amended as a result of ratification of the Convention to ensure a constitutional provision for equality and the steps being taken to eliminate elements of discrimination, the representative noted that under the country's judicial system, treaties had to be implemented through enactment of municipal legislation. That was why an effort had been made at law reform, which had removed most legal obstacles to equality, and 10 major amended statutes were cited. The Constitution itself provided for equal treatment of all citizens without discrimination. Legislation was still required in the area of violence, sexual offences, citizenship and disparities among public officers.

420. To a question on the implementation of the programme on women in the 1988-1989 development plan, the representative replied that the plan envisaged a national policy on women, including greater participation in decision-making, health and employment, work on areas requiring further legislative changes, training and technical assistance through the Bureau of Women's Affairs, programmes to facilitate inter-agency cooperation and studies. A new plan covering the period 1993-2000 had been prepared, emphasizing strengthening of the Bureau, women's organizations and other policy-making agencies.

Article 5

421. In response to a series of questions about actions to deal with domestic violence, including, in particular, the Domestic Violence Protection Orders Act of 1992, the representative noted that the legislation was based on protection orders and covered both legal and de facto unions. The Sexual Offences Act of 1992 updated legislation dealing with rape and other sexual offences. The interpretation and decisions of the courts had clearly indicated that the legislation should protect against violence. A media programme for public education and other measures, including training for police and counseling for families affected by violence, were to be implemented.

422. Another question related to whether the inclusion of women in the national plan had any effect in reducing stereotypes. The representative replied that activities included obtaining data for reports to the Committee and the Organization of American States, as well as research on the impact of structural adjustment programmes on women, especially on single-headed households. Gender training and women's studies were part of the university curriculum and school texts had been reviewed to eliminate gender bias.

Article 6

423. In reference to issues raised during the consideration of the initial report, the question was

asked whether the Government had taken measures to curb prostitution as a major vector in the spread of HIV/AIDS and whether programmes had been established to rehabilitate prostitutes. The representative replied that trafficking in women was illegal and covered by the Sexual Offences Act. There was also an effort to curb prostitution to deal with HIV/AIDS through public education, mass media and training of medical personnel.

424. Additional questions were asked as to whether prostitution was related to the tourism industry and whether it was increasing or decreasing. In reply, the representative stated that prostitution was not an organized phenomenon and was rather a form of self-employment and for that reason was hard to quantify. There was no evidence that it was linked to the tourism industry as was the case in some countries.

Article 7

425. A question was posed regarding the limited number of women in decision-making positions, especially given the fact that in several age groups women outnumbered men. The representative stated that there were no legal barriers to women's participation, women participated actively in campaigning and voting and there were a number of women in high positions, including the post of Governor-General. However, in the most recent election, only one woman had been elected to the House of Assembly, although six currently served in the Senate, where members were appointed.

426. In response to other questions on government measures to encourage women's participation, it was stated that there was a contradiction between the number of women's candidacies and the electorate, which had a female voting majority. All candidates received the same kind of government support. The IDB project would provide for workshops to do consciousness-raising in all sectors and at all levels of the Government and the private sector.

427. Replying to the question whether the policy of having equal numbers of men and women on several boards would be applied to other boards, the representative stated that women were still a minority on most boards and, although there had been some improvement, it was not as significant as might be hoped. There was no quota system in place and the composition of boards was related to technical knowledge, although the government policy now placed emphasis on equity. The Bureau of Women's Affairs was preparing a directory of resource persons in specific fields which it hoped would be used to help to equalize the situation.

428. With regard to the relationships between women's organizations affiliated with the Bureau of Women's Affairs and the Bureau itself, it was stated that the Bureau was the national machinery for women and had a mandate to involve all women's organizations. The representative noted that many social development initiatives came from women's organizations, which were recognized by the Government and some of which received subventions.

Article 8

429. In response to a question on the measures being taken to enhance the representation of women

in international organizations and at the international level, the representative stated that there had been some improvement and that Barbadian women had been active in a number of international forums. The appointment of women to senior civil service positions meant that there would be greater representation by women at international conferences and other activities.

Article 9

430. Regarding action taken to amend the law on citizenship to permit spouses of Barbadian women to obtain citizenship, the representative stated that the law was already being addressed and that it would also deal with the transmission of citizenship by a married woman to her child.

