



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/452/Add.5
8 October 2004

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION**

Sixteenth periodic reports of States parties due in 2003

Addendum

BARBADOS* **

[29 June 2004]

* This document contains the eighth to sixteenth periodic reports of Barbados, due on 8 December 1987, 1989, 1991, 1993, 1995, 1997, 1999, 2001 and 2003 respectively, submitted in one document. For the seventh periodic report and the summary records of the meetings at which the Committee considered those reports, see document CERD/C/131/Add.13 and CERD/C/SR.890.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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Introduction

1. The present document contains the eighth to sixteenth periodic reports of Barbados combined into a single document. For the seventh periodic report of Barbados, and the summary documents of the meetings at which the Committee considered those reports, see documents CERD/C/131/Add.13 and CERD/C/SR.890.
2. The State Party has noted and considered the Committee's concluding observations in its seventh report (CERD/C/131/Add.13) and as requested by the committee will endeavour in the present report to comment on those observations and to provide further information as requested by the Committee.
3. The report is divided into three main sections – a general section which gives information about Barbados, its population, political structure and the legal framework within which human rights are protected. The second section takes a brief but comprehensive look at Barbados' efforts to implement the provisions of Articles 2 to 7 of the Convention, including the legislative and administrative policies, judicial decisions and practical initiatives relevant to the elimination of all forms of racial discrimination. These are preceded by a preambular section, entitled "Socio-cultural and Historical Framework", in which the State Party attempts to provide the contextual framework within which race relations occur in Barbados and within which the Committee is encouraged to consider this report.

I. SOCIOCULTURAL AND HISTORICAL FRAMEWORK

4. Barbados is undoubtedly an anterior source of racism in the modern era, associated, as it is, at the time of modern settlement with the Atlantic Slave Trade and plantation slavery and economy in the West Indies. Walter Rodney, the distinguished West Indian historian, referred to Caribbean societies as laboratories of racism.¹ Barbados is therefore part of a region which has racism deeply ingrained in its history and social structure. It is not a condition that can easily be overcome.
5. The request for Barbados' state report to the CERD has induced detailed responses from a broad cross section of government agencies whose day to day operation have bearing on the elimination of racial discrimination. The agencies have reported faithfully and the committee should learn much from the contents of the Barbados report.
6. However, in this preamble we wish to stress that the state report will often miss the nuances of our society, which are sourced in persisting racist notions. The report will often, because of legal realities, be unable to respond to an institutional racism that is rooted in social relations at the interpersonal level, and not reflected in an institutionalised racism of formal structures such as would be found in an apartheid regime. Barbados is neither as integrated as a multiracial society, nor as segregated as an apartheid regime. But its racism persists in a condition of social "co-existence" between the major races, i.e. those of European descent and those of African descent.
7. This means that very often where the agencies of government report "nay" re experiences of racism, it does not necessarily indicate that the phenomenon of racism is absent. It means

merely that the formal categories used as tools to lay out criteria are insufficiently able to see a racism that is “invisible” to those categories and criteria. It further means that while measures are said to be in place both constitutionally legally and institutionally to address and facilitate the elimination of racism, the degree of racism that is in fact endemic to the society may be unreachable by these measures. The inability to eliminate racism might therefore have less to do with a lack of will than with an inadequacy of the tools applied to the task, and with the condition of the psyche of all actors involved.

8. This is why, while we recommend the report to you, it is with an understanding that Barbados is aware that the task is more complex than the methodologies currently available or the present level of consciousness in its society. From the beginning of the UNWCAR process (Geneva through Durban), Barbados had contributed significantly to the view that re-tooling and the introduction of new paradigms are urgently required to bring to bear adequate conceptual instruments which can address the elimination of racial discrimination.² This position must continue to be given every support if CERD’s work is to be qualitatively advanced.

9. In order to bring out the full implications of the foregoing, we must further explore an articulation of the Barbadian social reality. The social structure of Barbados approximates to that of a “heterogeneous” society³ - a term, which implies that the society remains segmented socially and culturally as a result of its long history of plantation slavery, involving European masters and African slaves. As a heterogeneous society, Barbados is in transition, moving away from its original character as a “plural” society characterised by an absolute Black-White racial and ethnic divide, towards a truly cohesive, multi-racial society that could be described as “homogenous”.

10. The essence of its present social heterogeneity consists in the fact that the various ethnic/class/generation groups in Barbados still maintain their own distinctive patterns of family life, religion, economy, musical and artistic expression, and even to some extent, language.⁴ Thus the core societal values and cultural institutions are not always meaningfully shared across the ethnic, class and generation divide. Furthermore, the fundamental Black – White cleavage is reflected in the very limited degree of social interaction between these two groups.

11. At the same time, there are powerful symbols and consensual values of a mainly Eurocentric nature and origin, to which all groups give some allegiance as a consequence of sharing a history of British colonialism and a common educational experience. Heterogeneous societies, however, tend to lack strong social cohesion and rely heavily on the political structure as the major mechanism of integration. Steady progress has been made – particularly in the Post-Independence era – in narrowing the gap between the two major ethnic/ class groups – the majority, predominantly lower strata “Blacks” and the minority, upper and middle strata “Whites” – but important cultural differences persist, and even more crucially, as noted in the Minority Report of the Committee for National Reconciliation,⁵ domination of the upper levels of the corporate sector by the Whites remains substantially intact.⁶

12. To understand the sociology of race relations in contemporary Barbados, one must, in turn, appreciate the peculiar nature of Barbadian history as distinct in certain important respects from that of its sister territories in the Caribbean. Several factors account for this distinctiveness.

13. Firstly, because it was exclusively colonised by the British – unlike the other islands, most of which changed imperial hands – Barbados had the stamp of British culture imposed with a unique severity on its people. For example, the island’s unparalleled mastery of cricket – the English game par excellence – is a clear reflection of Barbados’ unabashedly Anglophile orientation.⁷

14. Secondly, because of the small, flat topography of the island, the Barbadian white plantocracy, from the halcyon era of ‘King Sugar’ in the seventeenth and eighteenth centuries, was able to dominate the society to a far greater extent than elsewhere in the region. Barbados – with its tiny, wealthy, white minority and huge, black, landless majority – is the classic plantation society.⁸ In general, large-scale physical resistance by the African population during the period of slavery was relatively limited.

15. Thirdly, in the post-Emancipation period, Barbados lacked the land space and mountainous terrain which formed the natural crucible for the development of robust African peasant communities in many of the other Eastern Caribbean islands, as well as, most notably, in Jamaica.⁹ These peasantries represent the foundation upon which a counter-hegemonic Afrocentric cultural tradition was built in the region. Historically, however, this pivotal presence was largely forced underground in Barbados.

16. Fourthly, and perhaps most decisively, when the birth of modern Barbados out of the labour riots of the 1930s catapulted black professionals to office, the process of black political enfranchisement did not follow through into the economic realm. And even to the present, the commanding heights of the economy in the island have remained largely entrenched in white hands.¹⁰

17. The above structure of race relations in Barbados crystallised around six notable features:

1. An exorbitant degree of fear on both sides of the racial divide – among the Blacks, because of the fact of largely unchallengeable white power; among the Whites because of the overwhelming numerical supremacy of the black masses.
2. The quintessential white Barbadian strategy of ‘withdrawal’ – whenever Blacks enter any arena previously dominated or occupied exclusively by Whites, whether it is politics, sport or the police force, the Whites abandon the territory.
3. A consequent pattern of social interaction in which both groups keep to themselves. However, the original standard of exclusivity was set by the Whites, and there were, up to a decade or so ago, several exclusive clubs whose membership was confined to white Barbadians.
4. An obsession with endogamy among white Barbadians. To this day, one rarely finds a case of interracial marriage – or even a sustained intimate relationship – between black and white Barbadians, that was formed in the island.

5. A widespread attitude of denial by Barbadians with regard to the pervasiveness of the racial problem in Barbadian society.

6. The phenomenon of Blacks who have internalised the values of White superiority practicing racism against other Blacks.

18. These last two symptoms of the pathology at the heart of race relations in Barbados are perhaps the most disturbing of all. Taken together with the other features, they have produced a distinctively Barbadian species of racism – even after 37 years of political independence – that might be defined as a hidden/covert/unconscious/subtle/ invisible/often self-inflicted *crypto-racism*. It must be reiterated that such an elusive manifestation is by no means as easy to pinpoint, much less dismantle, as the more overt forms of racism practiced elsewhere, which can be uprooted, for example, by legislation.

19. Nevertheless, the case of Barbados is highly instructive. The Caribbean, we have said, was historically the original, if unwilling, crucible of racism in the modern era. From this archipelago of islands, this modern phenomenon was eventually to spread across the entire globe. In a sense, then, in their encounter with the Barbadian variant of racial discrimination and the efforts by the State to address it, the Committee will also be further engaging in the process – begun in Durban – of honing the appropriate conceptual strategies and programs required to deal with such a condition of residual racism. This should stand the world community in good stead as it seeks to eradicate the last vestiges of this social cancer that has afflicted the modern world over the last five hundred years.

20. The peculiarities and nuances of the Barbadian socio-cultural experience with race so frankly discussed above contextualise the facts that follow in Sections II and III of this report. The lingering traumatic effects of slavery – perpetrated as it was, by individuals acting with impunity in an environment that sanctioned such brutality – cannot be reconciled by government policies and programmes alone. The Government of Barbados has and will continue to provide the enabling environment in which a new legacy of racial equality and reconciliation can occur, through, *inter alia*, its policies on culture, education, social security, poverty alleviation; its commitment to democratic principles of governance and the rule of law; the establishment of programmes to promote human and social development, entrepreneurship and economic prosperity; and its commitment to the establishment of a framework, through the Fair Trading Commission to combat anti-competitive practices.

21. However, the enduring challenge of this generation and those to come is for Barbadians to avail themselves of these opportunities, as people now responsible for their own destiny.

In the words of the Prime Minister, the Rt. Hon Owen Arthur:

We [Barbadians] must now express ourselves in search for absolution and in acknowledgement of truth. We must simply be a society which ceases to create antagonism and friction between lighter and darker shades of pale...It is in fact to the blend rather than the separation of races that we should be calling attention as we proceed with the overwhelming tasks of nation building...for we have emerged through

a restricted franchise, a narrowly structured and class-based, means-tested system into an independent democratic society... We are a strong nation. But there must be a great awakening in our society to the need for each to be allowed to become the best that he or she can be¹¹...and for a total communion of all persons... [to] carry us inexorably on to the fulfilment of our common racial and cultural destiny and succeed in making this nation a truly cohesive society and a land of opportunity for all¹².

II. GENERAL INFORMATION

A. Land and people

22. Barbados (area: 430 sq. km/166 sq. miles) is the most easterly of the Caribbean islands, located at 13° 10' north and 59° 35' west. The island is 34 km (21 miles) and 23 km (14 miles) wide, and is of mainly coral limestone formation, except for the eastern district called the **Scotland District**. Barbados is relatively flat, rising from the west coast in a series of terraces to a ridge in the centre. The highest point is Mount Hillaby, which rises to 340 metres above sea level.

23. Barbados has a tropical climate. Temperatures seldom fall below 20 ° Centigrade or rise above 31° Centigrade. Annual rainfall averages 1,254mm at sea level to 1,650mm at the highest point.

24. The coast largely consists of long stretches of sandy beaches. The recreational and economic value of these beaches and the marine reserves has made tourism one of the island's chief income-generating services, contributing some 10.3% to the Gross Domestic Product (GDP) at factor cost for 2002 (Central Bank of Barbados, Economic and Social Report, 2002).

25. For administrative purposes the island is divided into 11 parishes. The capital, Bridgetown is situated in the parish of St. Michael. The parishes of St. Michael and Christ Church are significantly more developed and populated than other parishes, accounting for 54% of the population (2000 Population Census).