Article 10

431. The question was asked whether the Government intended to implement a policy to ensure women equal access to vocational training in areas where men predominated and to encourage girls to enter non-traditional professions. The representative replied that vocational training and instruction were equally available to women and men and that guidance counselors were seeking to encourage girls to enter non-traditional fields. That was reflected in the fact that more women were entering those fields in the labor force.

432. Asked about the social science subjects included in the curricula of schools, the training of teaching staff and the participation of women in pedagogical and research activities, the representative stated that social science subjects were included in the curricula at all levels and that the majority of participants in teacher training were women.

433. Responding to the question whether the subject of human rights had been introduced into the curriculum and at what levels, the representative stated that human rights was a component of the family life education syllabus and was offered as a separate subject at the university level.

434. Concerning the educational measures taken to encourage non-traditional education, the representative noted the work of women in development units within the Bureau of Women's Affairs in the development of gender training, which had a significant impact; boys were also receiving that training. There had been a six-month radio call-in programme for public education on violence against women, and there had been similar discussions on means and measures taken by the Government on structural adjustment programmes with a view to providing retraining programmes to develop women's productive skills and enable them to participate in income-generating activities.

Article 11

435. The question was raised whether there was a guaranteed minimum wage and an unemployment allowance adequate to ensure maintenance of a family's living standard, and how the provisions of the ILO Conventions on equal pay for work of equal value were being implemented and monitored. The representative stated that the principle of equal pay had been implemented, there were guaranteed minimum wages for shop assistants and domestic employees

and unemployment benefits were available.

436. Additional questions were asked on the measures taken to implement the ILO Conventions by legislation and whether there had been any equal pay cases filed. In reply, the representative noted that implementation required specific legislation, some of which had been adopted, but that details would be provided in the next report.

437. As to why more women were jobless than men and what measures had been taken to address that phenomenon, the representative stated that it was a result of the changing world economic environment and structural adjustment programmes, which had affected areas where women predominated. The Government had taken a number of steps to address the situation, including retraining and measures to stimulate economic productivity in both export and local areas.

438. Questions were asked about participation of women in trade unions, especially in terms of women's membership and participation at decision-making levels. The representative answered that no restrictions were placed on women's participation in trade unions, and that women were involved as members and in decision-making on an increasing basis. For example, some unions, like teachers' unions, had 50-50 representation at the highest level. Public workers' unions were seeing an increase in women at management levels through their efforts to raise the confidence of women about participating at decision-making levels.

439. To a question on the social allowances and benefits enjoyed by working women, including child care, organized relaxation and assistance in building a home and in daily domestic services, the representative replied that benefits were available under the national insurance scheme, workers' compensation, severance payments and free medical services in polyclinics. Day care was also available, public workers could benefit from a housing loan scheme and there were other programmes available to assist in home purchases or construction.

Article 12

440. In response to the question whether health-care bodies had improved their effectiveness in diagnosing and treating cancer since the last report, the representative stated that there were a number of efforts at early detection and treatment under the leadership of a non-governmental organization, the Barbados Cancer Society, as well as educational and promotional programmes. As a result, the impact of breast and cervical cancers had decreased. The programmes were projected for expansion into hospice care.

Article 13

441. Asked whether informal organizations that had begun accepting women members brought them to decision-making levels and whether they were able to participate in all of the social activities of the Bridgetown Club, the representative stated that the main service organizations had amalgamated their men's and women's branches and women served in the leadership of the clubs. Women now participated in membership and other activities of the Bridgetown Club.

Article 16

442. To requests for information about the number of divorces, the trends in single-parent families, the nature of the family as set out in the law and limits to the free choice by women of a spouse, the representative responded that no specific studies had been done on fluctuations in divorce rates but that the incidence of divorce had decreased between 1989 and 1992 and more women than men were filing for divorce. The concept of family was embodied in all family legislation, affirming that it was the basic unit of society and providing for counseling prior to any divorce proceedings and procedures for equitable maintenance, custody of children and equitable distribution of marital assets. Those provisions were also applied to parties in de facto unions. There were no limits to the rights of women in the free choice of a spouse.

443. Another question asked was whether, given the possibility of the same person having a de facto in addition to a legal marriage, that constituted a form of polygamy. In reply, the representative stated that, once a person was married, that took precedence over any other relationship and a person could only be legally married to one person. However, protection was accorded to the children of another union.

444. Information was requested concerning the rate of divorce, the reasons for changes and whether procedures for reconciliation achieved the desired goal. In reply, it was noted that there was no evidence on the question but that it merited further study.

Concluding comments of the Committee

Positive aspects

445. The Committee particularly noted positive features in the reports of Barbados:

(a) That Barbados had ratified the Convention without reservation demonstrated the Government's commitment to achieving equality for women in public and private life;

(b) The Committee welcomed the fact that the Government had continued with its plans of action to improve the status of women in Barbados in spite of economic problems encountered during the reporting period. The Committee was pleased that the Government had recognized the need to cushion the impact on women of its structural adjustments;

(c) The Committee noted that Barbados had enacted most, if not all, the national legislation required to give effect to the Convention in Barbados;

(d) The Committee praised the Government for its emphasis on education as the key factor in advancing the status of women in that country;

(e) The Committee also applauded the continued operation of government machinery which had the responsibility to collect information about the status of women in Barbados, cooperate with non-governmental organizations in improving the lot of women, provide

programmes designed to assist and support women in the community and disseminate information designed to improve women's status.

Principal subjects of concern

446. The Committee expressed concern at the serious lack of female participation in politics and in the representation of Barbados at the international level and in other decision-making positions. The Committee considered that to be of such importance that it wished Barbados to consider enhanced campaigns to involve women in those positions by applying article 4 of the Convention.

447. The Committee was also concerned, given the importance of tourism to the Barbados economy, to ensure that the Government was aware of the potential for an increase in prostitution. More detailed information about the incidence of prostitution, its control and the provision of health care for prostitutes should be included in the next report.

448. Finally, the Committee wished to encourage the Government of Barbados to consult with non-governmental organizations when preparing its next report and to obtain their assistance in achieving the Convention's objective of improving the status of women in its country.

Suggestions and recommendations

449. The Committee expressed the wish that in future reports Barbados would provide more information:

(a) Evaluating the impact of programmes designed to enhance the status of women and legislation granting women equal status with men;

(b) Evaluating the outcome of the latest plan of action of the Bureau of Women's Affairs and the educational programmes in schools and tertiary institutions;

(c) Setting out whether there had been any noticeable improvements in the status of women such as improved educational standards, decrease in prostitution, reduction of violence against women and greater participation in decision-making roles in public life;

(d) Stating whether the Bureau's educational programmes had resulted in an improved commitment to the equal status of women by both men and women;

(e) Giving more information about women in the workforce, for example their pay and terms of employment, their participation in trade unions and what obstacles they faced in employment in such areas as achieving equal pay with men.

CEDAW A/57/38 part III (2002)

209. The Committee considered the fourth periodic report of Barbados (CEDAW/C/BAR/4) at its 579th meeting, on 13 August 2002 (CEDAW/C/SR.579).

(a) Introduction by State party

210. In introducing the fourth periodic report, the representative of Barbados indicated that ratification of the Convention by Barbados in 1980 was one of the steps forward in the process to ensure equality for women. Before signing the Convention, the Government had already established a mechanism on gender, namely a National Commission, which had been created in 1976 to inquire into and report on the status of women in the country. After the Commission's dissolution in 1978, its secretariat, the Bureau of Women's Affairs, had been mandated to monitor the implementation of its recommendations. With the establishment of the Bureau of Women's Affairs, Barbados had attempted to advance the equality of women not only through legal reform, but also policy intervention, and programmes had been developed focusing on vocational skills training and small-scale income-generating projects. Additionally, Barbados became a member of the International Labour Organization in 1967, which led to a focus on the protection of workers' rights, including the elimination of discrimination against women in the field of employment, and had consistently participated in and supported the outcomes of international summits and conferences on women.

211. The representative highlighted aspects of the Platform for Action adopted by the Fourth World Conference on Women in 1995 and indicated that Barbados had identified five areas of priority: institutional mechanisms; women in poverty; violence against women; women in decision-making; and women and health.

212. In 1999, the Ministry of Social Transformation had been established and included the national machinery, renamed the Bureau of Gender Affairs, which was tasked with mainstreaming the concept of gender into all policies, plans and programmes, monitoring that process and carrying out sensitivity training in the public and private sectors. A National Advisory Council on Gender had been created to assist the Bureau and advise the Government, and focal points had been identified in the public service who would form an Inter-ministerial Committee and ensure that programmes within their agencies and departments were gender focused. Non-governmental organizations, particularly women's organizations, were involved in advocacy, were often part of official delegations to regional and international conferences and had a good consultative relationship with the national machinery.