26. Barbadians generally enjoy a relatively high quality of life; the country was rated number 1 among developing countries and number 27 globally in the United Nations Development Programme (UNDP) Human Development Report 2003. Barbados has one of the highest per capita incomes in the Caribbean, which was estimated at BDS\$15, 900 for 2002 and a provisional estimate of Gross Domestic Product at factor cost of BDS\$ 4310.4 million. At the end of September 2003, the rate of inflation was 1.9%. Unemployment rose by 1% over that of the previous year, to 11.3%; the average unemployment rate was 9.9% for males and 12.9% for females. The rise in unemployment rates by 1.4 percentage points since 2001 followed seven consecutive years of falling unemployment.

27. Barbados is a Small Island Developing State (SIDS), with a fragile natural resource base and an open economy with a narrow range of exports and a heavy dependence on imported goods. Its main foreign currency earners are the tourism industry, manufacturing, banking, the financial services sector, the sugar industry and other agricultural activities.

28. During the early 1990s, the country was faced with serious domestic and external imbalances which necessitated the introduction of a stabilisation fund programme with the assistance of the International Monetary Fund (IMF). This programme included contractile fiscal and monetary measures which resulted in a reduction of the public service and generally high rates of unemployment. The stabilisation measures were successful in reducing these imbalances. From 1993 to 2000, Barbados experienced an unprecedented 8 years of positive annual economic growth, recording an increase in real GDP from BDS\$784.1 million to BDS\$1014.1 million over that period.

29. Over the first nine months of 2001, real GDP contracted by approximately 1.5%, in contrast to the recorded annual growth rate of 3% for the previous eight years. The reduction in economic activity reflected the slowdown in the global economy, as well as adjustments in some sectors to compensate for increasing trade liberalisation. This situation was further exacerbated by the terrorist attacks of September 11, 2001, the impact of which was felt keenly in the tourism sector. Tourist arrivals plummeted by some 12.9% during the last quarter of 2001, leading to an overall decline of 5.9% in arrivals for that year.

30. The Government implemented a 90-day plan to minimise the impact of the terrorist attacks on the domestic economy. The measures articulated in that plan focussed on maintaining a satisfactory level of economic activity, ensuring the continued viability of local producers and preserving employment. A significant slowing in the rate of decline of growth in the export sector and positive growth in the non-export sector afforded a modest economic recovery in 2002. Real growth in the non-export sector rose by 0.9% and growth was also recorded in the production of utilities. There was a marked improvement in the tourism sector in the second half of 2002, limiting decline to under half of that of 2001. GDP per capita remained unchanged at \$15,900 and inflation was estimated at 0.2%. (Barbados Economic and Social Report 2002).

Table 1

Gross Domestic Product (GDP) at Current Factor for the Period 1997-2002

Year	GDP at Current Factor (BDS\$ million)
1997	3 628.5
1998	3 912.4
1999	4 138.0
2000	4 291.0
2001	4 264.5
2002	4 310.3

Source: Central Bank of Barbados - Economic Report, 2003.

Table 2

Annual Rate of Growth in GDP for the period 1997-2002

Year	Annual Rate of Growth in GDP (%)
1997	3.3
1998	4.4
1999	3.3
2000	3.4
2001	-2.8
2002	-0.4

Source: Central Bank of Barbados - Economic Report, 2003.

Table 3

Annual Rates of Inflation for the Period 1995-2002

Year	Rate of Inflation (%)
1995	1.9
1996	2.4
1997	7.7
1998	-1.3
1999	1.6
2000	2.4
2001	2.8
2002	0.2

Source: Central Bank of Barbados - Economic Report, 2002.

31. Barbados is one of the most densely populated islands in the world with a population of 268, 792 persons and a population density of 1,619.2 persons per square mile (2000 Population Census). There is a relative balance in the male/female distribution of the population, with males accounting for approximately 48.1% of the population (129,241) and females, 51.9% (139, 551). The number of children under the age of 18 is 66, 314 or 24.7% of the population and there is an average life expectancy of 76. 4 years. According to the latest available statistics recorded in the Barbados Economic and Social Report 2002, the population grew by 0.3 per cent during the year 2002.

32. The demographic makeup of the Barbadian population is based on the circumstances of its history. There are six major ethnic groups in Barbados – Black, White, Chinese, East Indian, Arab and Mixed. Within Barbados’ particular socio-cultural context, the terms “Black” and “Afro-Caribbean” are synonymous and refer to the descendents of African captives brought from the west coast of Africa during the seventeenth eighteenth and early nineteenth centuries. The

term “White” refers to Euro-Caribbean persons who are the descendants of planters, indentured servants and other European migrants who have come to the island since its colonisation by the British in the seventeenth century those of European descent.

33. There has been some miscegenation between these two dominant races, which has resulted in a bi-racial group of persons, which identify themselves and are identified as “Mixed”. Although many Black and White Barbadians acknowledge distant ancestry from both racial groups, the tendency is for persons to identify themselves wholly with one group or the other, based on prominent physical characteristics such as hair texture, skin pigmentation and eye colour. There is also miscegenation across other ethnic groups, although to a considerably lesser extent than that occurring between Whites and Blacks. However the census data available do not provide a breakdown of the specific ethnic origins of mixed-race persons.

34. Other population groupings are smaller and were introduced to Barbados through immigration to the island during the late nineteenth and early twentieth centuries.

35. In the 2000 Census, approximately 92.9% of the population identified themselves as Black and the remaining 7.1% comprises persons of White, East Indian, Chinese, Arab and Mixed ancestry.

Table 4
Population by Age Group and Ethnic Origin

Age Group (Both Sexes)	Ethnic Origin							
	Total	Black	White	Chinese	East Indian	Arab	Mixed	Other
Total	250 010	232 507	7 982	118	2 581	66	6 561	195
Under 5 Years	17 239	15 974	444	6	215	1	592	7
5 to 9 Years	18 749	17 503	458	9	214	5	549	11
10 to 14 Years	18 613	17 403	429	7	190	6	569	9
15 to 19 Years	18 636	17 644	349	13	153	2	464	11
20 to 24 Years	17 804	16 868	265	5	224	6	425	11
25 to 29 Years	19 738	18 534	506	7	249	4	428	10
30 to 34 Years	19 588	18 380	484	10	260	2	429	23
35 to 39 Years	21 257	19 835	657	10	243	6	492	14
40 to 44 Years	20 055	18 679	661	11	222	7	453	22
45 to 49 Years	16 774	15 464	658	11	196	9	415	21
50 to 54 Years	13 638	12 460	668	5	159	7	327	12
55 to 59 Years	9 583	8 713	516	2	91	3	241	17
60 to 64 Years	8 925	8 170	424	8	52	1	262	8
65 Years & Over	29 411	26 880	1 463	14	113	7	915	9

Source: 2000 Population and Housing Census.

36. There is a formal separation between church and state and religious freedoms are constitutionally guaranteed. Barbadians enjoy a rich religious heritage and this is reflected in the numerous denominations which can be found throughout the island. Though adherents to the

Christian faith account for the majority of the populace, minority religious groups such as Hindus, Muslims, Jews and Rastafarians play a significant role in the social consciousness of the Barbadian community and their religious views are freely expressed and disseminated.

Table 5
Population by Sex and Religion

Religion	Both Sexes	Male	Female
Total	250 010	119 926	130 084
Adventist	13 726	5 989	7 737
Anglican	70 705	32 240	38 465
Baha'i	178	79	99
Baptist	4 689	1 942	2 747
Bretheren	1 600	646	954
Church of God	4 966	2 031	2 935
Hindu	840	430	410
Jewish	96	53	43
Jehovah Witness	4 902	2 005	2 897
Methodist	12 665	5 299	7 366
Moravian	3 352	1 387	1 965
Mormon	214	89	125
Muslim	1 657	882	775
Pentecostal	46 726	18 686	28 040
Rastafarian	2 859	2 245	614
Roman Catholic	10 443	4 492	5 951
Salvation Army	1 057	417	640
Other Christian	16 609	7 243	9 366
Other Non-Christian	1 293	667	626
None	43 245	28 391	14 854
Not stated	8 188	4 713	3 475

Source: 2000 Population and Housing Census.

37. The official language of Barbados is English and the island has a literacy rate of 98%. Education is considered to be an important pillar of Barbados' development and consequently, the Government has consistently invested more than 7% of its GDP (from 1993 to 2000) in the provision of education services at the primary, secondary and tertiary levels. Education facilities can be found in all the 11 parishes for children as well as adults and these facilities are made available by the Government, the Church (various denominations) and the Private Sector. Education is free and compulsory from ages 5-16 years and is available and accessible to all, regardless of ethnic or racial background.

Table 6
Population by Highest Level of Education and Ethnic Origin

Highest Education Level	Ethnic Origin							Total
	Black	White	Chinese	East Indian	Arab	Mixed	Other	
Nursery/Infant	600	22	2	14	8	21	1	660
Primary	56 243	807	10	495	8	1 231	28	58 822
Composite/Senior	17 016	185	1	86	1	307	7	17 603
Secondary	101 736	3 340	35	1 108	26	2 624	72	108 941
University	11 260	1 550	24	311	17	720	44	13 926
Other Tertiary	22 851	1 374	15	220	7	888	18	25 373
Other Institution	2 020	124	3	51	2	69	8	2 277
None	410	8	1	21	-	12	3	455
Not Stated	4 388	128	21	60	4	97	7	4 705
Total	216 524	7 538	112	2 366	65	5 969	188	232 762

Source: Barbados Statistical Department: Cross Tabulations of the 2000 Census.

38. According to the statistical data in Table 6, the percentage of persons who have pursued tertiary education is greater across all minority groups than that of the Black population. 38.8% of White respondents have attended university or another tertiary institution; likewise 36.9% of Arabs, 22.4% of East Indians, 34.8% of Chinese, 26.9% of the Mixed population. The figure for Blacks is only 15.75%.

Table 7
Population by Parish and Ethnic Origin

Parish	Ethnic Origin							
	Total	Black	White	Chinese	East Indian	Arab	Mixed	Other
St Michael	83 684	78 510	1 499	24	1 504	11	2 092	44
Christ Church	49 497	43 363	3 225	60	544	50	2 163	92
St George	17 868	16 953	593	1	79	1	223	18
St Phillip	22 864	21 657	608	2	103	1	484	9
St John	8 873	8 355	180	-	33	-	305	-
St James	22 741	20 609	1 179	20	192	3	719	19
St Thomas	12 397	11 895	251	9	46	-	190	6
St Joseph	6 805	6 555	128	-	15	-	106	1
St Andrew	5 254	5 172	30	-	3	-	47	2
St Peter	10 699	10 280	242	2	24	-	147	4
St Lucy	9 328	9 158	47	-	38	-	85	-
Barbados	250 010	232 507	7 982	118	2 581	66	6 561	195

Source: 2000 Population and Housing Census.

39. There is no clear distinction between the population of the rural and urban areas in Barbados. This is due mainly to the size and topography of the island, its well developed network of paved roads, bus service and efficient telecommunications services. Consequently, goods and services are equally accessible in “rural” and in “urban” areas.

40. The fifteen-member Caribbean Community (CARICOM) has, since its inception, focussed on the creation of linkages and the use of synergies, to catalyse the regional integration process and to achieve greater levels of prosperity and higher quality of life for the populations of each member state. A significant initiative in this regard is the creation of the CARICOM Single Market and Economy (CSME) under the Revised Treaty of Chaguaramas, which will transform the region into a single economic space by December 31, 2005. The decision to establish the CSME was taken by the CARICOM Conference of Heads of Government of the Caribbean in 1989 in Grand Anse, Grenada. This decision was reinforced by the Conference of Heads of Government in 1996, where Heads articulated a vision for the deepening of the integration process through a single market and economy.

41. The CSME will allow for CARICOM goods, services, people and capital to move freely throughout the Community. It will also provide a single economic space within which Caribbean nationals and businesses can operate. The CSME will facilitate the harmonisation of economic, monetary, fiscal and external trade policies and measures across the entire Community and will play an important role in preparing the Caribbean region to face the challenges associated with increased liberalisation at the hemispheric (Free Trade Area of the Americas) and global levels.