213. The representative indicated that women living in poverty were generally the principal, if not sole, breadwinners for the family and that 44.4 per cent of households in Barbados were headed by women. Under its social policy, the Government had introduced services and programmes to meet the needs of the most vulnerable in the society. They included welfare grants and childcare services; a poverty eradication fund had introduced measures to improve entrepreneurial activities; the

“Relief 2000” initiative focused on the needs of recipients of social assistance in respect of employment, training, financial assistance and housing; and the “Welfare to work” programme sought to provide training and counselling for women on welfare.

214. Violence against women pervaded all levels of society and was basically the result of inequality in relations between men and women. Prior to the Fourth World Conference on Women, legislation against domestic violence had been enacted. The Domestic Violence (Protection Orders) Act and the Sexual Offences Act of 1992 sought to bring domestic violence to an end by protecting victims of domestic violence, changing public and private attitudes, which had failed to discourage domestic violence, and changing police attitudes so they intervened and treated complaints seriously. The Government was currently seeking to combat violence against women on two levels: the eradication of inequality between women and men; and the provision of services for victims and offenders. Activities to raise awareness and combat violence against women were handled mainly by non-governmental organizations, which had provided support services for victims and offenders, including temporary shelter, crisis hotlines, counselling and educational training. In 1999, the Government established a shelter to house battered women which was managed by a non-governmental organization. Counselling and referral for legal aid and other services were handled by the Welfare Department, and attempts were being made to develop programmes for perpetrators.

215. Women were active participants in the political process as supporters, campaigners and voters but continued to be relatively invisible or absent from the centres of power and decision-making, with four women members of Parliament out of a total of 28; six women senators out of a total of 21; one woman serving on the High Court, while 4 out of 10 magistrates were women; and 31 per cent women at the decision-making level of the public service, while women dominated the junior level of the service.

216. Health care was viewed as a fundamental right, and Barbados had recognized the need to move away from a narrow focus on women as mothers and to emphasize the provision of services that met a broader definition of women’s reproductive health and took account of the differences in the health profiles of women and men. The representative highlighted a number of programmes, policies and initiatives in the area of health, including the family clinics, which offered Pap smears and educated women and their partners with a view to reducing the number of unplanned pregnancies. The Government recognized the need to investigate the effects of the work environment on women’s health, and the Ministry of Health was committed to the provision of adequate and affordable measures for prevention and control of HIV/AIDS and for rendering care to its victims, while giving due consideration to the protection of fundamental human rights. The representative indicated that chronic non-communicable diseases continued to be the leading causes of morbidity and mortality among the population and obesity was a major risk factor, with surveys showing 30 per cent of women were obese and 58 per cent overweight.

217. The representative indicated that legal reform had been extensive and that a bill on sexual harassment was being considered. The Family Law Act was being reviewed to ensure maintenance of children, and other laws, such as the Domestic Violence Act, would be reviewed to assess their effectiveness.

218. In closing, the representative informed the Committee that, with the acceptance of the gender and development paradigm and the attempt to mainstream the concept of gender, it was believed that greater strides would be made towards removing unintentional discrimination against women, changing gender attitudes and establishing gender equality.

(b) Concluding comments of the Committee

Introduction

219. The Committee expresses appreciation to the State party for its fourth periodic report. It commends the State party for the written replies to the issues raised by the pre-session working group.

220. The Committee commends the State party for its delegation and expresses appreciation for the oral presentation, which provided additional information on the current situation of implementation of the Convention in Barbados.

Positive aspects

221. The Committee welcomes legislation that promotes and protects women's rights, such as the Domicile Reform Act, the Domestic Violence (Protection Orders) Act, the Change of Name Act and the Maintenance Act, which recognizes the same maintenance rights in family relations for couples who have lived together for five years or more as married spouses.

222. The Committee commends the State party for providing free education, cash grants, school uniforms and grant assistance for textbooks for those in need in order to facilitate school attendance and to ensure that children, in particular girl children, up to the age of 16 years receive an education. It notes with satisfaction the female literacy rate of approximately 97 per cent.

223. The Committee congratulates the State party on having achieved a maternal mortality rate of zero.

224. The Committee also commends the State party for viewing health care as a fundamental right and for providing a range of family health services in the polyclinic setting, including free ante- and post-natal care for all citizens and residents of the country. It also commends the State party for the services that target women and girls, for example the Maternal and Child Health Programme, which monitors progress throughout pregnancy.