42. The free movement of persons within the CSME is provided for in Chapter Three of the Revised Treaty by according the right to skilled Community nationals, service providers, non-wage earners and investors to carry on economic activities in any part of the CSME. It also provides for the movement of Community nationals into and within jurisdictions without restrictions or the imposition of impediments. The CARICOM Agreement on Transference of Social Security benefits is a supportive measure for the free movement of skills and entered into force on 1 April 1997. Barbados has ratified this act and has enacted implementing legislation. Barbados has also introduced other domestic legislative and administrative arrangements to ensure that the country is ready for the implementation of the CSME in 2005.

B. General political structure

1. Political history and framework

43. The Colony of Barbados was founded by a British expedition in 1627. The island never changed hands during the Colonial Wars of the 17th and 18th centuries and it remained a British colony until it gained independence in 1966.

44. Barbados achieved independence from Britain on November 30, 1966 and since then it has remained a member of the Commonwealth. Constitutionally, the British Monarch continues to be the Head of State and is represented on the island by a Governor General who is appointed on the advice of the Prime Minister.

45. Though there is undisputed evidence that there was an Amerindian presence on the island as early as the year 2000 B.C., archaeologists posit that by the time of the arrival of the Portuguese in 1536, and certainly by the time of the establishment of the first settlements by the British on February 17, 1627, the island had been deserted for several centuries. It has been suggested that the Amerindians either left the island voluntarily or were transplanted to Cuba to replace the decimated Taino population which worked the mines.

46. Early British settlers first grew tobacco and cotton, but soon found this unprofitable, and switched to sugar cane as early as 1637. The switch from tobacco to sugar is referred to as the “Sugar Revolution” which completely transformed the economic and social landscape of Barbados. Labour- and capital-intensive, the cultivation of sugar caused the consolidation of small farms into larger plantations and ultimately, the large scale importation of African slave labour.

47. The sugar-based economy of Barbados prospered during the seventeenth and eighteenth centuries. By this time, the slave population was largely of Creole Africans (those born in the Caribbean) and had increased rapidly. Thus, the island was largely unaffected by the Abolition of the Slave Trade in 1807.

48. Barbados recorded its only major Slave Rebellion in 1816. This proved to be the first in a series of British West Indian slave insurrections which led to a call for freedom of the slaves.

49. The 1838 Emancipation of the Slaves is considered to be the next major change in Barbados’ history after the Sugar Revolution. The decades following the Abolition of Slavery and the 1838 Emancipation of the Slaves were marked by instability and severe difficulty. The situation was further exacerbated by the equalisation of sugar duties for British and foreign sugars imported into Britain in 1852, competition from beet sugar producers and the fall in sugar prices. For the majority Afro-Barbadian population, working conditions, even after emancipation, continued to be harsh. Unlike the larger West Indian colonies where land was available for small farming by individuals and their families, Barbados was small and densely populated making available arable land very expensive and scarce. A large proportion of the working population was forced to continue working on the plantations for extremely low wages. By 1896, widespread economic distress and social unrest prompted investigations by a Royal Commission.

50. The seminal riots of 1937 prompted another Commission of Inquiry from Britain which, amongst other things, recommended the legalisation of trade unions. By 1951, with the growing momentum of decolonisation, universal adult suffrage was introduced. Ministerial government followed in 1954. By this time, the political class had become increasingly representative of Barbados’ demographic distribution. Encouraged by Britain, the colonies of the British West Indies formed a federation in 1958. The failure of the Federation in 1962 precipitated the movement towards individual independence for the colonies, which Barbados attained in 1966.

51. The years since independence have been marked by a steady increase in standards of living, a succession of free and fair elections and changes of government, universal, free and compulsory primary and secondary education and free tertiary education, and a diversification of revenue sources to include tourism, light manufacturing, financial services and informatics.

52. Barbados has a long tradition of parliamentary procedure, dating back to 1639 when the first Parliament was established. Until 1951, when universal adult suffrage was introduced, franchise was based on gender (only men) and wealth (a minimum yearly income level or property). The organised political awakening of the majority Afro-Barbadian community can be traced to the inter-war years, when one of the first popular political parties, the Democratic League was established. The social unrest of 1937 precipitated the creation of trade unions and the first modern type political party in 1938, the Barbados Labour Party (BLP), which won the last elections held in May 2003. The Democratic Labour Party (DLP) was formed in 1955 when a number of BLP members left to form their own party. A third political party, the National Democratic Party was founded in 1989 as an offshoot of the Democratic Labour Party, but is no longer active.

53. Since independence, the major political parties have been elected to serve alternating terms in office:

1966-1976	two (2) Democratic Labour Party terms
1976-1986	two (2) Barbados Labour Party terms
1986-1994	two (2) Democratic Labour Party terms
1994-present	three (3) Barbados Labour Party terms

2. Principal organs of the Constitution

(a) The Executive

54. The Constitution recognises a form of government based on universal adult suffrage and characterised by regularly held free and fair elections. The electoral system is patterned after the British Westminster system. This system is multi party and allows for the appointment of a Prime Minister as the Head of Government, who may serve a term of five (5) years and may be re-elected.

55. Section 35 of the Constitution states: "There shall be a Parliament of Barbados which shall consist of Her Majesty, A Senate and a House of Assembly." Section 63 (1) of the Constitution states: "The Executive Authority of Barbados is vested in her Majesty."

56. The Queen is the Head of State of Barbados. The Queen of England is also the Queen of Barbados. The Queen is represented in Barbados by the Governor General whom she names on the advice of the Prime Minister. The Queen does not take part, however, in the Government of the country.

(b) The Governor-General

57. Section 28 of the Constitution provides that: "There shall be a Governor-General of Barbados who shall be appointed by her majesty and shall hold office during Her Majesty's pleasure and who shall be her Majesty's representative in Barbados."

58. The functions of the Governor-General are mainly ceremonial, though not exclusively so. The Governor General has important discretionary powers, including, *inter alia*, the authority to appoint temporary Ministers and to dissolve Parliament. As a rule, the Governor-General exercises his functions on the advice of the Prime Minister, the Cabinet and, in some specific cases, the Leader of the Opposition. The Constitution provides specifically that the Governor General consult persons or authorities before the execution of certain of his functions, however, he is not obliged to act in accordance with the advice rendered. The advice of the Prime Minister is to be sought in, *inter alia*, the following cases:

- (a) Appointing and removing of Ministers of Government;
- (b) Appointing of 12 members of the Senate;
- (c) Dissolving Parliament;
- (d) Appointing the Chief Justice and High Court judges.

(c) The Prime Minister

59. Following the conduct of a General Election, the Prime Minister is appointed by the Governor-General. The Governor-General selects the person whom he considers best able to command a majority of members of the House of Assembly. In practice this is usually the leader of the party which has won the highest number of seats. Section 66 (2) of the Constitution gives great power to the Prime Minister, and protects him from dissatisfied party supporters who may consider revolting and having his appointment revoked. If a majority of Parliament supports a no-confidence motion in the Prime Minister, he may, within three days of the passing of the resolution, either resign or ask the Governor General to dissolve Parliament, thereby precipitating a General Election.

(d) The Cabinet

60. The Cabinet is the body having overall responsibility for the management of the Government. Section 64 (2) of the Constitution states: "The Cabinet shall be the principal instrument of policy and shall be charged with the general direction and control of the Government of Barbados and shall be collectively responsible to Parliament." The Constitution stipulates that the Cabinet comprise a minimum of five ministers in addition to the Prime Minister, who are selected from either the House of Assembly or the Senate.

61. Section 72 of the Constitution makes provision for the appointment of an Attorney-General, who is the principal legal adviser to the Government.

62. The current composition of the Cabinet is as follows:

The Rt. Hon. Owen Arthur, M.P.	Prime Minister, Minister of Finance and Economic Affairs
The Hon. Mia Mottley, Q.C., M.P.	Deputy Prime Minister, Attorney General and Minister of Home Affairs
The Hon. Dame Billie Miller, D.A, B.C.H., M.P.	Senior Minister and Minister of Foreign Affairs and Foreign Trade
The Hon. Rawle Eastmond, J.P., M.P.	Minister of Labour and Social Security
The Hon. Reginald Farley, J.P., M.P.	Minister of Education, Youth Affairs and Sports
The Hon. Gline Clarke, J.P., M.P.	Minister of Public Works
The Hon. Hamilton Lashley, M.P.	Minister of Social Transformation
The Hon. Anthony Wood, J.P., M.P.	Minister of Energy and Public Utilities
The Hon. Noel Lynch, M.P.	Minister of Tourism and International Transport
The Hon. Elizabeth Thompson, M.P.	Minister of Housing Lands and the Environment
The Hon Jerome Walcott, M.P.	Minister of Health
The Hon. Dale Marshall, M.P.	Minister of Industry and International Business
Sen. The Hon, Erskine Griffith, GCM, J.P.	Minister of Agriculture and Rural Development
Sen. The Hon. Lynette Eastmond	Minister of Commerce, Consumer Affairs and Business Development
The Hon. Cynthia Forde, J.P., M.P.	Minister of State, Ministry of Education, Youth Affairs and Sports
The Hon. Kerrie Symmonds, M.P.	Minister of State, Ministry of Foreign Affairs and Foreign Trade
Sen. the Hon. John Williams	Minister of State, Prime Minister's Office and Ministry of the Civil Service

The Legislature

63. Barbados has a bicameral legislature: the House of Assembly composed of 30 members elected by universal adult suffrage who represent the 30 constituencies into which the island is divided for electoral purposes. The Senate consists of 21 members made up as follows:

(a) Twelve members appointed by the Governor-General on the advice of the Prime Minister;

(b) Two members appointed by the Governor-General on the advice of the Leader of the Opposition;

(c) Seven members appointed by the Governor- General at his discretion to represent religious, social, economic or such other interests as he may deem necessary.

64. The Constitution recognises the office of the Leader of the Opposition and confers certain power upon him. If the Leader of the Opposition loses the support of the majority of parliamentarians who oppose the Government, he loses his function as Leader.

65. Section 48 (1) of the Constitution states: "Subject to the provisions of this Constitution, Parliament may make laws for the peace, order and good government of Barbados." For a bill to become law, it must be passed by the House of Assembly and the Senate and receive the approval of the Governor-General. While the Constitution gives the Governor-General the power to refuse approval, it is a convention that he would not normally refuse to approve a bill which has been passed in accordance with the provisions of the Constitution.

The Judiciary

66. The Constitution makes provision for a Supreme Court. Section 80 of the Constitution provides for the establishment of the Supreme Court consisting of a High Court and a Court of Appeal. Judges are appointed by the Governor-General on the recommendation of the Prime Minister after consultation with the Leader of the Opposition. Once a judge has been appointed, he is not under the control of any person. Apart from leaving office as a result of reaching the age of retirement, the Constitution protects against the arbitrary removal of judges from office. A tribunal must be appointed by the Governor-General on the advice of the Prime Minister which must judge that he has committed an offence.

67. The courts have the power to review any law passed by Parliament to ensure that it conforms to the provisions of the Constitution.

68. In 1981, Parliament passed the *Supreme Court Judicature Act* which makes provision for a separate Court of Appeal comprising the Chief Justice as President and two other judges. Section 86 of the Constitution makes it possible for Barbados to share a Court of Appeal with any Commonwealth country. At present, there exist three avenues of appeal outside of Barbados:

- (i) To the Judiciary Committee of the Privy Council (a committee of the British House of Lords);
- (ii) To the Inter-American Court on Human Rights (Barbados being party to the American Convention on Human Rights);
- (iii) To the United Nations Human Rights Committee (Barbados being a party to the Optional Protocol of the International Covenant on Civil and Political Rights which allows for the appeal of individuals to the Committee).

69. The Caribbean Court of Justice (CCJ) is the proposed regional judicial court which will have both appellate and original jurisdictions - in the former regard, as the final Court of Appeal

for CARICOM Member States and in the latter, in respect of the interpretation of the Revised Treaty of Chaguaramas. Barbados has already enacted enabling legislation for the CCJ, which is expected to come on stream in the very near future. Once the Court has started to function, it will replace the Judicial Committee of the Privy Council as the final court of appeal.

Other organs of Government

70. The Constitution makes provision for the establishment and composition of the Public Service Commission which deals with the appointment, promotion and discipline of public servants. Similar Commissions exist which deal with the Royal Barbados Police Force and persons holding offices that require legal qualifications.

71. The Constitution makes provision for a Director of Public Prosecutions (DPP) who is a public officer responsible for controlling criminal prosecutions. Acting on his own discretion, he decides whether or not action should be taken against a person or whether such action, if commenced, should be discontinued. The DPP is appointed by the Governor-General acting on the recommendation of the Judicial and Legal Service Commission. Because of the importance of this position, the post is protected in the same manner as that of judges. The DPP can only be removed from office by a tribunal appointed by the Governor General on the advice of the Judicial and Legal Service Commission.

72. The Constitution makes provision for an Auditor-General who has responsibility for performing annual audits on the accounts of the Supreme Court, the Senate, the House of Assembly and all other departments and offices of the Government. His findings are compiled into a report which is laid before the House of Assembly. The Auditor-General, in exercise of his functions, is not subject to the direction or control of any other person or authority and, like the DPP, he can only be removed by a specially appointed tribunal.

C. General legal framework within which human rights are protected

73. The Constitution is the Supreme Law of Barbados, if any other law is inconsistent with the Constitution, the Constitution must prevail and the other law to the extent of the inconsistency will be declared void (Chapter 1).

74. Chapter III of the Constitution deals with the protection of the fundamental rights and freedoms of all individuals in Barbados and in this regard, the fundamental human rights and freedoms are guaranteed. The relevant provision states as follows:

“Whereas every person in Barbados is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for all the rights and freedoms of others and for the public interest, to each and all of the following, namely:

- (a) Life, liberty and security of the person;
- (b) Protection for the privacy of his home and other property and from deprivation of property without compensation;

- (c) The protection of the law; and
- (d) Freedom of conscience, of expression and of assembly and association.”

75. Every individual has the constitutional right to seek redress of any violation by the State of human rights before the High Court (Section 24, Constitution).

76. International human rights instruments cannot generally be invoked directly before the court. The constitutional system requires domestic legislation to be enacted by the Parliament of Barbados in order to incorporate International Conventions/Instruments into the national legal system. It is considered that the “Bill of Rights” included in Chapter III of the Constitution provides adequate safeguards for the protection of human rights.

77. The legal structure in Barbados provides for three (3) levels of adjudication, the Magistrate’s Court, the Supreme Court and the Court of Appeal. The Court of Appeal hears cases from the Magistrate’ Court and the Supreme Court. There is a Family Division of the Supreme Court which deals with family matters. This court may seek the assistance of the relevant social services related to family matters.

78. If an individual believes that his rights have been violated there is redress in the legal system. The Constitution confers authority on the Supreme Court to enforce the protection provisions of the Constitution, that is, the fundamental rights and freedoms which are guaranteed. Article 24 (1) states that if any person alleges that a fundamental right or freedom “has been, is being, or is likely to be contravened” by the State, that person may apply to the High Court for redress. There are also social and therapeutic systems in place to facilitate the rehabilitation of the victim. These systems are discussed in further detail in the report.

79. The Constitution also confers wide discretionary power on the High Court to grant remedies to an individual who alleges that any of his rights have been, are being, or are likely to be infringed. This may include compensation. Article 24 (2) states that:

“the High Court shall have original jurisdiction to hear and determine any application made by any person..., and to determine any question arising in the case of any person...and may make such orders, issue such writs and give such direction as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of Articles 12 to 23.

D. Remedial authority with respect to human rights violations

1. The Courts

80. In Barbados there is no separate constitutional court dealing exclusively with alleged breaches of constitutionally protected human rights. If someone considers his human rights to have been violated by the Government he can seek redress before the courts. Legal aid is provided to persons bringing constitutional motions in the High Court if they are unable to afford the costs of retaining an Attorney-at-Law.

2. The Constitution

81. Barbados' Constitution contains a Bill of Rights loosely following the Universal Declaration of Human Rights model, in which a number of basic freedoms are guaranteed: the right to life; the right to personal liberty; protection from slavery and forced labour; protection from inhumane treatment; protection from discrimination on grounds of race, place of origin, political opinions, colour or creed; right to a fair trial and the presumption of innocence.

82. The Constitution states that any person alleging the violation of the above rights may apply to the High Court for redress, thus making the High Court the effective domestic guardian of human rights in Barbados.

3. The Privy Council

83. Barbados' Supreme Court is the highest court in Barbados, but not the highest Barbadian court. Appellants can appeal to the Judicial Committee of the Privy Council of the (British) House of Lords, which is in effect the court of final recourse for Barbados, and most countries of the Commonwealth. As stated previously, this will change once the Caribbean Court of Justice starts to function as it effectively replaces the British Privy Council as Barbados' court of final recourse.

4. International human rights instruments

84. Barbados is party to several of the major regional and international human rights instruments, namely:

- (a) Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1972);
- (b) International Convention on the Elimination of All forms of Racial Discrimination (1972);
- (c) Convention relating to the Status of Stateless Persons (1972);
- (d) International Covenant on Civil and Political Rights (and its Optional Protocol) (1973);
- (e) International Covenant on Economic, Social and Cultural Rights (1973);
- (f) Convention on the Political Rights of Women (1973);
- (g) Slavery Convention of 1926 as amended (1976);
- (h) International Convention on the Suppression and Punishment of the Crime of Apartheid (1979);
- (i) Convention on the Nationality of Married Women (1979);

- (j) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1979);
- (k) Convention on the Prevention and Punishment of the Crime of Genocide (1980);
- (l) Convention on the Elimination of All Forms of Discrimination against Women (1980);
- (m) American Convention on Human Rights (1982);
- (n) International Convention against Apartheid in Sports (1986);
- (o) Convention on the Rights of the Child (1990).

5. The Ombudsman

85. The *Ombudsman Act (1981)* establishes the office of Ombudsman, whose function, as defined by the Act, is to “investigate and report upon allegations of improper, unreasonable or inadequate administrative conduct”. Like the Auditor-General and the Director of Public Prosecutions, the Ombudsman cannot be easily removed from his post. A tribunal must be called by the Governor-General on the advice of the Prime Minister. The Ombudsman cannot be a member of either the House of Parliament nor can he engage in any other occupation. Any complaints made to the Ombudsman must be made in writing and cannot be anonymous. Normally, he cannot investigate a case where the complainant has other legal means of redress. With few exceptions, the Ombudsman has the power to request any minister or officer of a government department or any other person to supply information which he considers critical to a case under investigation.

6. Non-Governmental Organisations

86. There exists in Barbados a thriving non-governmental organisation fraternity, which plays an important role in both the stimulation of debate on human rights as well as the specialised concerns of the various NGOs. These organisations range from grass-roots community groups to local arms of international organisations and have played an integral role in developing a Barbadian society built on sound democratic principles. The Barbadian NGO community has actively encouraged public participation and interest in the governance process and has fostered human and social development initiatives.

87. The Barbados Association of Non-Governmental Organisations (BANGO), an umbrella organisation under which more than 30 NGO's are registered, was established in January 1998. Recognising the inter-relationship between sustainable development and an empowered civil society, the organisation seeks to create an environment of partnership and cooperation between individuals and NGOs, to strengthen the capacities of individuals, communities and institutions and to use advocacy to influence policy formulation in the public and private sectors. In May 2004, BANGO was integrated into the process of collective bargaining with the Government, the private sector, the unions and civil society, i.e. The Social Partners.

88. The Congress Against Racism-Barbados Inc. (CARB), formerly the Barbados NGO Committee for the World Conference Against Racism (BNC-WCAR), is a coalition of non-governmental organisations which coordinated the participation of Barbadian NGO's in the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa, 31 August to 7 September 2001. CARB comprises, *inter alia*, the following NGOs: The Society for the Resettlement of Caribbean Nationals (SRCN), The Ichirouganaim Council for the Advancement of Rastafari (ICAR), DAWN Caribbean, the Pan-African Movement of Barbados, the Clement Payne Movement and The Universal Day of Hope and Trust.

7. The Ministry of Social Transformation

89. The Ministry of Social Transformation was established in January 1999 and was designed to rationalise the existing social service and welfare agencies under the jurisdiction of one Ministry, which would focus on the needs of the poor, the disadvantaged and the disabled. The Ministry was given the mandate to redefine the social landscape of the country through the formulation and coordination of policies and sustainable programmes for the efficient and effective delivery of social services, providing "equal opportunities for all persons, particularly those vulnerable and disadvantaged groups and individuals". These services include programmes aimed at poverty eradication, community development, child care and assistance to the elderly.

90. The functions of the Ministry are largely carried out by the following agencies:

- Community Development Department;
- Welfare Department;
- National Assistance Board;
- Child Care Board;
- Bureau of Gender Affairs;
- National Disabilities Unit.

These agencies are the vehicles through which the threat of marginalisation of vulnerable groups is removed, safety nets are strengthened, empowerment programmes are pursued and partnerships fostered with civil society as a means of enhancing the Ministry's capacity to deliver its services to the poor.

8. The Commission on Pan African Affairs

91. In November 1998, the Government launched the Pan-African Commission, an entity mandated to forge new and deepen existing links with Africa and the African diaspora. The Commission functions under the auspices of the Prime Minister's Office and also counts among

its responsibilities the education of the population in respect of the island's African heritage and the value of its cultural birthright. In sensitising all Barbadians to their common racial destiny, the Commission on Pan African Affairs makes an important contribution to the development of Barbados into a fully cohesive, prosperous society.

9. The Fair Trading Commission

92. In 2000, the Government established the Fair Trading Commission with a mandate to treat to utility regulation, consumer protection and the oversight of fair competition. The *Fair Competition Act* was passed in 2001 and is designed to provide a legal framework for the challenge of anti-competitive practices which would prevent the emergence or lend to the marginalisation of new business entities. This is all the more important given the country's historical reality of the consolidation of capital in the hands of the plantocracy and the merchant class who were predominantly of European origin. This legislative framework complements the aggressive programme of assistance for small business as it relates to access to fiscal incentives, subsidised capital and technical assistance.

E. Information and publicity

93. The values and traditions of Barbados have for many years been steeped in the recognition of fundamental rights such as the right to freedom of expression, association and conscience. Awareness of human rights issues forms part of a strong nationwide ethos of discussion and debate on all matters of concern to citizens. Various government departments whose work is connected with human rights make full use of the various information media, including the Government Information Service, to air issues, stimulate debate and increase awareness.

94. Copies of the Barbados Constitution and the Rules of the Supreme Court are available to any person within the country. Copies may be acquired at a minimum cost and are available in the national libraries, school institutions and other relevant government and non-governmental institutions. In addition, parliamentary proceedings and debates between the ruling Party and the Opposition Party are regularly broadcast.

95. Within the last two decades, the establishment of several commissions and task forces has helped raise public awareness of human rights issues. The most recent of these are: the Constitution Review Commission; the Committee for National Reconciliation; the Pan African Commission; the Commission on Social Justice; the Commission for Gender Affairs and the Commission on Law and Order. Many publications from these Commissions have been distributed to the public, in addition to lectures and seminars, which serve to enhance the understanding of the history, human rights and culture of the community.

96. Fora are provided for debating matters of interest and may be organised by the Government or by non-governmental organisations. These are usually in the form of Town Hall meetings and broad-based consultations and have been used as an effective means for ventilating concerns and stimulating discussion within the various communities on a range of pertinent social and human rights issues affecting the Barbadian public. Citizens also utilise the opportunity to voice their opinions and concerns on such issues through the use of radio and television call-in programmes.

97. The local chapter of Amnesty International is the dominant human rights advocacy group in Barbados and although it serves to focus attention on the question of human rights in general, it is most vigorous in its campaign against the continued use of capital punishment. Human Rights Watch is also active in its monitoring and profiling of human rights issues in Barbados. Other non-governmental organisations play key roles in the dissemination of information related to specific human rights.