Principal areas of concern and recommendations

225. The Committee is concerned that the Constitution, which recognizes women's right to equality before the law and guarantees the fundamental rights and freedoms of all individuals, does not prohibit discrimination on the grounds of sex, and that there is no legislative definition of "discrimination against women" reflecting article 1 of the Convention, which prohibits both direct

and indirect discrimination. It is further concerned about the lack of information provided about procedures available to women to enforce their rights under the Convention, challenge discrimination and obtain redress.

226. The Committee recommends that the State party take steps to include in the Constitution and/or legislation a specific right of non-discrimination on the grounds of sex, defined in accordance with article 1 of the Convention. It calls on the State party to introduce procedures that will allow the enforcement of the prohibition on discrimination based on sex and to introduce effective measures, including public awareness-raising campaigns about the Convention, the Constitution and remedies to implement women's right to equality. The Committee requests that the State party report on progress made in this regard in its next periodic report and that it provide information on whether the Convention has been invoked before domestic courts.

227. The Committee notes the lack of information on whether the Office of the Ombudsman established to address public grievances has received and considered complaints of violations of women's rights.

228. The Committee requests the State party to include in its next periodic report information on the work and cases considered by the Office of the Ombudsman relating to discrimination against women. The Committee also recommends that the State party take measures to ensure that the Office of the Ombudsman incorporates a gender perspective in its work.

229. The Committee is concerned that the Bureau of Gender Affairs within the Ministry of Social Transformation, tasked with mainstreaming the concept of gender into all policies, plans and programmes of the Government, monitoring their implementation and carrying out sensitivity training in public and private agencies, does not have adequate human, financial and material resources. It notes that a National Advisory Committee on Gender Affairs has been created to assist the Bureau and advise the Government on trends and developments in gender issues, and that focal points have been appointed to form an inter-ministerial committee and ensure that programmes within their agencies and departments are gender-focused.

230. The Committee recommends that the State party ensure that the Bureau of Gender Affairs is provided with adequate human, financial and material resources to give it sustainability, visibility and effectiveness and to ensure continual effective implementation of governmental policies and programmes related to gender equality. It also encourages gender mainstreaming in all ministries.

231. While recognizing the existence of a range of services and programmes designed to eliminate discrimination against women, and the identification of five priority areas based on the Beijing Declaration and Platform for Action, the Committee is concerned that no overall national plan of action has been formulated. It is also concerned that the impact of existing measures and programmes has yet to be evaluated.

232. The Committee recommends that the State party formulate an integrated national plan of action to fully address the issue of discrimination against women in all its aspects. It also urges the State party to make an assessment of the measures already implemented with a view to further

improvements.

233. The Committee remains concerned about entrenched stereotypical attitudes and behaviour, which tend to reinforce women's inferior status in all spheres of life, and regrets that the State party has not undertaken sustained programmes to change these social and cultural attitudes and patterns of behaviour that lead to stereotyping.

234. The Committee calls upon the State party to strengthen measures aimed at changing stereotypical attitudes about the roles and responsibilities of women and men, including through sustained awareness-raising designed in collaboration with the media and women's non-governmental organizations and educational campaigns directed at both women and men. The Committee emphasizes that a policy of gender equality in compliance with the Convention will require the recognition that women can have various roles in society, not only the important role of mother and wife, exclusively responsible for children and the family, but also as an individual person and actor in the community and in the society in general.

235. The Committee is concerned at the limited information provided on trafficking in women and girls and their exploitation in prostitution in the State party's report. The Committee is concerned that there is no data on prostitution and that the issue is not being addressed.

236. The Committee recommends the introduction of policies to ensure the prosecution of, and strong penalties for, those who exploit prostitutes. In view of the growing emphasis on tourism in the State party, the Committee requests it to provide in its next report comprehensive information and data on the trafficking of women and girls and their exploitation in prostitution and the measures taken to prevent and combat these activities.

237. Despite the extensive work of NGOs and other and community organizations and the facilitating role played by the State party, the Committee expresses concern that violence against women, including domestic violence, remains a serious reality in Barbados. The Committee is concerned that the bulk of the statistical data on violence and abuse collected by the Probation Department, the Police and the Registration Department is not disaggregated by sex.