98. The Government Information Service has, at diverse times, broadcast programmes focussing on the elimination of racial discrimination, which were provided courtesy of the United Nations Department of Public Information. The Government Information Service also has the responsibility for preparing public service announcements and public education programmes. The State-owned Caribbean Broadcasting Corporation is required to reserve time in its programme schedules for broadcasting programmes provided by the Government. The CBC is not entitled to make any charge in respect of these broadcasts as long as the aggregate time does not exceed 10% of the total broadcasting time for the day.

99. The Government of Barbados has introduced a number of initiatives designed to increase the public's awareness of the richness of its cultural heritage. These initiatives include, *inter alia*, the annual observance of Emancipation Day, the recognition of 10 national heroes and a corollary national holiday to commemorate their contributions to the country's development. National Heroes Day and Emancipation Day, which are held on April 28 and August 1 respectively, are reserved for serious reflection on Barbados' historical and cultural legacy. The selection of 10 national heroes and the establishment of Heroes Day were thought to be important steps in the development of post-independence nationhood, as it would bring recognition to the achievements of Barbadians throughout history, rather than continuing to honour only those heroes of foreign extraction. The national heroes, who include former political figures, labour leaders, a slave, a sportsman and an abolitionist widow, militated against the racial, economic and social inequality that existed during their respective eras. The Government has also renamed the Trafalgar Square, designating it as the National Heroes Square, in celebration of the contribution of Barbadian nationals to the development of social, cultural and economic structures upon which modern day Barbados is built.

100. The Ministry of Foreign Affairs and Foreign Trade co-ordinates the preparation of and submission of Barbados' human rights reports and has the responsibility for ensuring that reporting obligations are fulfilled. There is consistent input into the process from the Attorney General's Office (which has responsibility for the Royal Barbados Police Force), the Ministry of Home Affairs, the Ministry of Social Transformation and the Ministry of Education, Youth Affairs and Sports. There is also significant interaction between the relevant Ministries and local and regional human rights advocacy groups.

III. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

101. Section 23 of the Constitution deals with the protection of an individual from various forms of discrimination. Specifically, Section 3(1) provides as follows:

(a) No law shall make any provision that is discriminatory either of itself or in its effect; and

(b) No person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in performance of the functions of any public office or any public authority.

102. Section 23(1) has three basic effects:

It makes unconstitutional:

- (i) Any laws which are ex facie discriminatory;
- (ii) Any laws which are discriminatory in their effect upon persons; and
- (iii) Any discriminatory action by the State in the exercise of its administrative, judicial and executive functions.

The State therefore, must not enact laws which are discriminatory as defined in Section 23(2) of the Constitution. According to Margaret Demerieux in her text *Fundamental Rights in Commonwealth Caribbean Constitutions*, Section 23 would apply to the general body of law and not merely those laws which impact on fundamental rights and freedoms. Ms. Demerieux further observes that:

... the word 'law' must be taken to include both the written law and the common law, in keeping with the general meaning of law found in the constitution. As for unwritten rules of law, the section (section 23) appears to require their formulation in a non-discriminatory manner.

103. Barbados has recorded numerous significant legislative achievements and recommendations over the past 15 years in relation to the protection of human rights and has made a concerted effort to improve the social and economic condition of the wider Barbadian public.

104. Since June 5, 1967 Barbados has had a Social Security Scheme. It was established under the provisions of the National Insurance and Social Security Act, 1966 (Cap. 47). The Social Security Scheme is administered by the National Insurance Board, a body corporate, and the National Insurance Office, which is a unit of the established Civil Service. The Board consists of nine members, and is tripartite, comprising representatives of the Government, the workers' and the employers' organisations.

105. The National Insurance Scheme provides cash benefits in the event of sickness; maternity; invalidity; old age; unemployment; employment injury and death. Medical care and transportation expenses are covered also in the case of employment injury. In addition the National Insurance Office also administers two other schemes - the Severance Payments Scheme and the Sugar Workers' Provident Fund.

106. These two Schemes are governed by their own legislation and have their own Funds and are separate and distinct from the National Insurance Fund. The Severance Payments Fund provides for the payment of compensation to employees who are dismissed by reason of redundancy or natural disaster or who terminate the contract of employment after a period of lay-off or short-time. The Sugar Workers' Provident Fund provides for the payment of retirement pensions to sugar workers as well as funeral grants on the death of pensioners.

107. In 1982 the responsibility for the administration of non-contributory old age pension was transferred from the Welfare Department to the National Insurance Department. Whereas the pensions previously were paid directly by the government by means of budget allocations, they now became a charge to the National Insurance Fund. All nationals are eligible for non-contributory old age pensions, (if not entitled to a contributory pension/State pension) as the major qualifying criteria are age (i.e. 65 years) and residence. The contribution rate is 4% of insurable earnings, shared equally by the employer and the employee.

108. Participation in the scheme is compulsory for every person, whether employed or self-employed, who is over the age of 16 years and under the age of 65 years, with minor exceptions. Persons excluded are non-citizens employed as heads or members of diplomatic missions, or as consular officers or consular employees; non-citizens employed otherwise than as domestic workers by an international organisation of which Barbados is a member.

109. In 1996, a Rural Development Commission (RDC) was formed for the purpose of providing assistance to persons living in rural Barbados. The RDC operates under the auspices of the Ministry of Agriculture and Rural Development and its work includes the creation enterprises and opportunities for rural populations; the refurbishment and upgrading of homes and the expansion of the asphalt and concrete road network in rural communities. The Commission also has oversight of the market decentralisation programme and has already constructed vending facilities for local producers in four rural locations across the island. In addition, the Commission has also initiated a training programme for many entrepreneurs borrowing from the Rural Enterprises Fund, which, in concert with the Livestock Development Fund and the Fruit and Orchard Development Fund, assist small entrepreneurs in the development and expansion of sustainable enterprises.

110. The Urban Development Commission (UDC) was established in August 1997, with the mandate of working to eradicate poverty in the urban corridor of Barbados through physical, social and economic programmes, aimed at improving the standard of living and quality of life of urban dwellers. The Commission has set about systematically restoring or demolishing derelict buildings and improving subsidiary roads and drainage systems in urban districts. The House Repair/Replacement programme, Urban Enterprise Programme and the Urban Housing Loan Programme further expand the scope of the UDC by offering services such as:

- Lending assistance to pensioners and indigent families for house repairs/replacement;
- Reducing the level of unemployment in urban areas through the development of a sustainable micro-business sector;
- Providing a lending facility for financing home construction and other housing projects.

111. In 1998, the State Party recognised the need to review the constitution based on certain provisions and a Constitutional Review Commission was established. The Commission made several beneficial and important recommendations, which included:

- Ensuring that the Parliament and People of Barbados respect and implement treaties and conventions, which the State had negotiated and ratified;
- Safeguarding the interests of all the people over partisan or sectoral interests;
- “Internationalisation” of the Bill of Rights wherein full consideration is given to international human rights norms;
- Amending the Constitution such that the category of gender would be included in the definition of “discriminatory”;
- Creating an extension of the Legal Aid scheme.

A resolution taking note of the report of the Constitution Review Commission and its recommendations and proposals was passed in the House of Assembly and in the Senate on August 8, 2000 and October 11, 2000 respectively. A Constitution Committee, which is chaired by the Attorney-General, has been convened and has begun the process of redrafting the Constitution. The Commission’s recommendations are an important resource for this process.

112. The Government of Barbados established the Committee for National Reconciliation (NRC) on July 28, 1999 to facilitate a wide-ranging consultative process on the state of race relations in country. The Committee comprised 13 individuals of varied ethnic and professional backgrounds, including intellectuals, members of the clergy, trade unionists, and businessmen. The NRC was mandated to “develop, co-ordinate and implement a programme for the process towards national reconciliation and to distil and develop a shared vision among Barbadians as a people”. To fulfil this mandate, the Committee:

- Invited written and oral submissions by members of the public;
- Conducted research on critical issues related to its objectives;
- Discovered and noted the perceptions of Barbadians on the issue of race;
- Outlined a national vision and purpose;
- Fully explored the philosophy of integration;
- Established mechanisms for keeping the public engaged in and informed of the Committee’s agenda;
- Developed appropriate programmes to deal with the problems identified at all stages of the Committee’s work.

Five Town-Hall Meetings were held between October 26, 1999 and November 9, 1999. In addition, several field research projects were undertaken by the Division of Youth Affairs and the Sir Arthur Lewis Institute of Social and Economic Studies (SALISES). The Committee's findings were published in a report in December 2000 and was approved by the House of Assembly and Senate on December 10, 2002 and January 29, 2003 respectively.

113. The Ministry of Social Transformation has developed several programmes aimed at eradicating poverty and reforming the social sector to give meaning to the right of every citizen to a decent quality of life. Some of its achievements to date include: community level poverty eradication; assessment of communities to determine social and economic development needs; and assisting existing welfare recipients to re-enter the workforce by providing the necessary skills-training and job placement service through the "Welfare to Work" Programme.

114. The State Party amended its immigration legislation with the passage of the Immigration (Amendment) Act, Cap. 190, in 1996. This was done in an effort to facilitate the free movement of university graduates, as stipulated under the Revised Treaty of Chaguaramas, which establishes the CARICOM Single Market and Economy. Barbados has further enhanced its administrative measures to fully implement its obligations under the Treaty, in order to allow the free movement of four other categories of skilled workers - media workers, sportspersons, musicians and artistes - as well as their ability to seek employment without the imposition of impediments, such as the requirement to obtain work permits. These actions not only advance the regional integration process, they will also result in a more racially diverse work force and society, as persons of different ethnic background begin to move to Barbados in pursuit of employment opportunities.

115. In October 2002, an international NGO follow-up meeting to the World Conference Against Racism was convened in Barbados. The Event, entitled "Afrikan and Afrikan Descendants Conference Against Racism (AAD WCAR)" was a direct outgrowth of the Afrikan and Afrikan Descendants Caucus which met at the WCAR and its preparatory meetings. It was the intention of the organisers to bring together delegates from all over the world to scrutinise the Durban Declaration and Program of Action and to adopt detailed strategies for its implementation.

116. The Government of Barbados provided funding to the venture through the Pan African Commission, though it was not a state-sponsored event. However, delegates at that meeting adopted a resolution, which barred the participation of non-Blacks in the deliberations. The reason given for this action was that the AAD WCAR was considered to be a "family gathering [to discuss] matters of specific concern" to Afrikans and Afrikan descendants and as such called for "cultural privacy".

117. Regrettably, this incident negatively affected the entire meeting and due to the exclusionary nature of the motion, the Government of Barbados, through the Attorney General, publicly denounced the resolution and expressed the hope that it would be rescinded. The Attorney General stated the Government's opposition to any form of segregation or racism and to any resolution seeking to separate persons on the basis of race or ethnic origins. It was in this context that the Attorney General also highlighted the Government's intention to draft domestic

legislation to protect individuals from discriminatory actions by private persons and entities in the same way that they are protected from State-induced discrimination under the provisions of the Constitution.

Article 3

118. The Government of Barbados remains firmly opposed to policies based on racial discrimination, apartheid, xenophobia and any other forms of racial discrimination and/or segregation. Given the country's colonial past, leaders and citizens of independent Barbados are particularly sensitive to the effects of institutionalised apartheid and racial segregation.

119. Barbados is a signatory to the International Convention on the Suppression and Punishment of the Crime of Apartheid as well as the International Convention against Apartheid in Sports. The Convention (Prevention of Apartheid in Sports) Act Chapter 17B was enacted on 18th June 1990 in an effort to implement the latter convention. Section 2 of the Act defines apartheid as "a system of institutionalised racial segregation and discrimination for the purpose of establishing and maintaining domination by one racial group of persons and systematically oppressing them". Section 5 of the Act states that:

Any sports contract, entered into by any person, to take part in any sports/activity:

- (i) In a country practising apartheid; or
- (ii) With or against a team or an individual sports man selected on the basis of apartheid;

shall not be enforceable in the court of Barbados.

120. Barbados fully supported and actively participated in the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban South Africa, August 31- September 7, 2001, at both the governmental and non-governmental levels. From as early as January 2000, the Government mobilised the resources necessary for Barbados to make meaningful input into the WCAR. The local preparatory process prior to the regional and international meetings was intensive and the University of the West Indies Task Force on Race and Racism provided critical intellectual assistance in defining and shaping Barbados' positions on race and racism.

121. The Barbados delegation worked assiduously to raise a number of key issues within the WCAR forum, focusing equally on the recognition historical injustices and the progressive methods necessary to counteract the negative effects of those injustices. During its participation in the World Conference, Barbados:

- Identified the Caribbean as a distinctive global leader in the non-violent management of race relations and as a region that has made exemplary advanced in the establishment of relatively successful multi-cultural societies;

- Called for the recognition of the fundamental contribution of African peoples to their civilisation, to the emergence of humanity and for the universal acknowledgement of how and why this history was denied and suppressed. The Barbados delegation asserted that correcting the historical record and its dissemination into the public domain is the only way to affect genuine and sustainable change in the attitudes that constitute racism and racial intolerance;
- Supported the advancement of the process of developing functional multi-racial societies via new and innovative research is required to inform public discourse and guide policy. The Barbados delegation argued that this would necessitate the establishment of International Centres on Multi-racial Studies and Policy Development in various regions;
- Made the case for reparations at the national and international levels, thereby reversing the institutionalise retardation of national development, which is the protracted legacy of the Atlantic slave trade;
- Advocated reparations for the victims of the transatlantic slave trade and their descendants, who have a valid claim on moral and legal grounds. This would bring equity and closure to the emancipation process as well as the criminal activity that was racial chattel slavery;
- Lamented the brain-drain from black communities in Africa and the American diasporas, which is one of the long-term consequences of slavery and institutionalised racism and which has created a major human resource deficiency thereby exacerbating national underdevelopment. The Barbados delegation called for the establishment of an Education Fund to assist in improving indigenous education systems;
- Agitated for the acknowledgement of slavery as a crime against humanity.

122. Barbados has also participated in several of its follow-up meetings, particularly the sessions of the Working Group on the Effective Implementation of the Durban Declaration and Programme of Action.

Article 4

123. Section 33 of the Public Order Act, Cap. 168A, speaks to incitement to racial hatred. This section states as follows:

- (1) A person is guilty of an offence if:
 - (a) Knowingly he publishes or distributes written matter which is threatening, abusive or insulting; or

(b) He uses in a public place or at a public meeting words which are threatening, abusive or insulting being matter or words intended or which may reasonably be interpreted as likely to stir up or be capable of stirring up hatred against any section of the public in Barbados distinguished by colour, race or creed.

124. Persons found guilty of an offence under Section 33(1) are liable on summary conviction to a fine of \$2,500, or a year of imprisonment, or both.

Article 5

125. The rights of the individual are enshrined in Chapter III of the Barbados Constitution and are guaranteed to all regardless of “race, place of origin, political opinion, colour, creed or sex.” These rights include:

- The right to life;
- The right to liberty;
- The right to freedom of movement;
- The right to freedom of expression;
- The right to freedom of conscience;
- The right to freedom of assembly and association;
- The right to protection from slavery and forced labour;
- The right to protection from inhuman treatment
- The right to protection from arbitrary search or entry;
- The right to protection from deprivation of property;
- The right to secure protection of law.

126. The Constitution Review Commission has made a number of recommendations regarding the Constitutional Bill of Rights, inter alia, that the Government consider:

- The internationalisation of the Bill of Rights;
- The inclusion of internationally recognised economic, social and cultural rights, especially the right to vote;
- The inclusion of the category of gender in the definition of “discriminatory”;

- Raising the profile of the office of Ombudsman by giving it constitutional status and equating the conditions of service to those of a High Court Judge;
- The deletion of Section 26, the “Existing Law Clause”.

The recommendations of the Constitution Review Commission regarding these rights will be considered by the Constitution Committee during the current re-drafting exercise, which is expected to conclude in the very near future.

127. There are other rights, which, though not contained in Constitutional provisions, are protected, in the broader sense, via domestic legislation or subscription to international instruments. For example, while the Constitution does not speak specifically to the “right to education”, The Education Act, Cap41, Section 41 A (3) clearly states: Notwithstanding anything in this Act and for the avoidance of doubt, it is hereby declared that every pupil has the right to receive at least 5 years secondary education. In addition, in accordance with this Act, education is compulsory for all children between the ages of 5 and 16, though cases may be made for exemption on the basis of religious or other concerns. The Barbados Community College Act, Cap 38, Section 5 also stipulates that [n]o religious, political or racial test shall be imposed on or required of any person in order to entitle him to be a student of the college or to occupy any position in or on the staff of the college.

128. Barbados has ratified a number of ILO Conventions - in particular the Right to Organise Convention, the Discrimination (Employment and Occupation) Convention, the Freedom of Association and Protection of the Right to Organise Convention and the Equality of Treatment (Social Security) Convention - which recognise the right of persons to form and join trade unions; to access employment without being subject to discrimination; to have access to public health, medical care, social security and social services. The State’s accession and ratification of these and other key human rights conventions (as outlined on page 23 of this report) is an indication of its acceptance of the obligations mandated therein.

129. With respect to the right to access places or services intended for use by the general public, Section 21 (1) of the Shops Act, Cap. 356A, 1985 states the following:

No person shall on account of his race, colour or creed be refused:

1. Access to any shop; or
2. Opportunity to avail himself of any facility, service or amenity offered to the public.

130. The Courts progress on the principle of every citizen’s equality before the law and every effort is made to conduct legal proceedings as fairly and as efficiently as possible.

131. As the State’s main security and law enforcement agency, the Royal Barbados Police Force (RBPF) is guided by Section 96 of the Constitution, the Police Act, Cap. 167, and the Force’s Standing Orders. Though the racial composition of the RBPF currently stands at 99.92% Black there are no discriminatory practices in the recruitment of officers. The Force’s Standing Orders strictly prohibit the “exclusion of a person(s) from employment, examination,

appointment, training, recruitment, promotion, retention, discipline or other personnel action within the Force because of race, colour, sex, religion or marital status.” As a government entity, the RBPF may not discriminate against any individual in the carrying out of its duties on any basis. There are currently no documented complaints alleging racial discrimination by any member of the Force.

132. Allegations of racial discrimination by the Royal Barbados Police Force may be lodged at the Force’s Office of Professional Responsibility, which investigates such complaints and refers cases to the Director of Public Prosecution for his determination. In response to a desire to have an independent system of investigation of complaints against policemen and thereby strengthening the transparency and accountability of the force, the State Party drafted the *Police Complaints Authority Act*, which was passed and came into effect May 1st, 2004. The establishment of this Police Complaints Authority will provide equal opportunity for complainant and defendant alike to participate in a tribunal process.

133. As an indication of its commitment to transparency with its ranks, the Royal Barbados Police Force sought to be and was accredited by the Commission on Accreditation of Law Enforcement Agencies (CALEA), which exacts very high standards relative to the execution of police functions.

Article 6

134. The position of the State Party remains as previously stated. Given that the fundamental rights and freedoms of everyone in Barbados are guaranteed by the Constitution, individuals have recourse via Section 24 to the High Court for redress where these rights and freedoms have been or are likely to be breached.

135. In addition, the Administrative Justice Act, Cap. 109B makes provision for the judicial review of any decisions, determination, advice or recommendation made under a power or duty conferred or imposed by the Constitution or by any enactment. Section 3 of the Act makes it clear that an application for judicial review lies only against the Government of Barbados or some other authority of the Government. It can therefore be a course of redress for a person who is prejudiced or aggrieved by an act or omission of the Government of Barbados or some other authority of the Government.

Article 7

136. Barbados has prized education and cultural awareness as two of the most important planks in its post-independence development architecture - cultural awareness in order to promote a cohesive society and education not only to drive development through increasing the island’s human resource potential, but also as a tool for promoting racial equality. The Barbados educational system has been free of racial discrimination since the introduction of the Barbados Secondary School Entrance Examination in 1959. The national examination ensures that persons moving from primary level to secondary level do so on the basis of ability rather than race or social class.

137. With regard to school curricula, the various syllabi attempt to be racially non-discriminatory. The Social Studies syllabus speaks most pointedly to this, as it focuses on the study of man, his interpersonal relationships and his interactions with the cultural and social environment. It also provides a forum for the infusion of values education which helps student inculcate such attributes as tolerance, respect, honesty, co-operation and empathy. The objectives of the Social Studies syllabus are to:

- Develop responsible citizens;
- Develop an appreciation for Barbadian culture and national heritage;
- Enable students to develop good interpersonal skills;
- Inculcate attitudes and habits which enable students to conserve and preserve natural resources;
- Engender a spirit of co-operation and unity among students.

138. In order to spread the idea of fellowship among human beings, the Social Studies curriculum encompasses such topics as Nationhood and the Rights and Responsibilities of the Individual, African Studies and Europe in the Caribbean. This approach fosters and appreciation of the Caribbean as a region comprised of people of diverse racial origins living together as one. The Social Studies is a compulsory feature of schools' curriculum.

139. Since 2000, the State Party has introduced two comprehensive and coordinated cultural education programmes across the entire school system in an effort to deepen the cultural awareness of Barbadians - one entitled Cultural and Historical Exposure for Kids in Schools (CHEKS) and the other, Personal Empowerment through the Arts for Creative Education (PEACE). The CHEKS programme sensitises students to the indigenous music of Barbados, fosters an awareness of the art of stilt walking and informs students about the sociology and composition of the Barbados Landship. The Landship Movement is a significant element of Barbadian culture as it was a one of the methods through which slaves were able to protect certain aspects of their heritage under the camouflage of acceptable European institutions and customs.

140. The PEACE programme seeks, through the use of drama and movement, to allow the feelings and emotions of children to be explored in a non-threatening way; to examine and analyse social and cultural relationships and to evaluate moral and spiritual judgements. It is the aim of this programme to ensure that children, from an early age, benefit from education on the values; attitudes; modes of behaviour and ways of life to enable them to resolve disputes peacefully and in a spirit of respect for human dignity, tolerance and non-discrimination.

141. The Primary and secondary school curriculum was revised in order to promote greater appreciation of children's African heritage within the larger multicultural context and to foster self-confidence and the entrepreneurial spirit. The Revised Curriculum for schools also sought to produce students who:

- Possess knowledge, understanding and appreciation of the local and regional artistic, musical and cultural heritage;
- Have a positive relationship with their school, community and country.

A pilot programme was also introduced in African Heritage Studies, Citizenry, Family Life and conversational foreign languages in several of the primary and secondary schools.

142. The National Cultural Foundation (NCF) is the government agency with responsibility for creating and operationalising cultural development programmes and has successfully carried out this mandate since becoming fully operational in 1984. The NCF carries out a number of functions, including educating about and researching Barbadian culture and training individuals and communities and in the area of cultural industries. It also organises three of Barbados' main festivals, namely Crop Over, Congaline and the National Independence Festival for Creative Arts (NIFCA).

143. Introduced in 1973, NIFCA is held annually to commemorate Barbados' independence, and to provide a forum for the creative and performing arts. The Creative Arts Festival comprises a number of competitions in the various creative arts, such as dance, drama, fine art, speech, culinary arts, music, visual arts and photography. Its initial stages take place in communities and parishes before it culminates in a grand production at the national level. While there is no age limit for contestants, primary and secondary school students make up the bulk of entrants and this is considered to be a positive indication of their level of interest in their cultural heritage.

144. The Media have also been encouraged to air a higher percentage of indigenous content in an effort to further reinforce appreciation for this element of Barbadian culture. The state-owned Caribbean Broadcasting Corporation (CBC) has responded positively to this challenge and has recently dedicated one of its radio stations purely to Caribbean content, including music, news and all aspects of Caribbean life and culture.