238. The Committee urges the State party to place a high priority on measures to address violence against women in the family and in society in accordance with the Committee's general recommendation 19. The Committee urges the State party to strengthen its activities and programmes to focus on sexual violence, sexual crimes, incest and prostitution, especially prostitution associated with tourism, and to provide comprehensive training for the judiciary, the police, medical personnel and other relevant groups on all forms of violence against women, including domestic violence. The Committee recommends that the State party devise a structure for systematic data collection on violence against women, including domestic violence, disaggregated by sex. It also calls on the State party to provide this data in its next periodic report.

239. While welcoming the recognition of marital rape as a sexual offence, the Committee notes with concern that, under the Sexual Offences Act, marital rape is recognized as a crime only after the issuance of a decree of divorce, a separation order or a separation agreement, or where the

husband is subject to a non-molestation order.

240. The Committee urges the State party to consider defining marital rape to include circumstances of de facto separation, and to create awareness of the legal remedies so that offenders can be prosecuted and punished. The Committee requests information on cases prosecuted under the Sexual Offences Act in the State party's next periodic report.

241. The Committee is concerned that, despite the fact that the State party has identified women's participation in decision-making as one of its five priorities and despite the high level of education of Barbadian women, little has been achieved in terms of women's representation in decision-making positions in the political sphere. In this context, the Committee expresses concern that the State party lacks a clear understanding of the application of temporary special measures, according to article 4, paragraph 1, of the Convention.

242. The Committee recommends the adoption of strategies to increase the number of women in decision-making positions, both in appointed and elected government bodies. The Committee recommends that the State party adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention to increase women's representation. It also recommends that the State party organize special training programmes for women and to conduct, on a regular basis, awareness-raising campaigns in this regard. It recommends that the State party sensitize political parties and social partners about the importance of these measures.

243. The Committee notes the absence of statistical data on wages disaggregated by sex, the absence of statutory parental leave for fathers and the apparent lack of equal employment opportunity legislation.

244. The Committee recommends broad collection of data disaggregated by sex with regard to wages and urges the State party to include these in the next report. The Committee also recommends the adoption of an equal employment opportunity law and a legislative provision on parental leave for fathers.

245. While acknowledging the State party's social policy, which has introduced services and programmes, including the Poverty Eradication Fund, to boost entrepreneurial activities and increase self-employment and create more employment among women and youth, the Committee is concerned at the feminization of poverty and, in particular, that women head approximately 44.4 per cent of households.

246. The Committee recommends that the State party ensure that governmental policies to eradicate poverty are sustainable, incorporate a gender perspective and do not marginalize women.

247. While noting the State party's adolescent health programme, which covers a wide range of issues, including human sexuality and HIV/AIDS, and other policies and activities with respect to AIDS education and sensitization, the Committee is concerned that the number of women infected with HIV/AIDS has been increasing more rapidly than that of men.

248. The Committee urges the State party to address the gender dimensions of HIV/AIDS, including the power differential between women and men, which often prevents women from insisting on safe and responsible sex practices. It encourages the State party to strengthen its efforts to raise awareness and educate women and girls on ways of self-protection.

249. The Committee is concerned about the increasing number of teenage pregnancies and its consequences for girls' enjoyment of the rights guaranteed by the Convention, particularly in the spheres of education and health.

250. The Committee recommends that the State party increase efforts to include age-appropriate sex education in school curricula and to conduct awareness campaigns so as to prevent teenage pregnancy. The Committee requests the State party to include information on the impact of programmes to prevent teenage pregnancy in its next periodic report.

251. The Committee notes that the report does not address the Committee's concluding comments on the second and third periodic reports. It also notes the limited amount of sex-disaggregated data in several areas.

252. The Committee urges the State party to respond in its next periodic report to the outstanding issues that were brought up in the constructive dialogue and the specific issues raised in the present concluding comments. It also urges the State party to improve the collection and analysis of statistical data, disaggregated by gender and age, and to submit such data to the Committee in its next report.

253. The Committee encourages the State party to continue its procedures towards ratification of the Optional Protocol to the Convention and acceptance of the amendment to article 20, paragraph 1, of the Convention, relating to the Committee's meeting time.

254. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

255. The Committee requests that the text of the present concluding comments be widely disseminated in Barbados so as to inform the public, in particular administrators, officials and politicians, of the measures taken to guarantee de jure and de facto equality between men and women and of the supplementary measures to be adopted in that area. The Committee also urges the State party to give broad publicity to the Convention, its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender

equality, development and peace for the twenty-first century”, which was held in June 2000, particularly among women’s associations and human rights organizations.