145. Incorporated by an Act of Legislature on May 31, 1933, the Barbados Museum and Historical Society was mandated to “collect, document and conserve evidence of Barbados' cultural, historical and environmental heritage; and to interpret and present this evidence for all sectors of society.” Though it is not a government institution, the Government recognises the Museum's role in preserving and educating the populace about Barbadian cultural heritage and shows its support of this important function through the provision of an annual grant. The Museum disseminates information on the island's distinctive heritage via its various newsletters and the *Journal of the Barbados Museum and Historical Society*. It houses several galleries which contain displays on Natural History, Amerindian Culture, African culture, Barbadian History and European Decorative Arts. The Museum also has an education programme which serves more than 2000 children annually and provides visual aids to teachers.

146. In addition, the Museum has hosted several lectures and other educational activities for the Barbadian public, including:

- 1991 -The Museum assisted Shell Antilles and Guianas Ltd in the production of a calendar featuring the Caribbean's Amerindian Heritage;

- 1996 -Public lecture on Prehistoric Archaeology of Barbados given by Dr. Peter Derwent;
- 2001 -Lecture on Archaeology of Barbados to community residents of the Port St. Charles Marina, the site of an Amerindian settlement;
- 2004 -Onsite tour of prehistoric sites given to secondary school students of one of the islands secondary schools.

IV. RESPONSE TO ISSUES AND QUESTIONS RAISED BY THE COMMITTEE

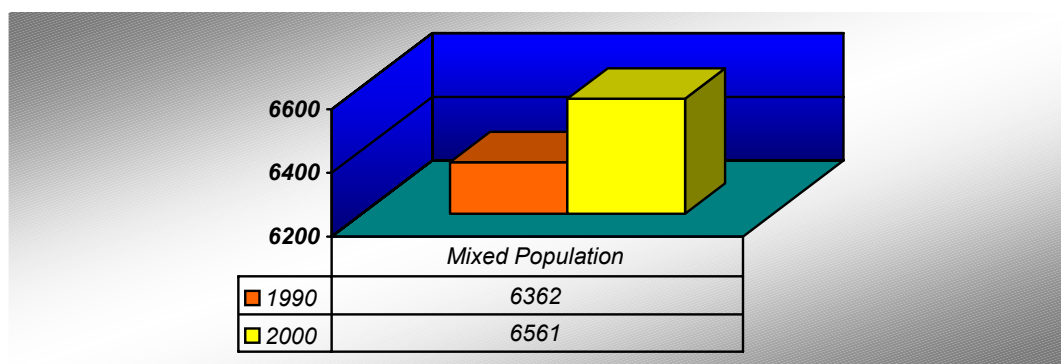
147. The Committee raised a number of issues relative to information provided in Barbados' 7th periodic report [see A/46/18, paras. 40-47]. This section seeks to treat to those issues and to provide clarification and amplification where necessary.

Mixed population

148. The Committee inquired as to whether the mixed population declined or increased since the presentation of the last periodic report, and requested information concerning the employment status, educational level, housing situation and access to public health services of the population group.

Diagram 1

Mixed Population Growth 1990-2000



149. The statistical data presented in Barbados' 7th periodic report showed a total Mixed population of 6,362, comprising 2,723 males and 3,639 females. According to data provided by the 2000 Census (Table 5, Section I), the Mixed population in Barbados was recorded at 6,561, indicating a 3% growth in that segment of the population over the period 1990 to 2000.

Table 8**Employment Status within the Mixed Population**

	Government	Private Enterprise	Private Household	Unpaid	Self Employed/ Paid Help	Self Employed/ Unpaid Help/Alone	Did not work/ Not Stated
	295	1 797	57	3	250	272	2 177
% of the Mixed Population	6.1	37.0	1.18	0.06	5.15	5.61	44.9

Source: Barbados Statistical Department: Cross Tabulations of the 2000 Census.

150. 55.1% (2674) of the Mixed population was employed at the time of the 2000 Census. Of that employed population, approximately 11% worked in the Civil Service. The majority of persons of mixed heritage were employed in the private sector. Of the mixed census respondents, only 1.32% (64 individuals) indicated that they did not work, a figure markedly lower than that of the national unemployment rate.

Table 9**House Tenure within the Mixed Population**

	Owned	Private Rented/Leased	Government Rented/Leased	Rent Free	Other	Total
	1 304	657	38	64	20	2 083
% of Mixed Population	62.6	31.54	1.8	3.1	0.96	

Source: Statistical Department: Cross Tabulations of the 2000 Census.

151. Out of the 2083 respondents of mixed race, 1304 (62.6%) indicated that they owned a home. 657 (31.54%) persons lived in private residences that were either leased or rented, while 38 (1.8%) rented or leased Government housing. 64 (3.1%) persons lived in rent free domiciles and 20 (0.96%) persons indicated that they had other living arrangements.

Table 10

Education within the Mixed Population

	Nursery/ Infant	Primary	Composite/ Senior	Secondary	University	Other Tertiary	Other Institution	None/ Not Stated
	10	566	115	1 201	357	374	31	52
% of Mixed Population	0.4	21	4.3	44.4	13	13.8	1.2	1.9

Source: Statistical Department: Cross Tabulations of the 2000 Census

152. 44.4% (1201) of mixed-race respondents indicated that they had completed secondary education and 26.8% (731) matriculated from a university or other tertiary institution.

153. The availability and administration of social services is vested in the Fundamental Rights of the Constitution of Barbados which states that no one will be discriminated against based on class, race or creed (Article 23). Therefore, public health services are available to all.

Racial classification

154. The Committee requested clarification of the statement: "... the terms used do not necessarily provide evidence of racial discrimination when examined in a Caribbean context."

155. In reference to the remark made in the seventh report, clarification of ethnic classification is necessary. As mentioned in the General section of this report, ethnic classification within Barbados is based largely on the historical context, in which it and the rest of the English-speaking Caribbean developed. The terms "White", "Black" and "Mixed" are understood, within this context, to refer to descendants of European, African and Afro-European parentage respectively and are descriptive, rather than pejorative.

Amerindians

156. The Committee requested information regarding the steps taken to preserve the culture and way of life of Amerindians.

157. As stated previously in this report, there has not been an Amerindian population in Barbados for several hundred years. Their disappearance predates the arrival of the Portuguese, as well as the island's colonisation by the British. In response to the Committee's query, the State Party is referring to action taken to preserve archaeological remnants of a by-gone culture and race.

158. The Barbados Museum and Historical Society is the centre for archaeological research on the island. In 1984, the Barbados Archaeological Survey was established in conjunction with the Institute of Archaeology of the University College of London, to ensure a more professional analysis of the Amerindian cultural remains, which were unearthed during the early part of the last century. The initial research of the Survey involved: a field survey of known sites and a systematic survey of coastal regions, sample excavations at four sites, and the illustration and presentation of data recovered. The research has allowed for the establishment of a new date of settlement of the island by Amerindian people, of 2000 BC, from the previous date of 350 AD.

159. The archaeological research has identified some 75 prehistoric sites on the island, located primarily on the coast with some inland sites. The findings of the research have been published in two main works - *Prehistoric Barbados* and *Amerindian Settlements of the Caribbean*, both of which were co-authored by Dr. Peter Derwent of the UCL, who has led the project over the past 18 years. Amerindian research has been incorporated into the primary Amerindian exhibit at the Barbados Museum and Historical Society. This permanent exhibit gives an overview of the Amerindian heritage of the island and examines the legacy of that past within a contemporary population of which Amerindian peoples do not form a part. Two of the exhibitions staged by the Museum within the last two decades are:

- **1997:** *Now you see it, Now you don't: Saving Your Antiquities through Legislation*, a temporary exhibit which emphasised the need for preservation of archaeological material in Barbados;
- **1998:** *Barbados the Red Land with White Teeth: Home of the Amerindians*, a temporary exhibit which examined some of the preliminary excavations conducted at the dig site at Heywoods, St. Peter.

160. The Museum is recognised by the government as the official repository for all archaeological material excavated on the island. To this end the museum coordinates archaeological activity on the island conducted by visiting researchers, its own staff and volunteers. Such research has led to an archaeological collection of 250,000 objects related to the prehistory of the island which also incorporates some artefacts from islands in the Eastern Caribbean. The collection is used by both graduate and post-doctoral researchers in the pre-history of the island. It also serves as a teaching tool for the introduction of pre-historic education in the primary and secondary schools of the islands, where instruction is conducted by the Museum's education officer, curator and volunteers.

161. The Museum has also had input in the drafting of legislation to ensure the preservation of the archaeological patrimony of the island. The proposed Preservation of Antiquities Legislation is in the final stages of review before submission to Parliament for ratification and enactment.

Afro-Barbadians

162. The Committee inquired as to the status within society of Barbadians of African descent, the industries in which they are mostly employed and the percentage of white collar workers which they represent.

163. Barbadians of African descent are represented in every strata of society, from the low income to high-income class with an increasing number in the middle to middle-high income class.

Table 11

Employment Status within the Black Population

	Government	Private Enterprise	Private Household	Unpaid	Self Employed/ Paid Help	Self Employed/ Unpaid Help/Alone	Did not work/ Not Stated
	25 544	65 380	4 073	29	4 125	10 157	72 284
% of total Black population	14.1	36	2.2	0.02	2.27	5.6	39.81

Source: Statistical Department: Cross Tabulations of the 2000 Census.

164. Barbadians of African descent account for 97.9% of the Civil Service and can be found in various occupations such as corporate Board members/managers, teaching professionals, health professionals, small business owners and administrative personnel. The State Party has established several organisations, which assist in the development and education of the entrepreneurial class, of which Blacks comprise 87.5%. These include: The Enterprise Growth Fund, The Barbados Agency for Micro Enterprise Development (Fund Access) and the Youth Entrepreneurship Scheme. The Barbados Small Business Association champions the cause of the small businessman and the Entrepreneurial Equity Fund provides financial and non-financial services to assist young people in starting, operating and/or strengthening business enterprises or securing employment.

Minority groups

165. The Committee queried whether the Government has taken any special measures to protect small minority groups and blue-collar workers, and whether there have been poverty alleviation programmes.

166. The Committee should note that generally, within Barbadian society, minority groups tend to be privileged, rather than disadvantaged. In addition, due to the ethnic composition of the Barbadian population, the overwhelming majority of persons taking advantage of Government social and poverty alleviation programmes are of Afro-Caribbean descent. The Ministry of Social Transformation and its agencies provide assistance to individuals on the basis of need, not ethnicity.

167. Poverty alleviation has been consistently prioritised by successive administrations since Barbados' independence in 1966. The Government's 'assault on poverty' has seen a

modification in the institutional framework regarding the delivery of social welfare services; a policy of inclusion of marginalised groups; the strengthening of safety nets to protect the at-risk population; and the introduction of general empowerment programmes.

168. In 1996, the traditional institutional framework supporting the delivery of services to the poor was examined as a result of the growing concern regarding the inability of some government agencies to adequately meet the needs of the poor and to deliver services in a timely manner. To this end, in the latter half of the '90s, the Rural Development Commission (RDC) and the Urban Development Commission (UDC), the Poverty Eradication Committee, the Poverty Alleviation Bureau and the Ministry of Social Transformation were created.

169. The Poverty Eradication Committee was constituted to study and approve the applications made to access the Poverty Alleviation Fund. This fund has been specially set aside to assist the most vulnerable groups in society, whose needs cannot be met from traditional sources.

170. The Committee considers requests from individuals whose income levels fall below the poverty line of BDS\$5,503.00 per annum. Some flexibility is exercised for families above the poverty line which may be facing extenuating circumstances.

171. The Poverty Alleviation Bureau was created in 1998 to examine and report on the living conditions of persons and organisations making applications to the Poverty Eradication Fund for assistance. The Bureau's chief aims are to:

- Assist in the alleviation and eradication of poverty through the empowerment of individuals and groups by the provision of economic and financial opportunities as well as educational and vocational training;
- Establish a cordial and effective working relationship with Government agencies, NGOs, Community-Based Organisations, individuals and community groups in an effort to reduce inefficiencies, duplication of efforts and wastage of resources;
- Ensure a faster and more meaningful delivery of services;
- Pioneer the development of a new entrepreneurial class.

172. The Government of Barbados has ratified the ILO Conventions relating to freedom of association, equality of treatment, equal remuneration, as well as discrimination in respect of employment and occupations. The Chief Labour Officer is mandated by law to receive and investigate all complaints, whether of employers or of employees, concerning any business, trade, occupation or employment with a view to the settlement of disputes and grievances and to conciliation regarding hours and conditions of work.

173. Barbados has embraced the concept of tripartism, having established the Social Partnership in 1993. The Social Partnership can be described as the compact or set of arrangements made through the process of social dialogue - a tripartite agreement reflected in

instruments of policy or Protocols and associated institutions that represent a joint and collective commitment to the formulation of policies, the solving of problems and the management of a process of change and social development. The Social Partners are the constituent members of the Partnership and, in the case of Barbados, are identified as the Government, Employers' Representatives and Workers' Representatives. The Sub-Committee of the Social Partners, which comprises two Ministers (one of whom assumes the chairmanship), the Head of the Civil Service, the Director of Finance and Economic Affairs, the Permanent Secretary, Ministry of the Civil Service, the Chief Personnel Officer, the Chief Labour Officer and an equal number of representatives of the Employers and the Congress of Trade Unions and Staff Associations of Barbados, is the first line of consultation regarding all aspects of the implementation of these Protocols.

174. The Social Partners, under the chairmanship of the Prime Minister, have negotiated four Protocols - Protocol I (1993-1995), Protocol II (1995-1997), Protocol III (1998-2000) and Protocol IV (2001-2004). These national agreements address a number of broad economic and social issues. In Protocol IV, the Social Partners have agreed on a National Employment Policy which provides some measure of protection against unemployment as well as just and favourable conditions of work. Section 4.3 (a-g) of Protocol IV states that the national employment policy should:

(a) Protect workers and employers who exercise their constitutional right to freedom of association;

(b) Guarantee that workers in all sectors of the country, through their chosen representatives, are empowered to have their specific workplace interests addressed as well as to be heard on those other social and economic issues which may affect them in their day-to-day situations, or otherwise have an impact on the total environment in which they live and raise their families;

(c) Guarantee that employers in all sectors in the economy are empowered through their chosen representatives to be heard on those social and economic issues which may affect them;

(d) Ensure the provision of those conditions which accord with an understanding of the right to decent work, including a written statement of the particulars of employment, the payment of adequate wages and salaries, reasonable working times, satisfactory arrangements for wholesome conditions at work, for security when ill or otherwise reasonably absent from work, and for the application of suitable and acceptable benefits on retirement;

(e) Seek to protect existing employment and to provide jobs for all those Barbadians who are available for and desirous of work, to make such work as productive as possible, and to ensure the freedom of employment in an environment void of any form of discrimination where workers have the greatest possible opportunity to qualify for, and to use their skills and potential in a job well suited to them;

(f) Provide adequate safeguards against recourse to contracts of employment for a specific period of time, whose effects are designed to run counter to the purpose of such a policy and so negate the intended protection of workers' security of tenure;

(g) Prepare Barbadians to compete in a globalised labour market.

Article 2

175. The Committee requested further substantive information on how statements of principle set forth in the Constitution were being translated into practical legislative measures, making specific mention of constitutional provisions allowing minority groups to use their own language in court.

176. Since its colonisation by the British, Barbados' official language has been English. However, it must be recognised that both during and after that period, various immigrant ethnic groups would have used their mother tongues within the confines of their respective domestic environments and communities. Whether due to an active campaign by colonisers to stifle such use of foreign languages (as in the case of the Africans) or simply as a result of the eventual adoption of English by successive immigrant populations, there has been no thrust at either the state level or the community level, for official recognition of other minority languages. There has been no recent wave of non-English speaking immigrants to Barbados; hence all of the resident population, including any minorities, use English.

177. The Constitution stipulates that interpretation services be provided for persons brought before the courts. Section 18.2 (f), which falls under Chapter 3 (Fundamental Rights and Freedoms of the Individual), states that "*Every person who is charged with a criminal offence shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of charge.*" The use of foreign language in courts is relevant only to cases arising when non-residents (usually individuals transiting Barbados who are charged with breaches of the law) are brought before the court. The State Party is aware that the need for translation and interpretation services to be made available may become more pressing given the increasing frequency and number of non-English-speaking visitors to the island as a result of tourism and Barbados' central location in a linguistically diverse region. There is presently a cadre of interpreters at the Barbados Community College, as well as other freelance interpreters on which the Courts may call to provide interpretation and translation services for non-English-speaking defendants.

178. One of the occasions on which these services were requested was in 1997, when four Colombians were brought before the Barbados Courts on drug-related charges. Every provision was made to ensure that the Colombians were treated fairly and interpreters were expeditiously supplied to the Colombians during Court sessions and in the prisons, after the presiding Judge brought the need to the attention of the Ministry of Foreign Affairs.

Article 4

179. The Committee noted that the mandatory requirements set out in Article 4 were not met either by Constitutional provisions or the Public Order Act. The Committee inquired whether any cases citing the violation of fundamental rights and freedoms had been brought before the High Court since the sixth report, as well as which type of High Court decisions may be appealed in the Privy Council.

180. The National Reconciliation Committee, which was previously discussed, has recommended that Government give positive consideration to widening anti-discrimination legislation to the Statute Books; more specifically, an amendment to Section 23 of the Constitution to prohibit discrimination on the basis of race or colour by private institutions, companies and firms. The Attorney-General has indicated that there are plans to issue instructions for the drafting of an Anti-Discrimination Bill, which would bind non-state actors in the same way that the Constitution binds the State in respect of safeguarding individuals from racial discrimination. Thus, it is anticipated that this recommendation, having been placed on the agenda of the Government of Barbados, will be submitted for the Parliament's consideration in the near future.

181. Within the last twenty years, there have been no cases brought before the High Court where racial discrimination was the primary ground for legal action. However, there have been cases in which racial discrimination was raised as an incidental factor in the case. One such instance occurring within the past two decades, is the case of *C.O. Williams Construction Ltd v. Blackman and Another* [1994] 4 L.R.C. 216, the facts of which are outlined below:

The White plaintiff, the owner of C.O. Williams Construction Ltd felt aggrieved by the decision of the Government to award a contract to a Black-owned company and claimed that his disqualification for the award was based on race. The plaintiff instituted proceedings for a judicial review under the **Administrative Justice Act, Cap 109B**, against the then Minister of Transport and Works and the Attorney General as representing the Cabinet in respect of the award of the contract. The presiding judge ordered that the proceedings against the Minister be struck out, as he had no statutory power in respect of awarding contracts and hence there was no act as defined by section 2 of the Administrative Justice Act, Cap 109B, capable of being review. However, the Chief Justice allowed the continuation of proceedings against the Attorney General.

Both unsuccessful parties appealed the decision, and the Court of Appeal agreed to strike out the proceedings against the Minister but also ordered that those against the Attorney General be dismissed. The plaintiff further appealed to the Privy Council, which upheld the Chief Justice's original judgement, dismissing the appeal against Blackman and allowing the appeal against the Attorney General.

182. In addition, the Pan African Commission has informed that it has, at diverse times in the past, been approached by individuals who have alleged acts of racial discrimination by government officials and private individuals. Having received at least 4 such complaints, the PAC has acted in an advisory capacity with respect to possible avenues of recourse. Despite this, no official complaints have been lodged with the Ombudsman nor has redress been pursued via legal channels.

Article 6

183. The Committee sought information relative to the measures taken to enable needy and less educated citizens to seek redress in the courts and inquired whether such groups are sufficiently aware of their rights; whether consideration had been given to the establishment of a race relations committee or commission; and whether the Government had considered making the declaration provided for in Article 14 of the Convention.

184. The Constitution provides that an independent and impartial court gives persons charged with criminal offences a fair public hearing within a reasonable time. The Government provides free legal aid to the indigent, and defence attorneys for all capital offenders. There is, however, a limit of approximately \$2,100 (£1,300) on the cost for appeals made to the Privy Council by prisoners on death row.

185. Currently, the State Party is in the process of reforming the Justice system. The Government intends to make electronic copies of domestic legislation and case judgements available to citizens on the world-wide web, to expand legal aid and to establish Community Legal Aid clinics in partnership with the Law Faculty of The University of the West Indies. Coupled with the State Party's efforts to increase access to the internet in schools, community centres and various other public offices such as the General Post Office, citizens and disadvantaged groups benefit from a more interactive court process and greater access to court information.

186. The Government of Barbados has recently passed the Penal System Reform Act (1998-50), which enabled substantial repairs and improvements on the physical structures at the prison and detention centres in Barbados. There is also an extensive educational programme within Her Majesty's Prison at Glendairy, which affords those detained there the opportunity to gain skills and some academic qualifications. Some of the courses currently offered are: carpentry, tailoring, baking and cookery, animal husbandry, vegetable farming, handicraft, drapery and fine art. Inmates also have the opportunity to take examinations administered by the Caribbean Examination Council (CXC) at the Ordinary Level, in Social Studies, Mathematics and English Language. In addition, the Criminal Records (Rehabilitation of Offenders) Act Cap. 127A, came into effect in March 1997, giving hundreds of Barbadians the opportunity to have minor convictions expunged.

187. As previously indicated, the National Reconciliation Committee was set up with the following main objectives:

- To identify and examine the factors relating to race, class, inequality and prejudice that hinder the evolution of a more peaceful, integrated society in Barbados;
- To provide informed statements on race relations that highlight critical areas of concern and highlights myths where necessary;
- To send a strong unambiguous message that slavery and other forms of human oppression were/are fundamental sins and cannot be justified or minimised in any form;

- To define racism accurately and establish a programme that will guide and expedite the process towards national reconciliation.

188. While Barbados has not made the declaration provided for in Article 14 of the Convention, the National Reconciliation Committee, in its report, recommended the establishment of a permanent Commission that would be responsible to keep under review and monitor progress toward the elimination of discrimination and publish its findings on a regular basis. The Commission would have quasi-judicial functions and be authorised to hear cases of alleged violations of Human Rights, including racial discrimination.

189. Additionally, the Attorney General has indicated that the Government is desirous of reopening the Centre for Multiethnic Studies at the Barbados campus of the University of the West Indies. The Centre for Multiracial Studies was established in the 1970's for the sole purpose of researching race and ethnicity in the Caribbean. This project, which was a collaborative effort between the University of the West Indies and the University of Sussex, was conducted until the 1980's and contributed in a marked way to the shaping of the Caribbean consciousness.

Article 7

190. The Committee requested that a more comprehensive picture of the article's implementation could be given.

191. This issue has been addressed in depth in the general section under Article 7.

V. SUMMARY

192. Like other Caribbean nation-states whose socio-economic origins are rooted in the torn and tortured history of genocide against indigenous people, African enslavement by Europeans within the complex of plantation imperialism, Barbados is making strenuous efforts to detach its living realities from the scaffold of the colonial legacies. In effect, the endemic struggle against the slave system, the winning of emancipation legislation in 1838, the popular revolt against colonialism a century later, and attainment of universal adult suffrage and national independence in 1950 and 1966 respectively, are all seminal events in the campaign against racism as a system of belief, an instrument of institutional management, and a framework for the distribution of political and economic power.

193. The roots of the racist [in]sensitivity were sunk deep within the foundations of colonial society with the effect that racism evolved as a complex culture in itself, resistant to several oppositional strategies implemented by civil society organisations and the democratising state system over this period. The challenge has been formidable. While there has been considerable success in the post Independence era to eradicate all vestiges of racist thinking and practice from the constitutional apparatus of public governance, thereby criminalising persistent efforts to use race as a criteria of social selection and economic privileging, the realm of social attitudes continues to forge networks of exclusion that effectively crafts institutional realities that are experienced as race-based by significant sections of the society.

194. All societies in the Americas, cast in the same historical mould of colonial exploitation and governed by the 'white over black' ideology of the post-Columbus European imperial project, are experiencing to varying degrees similar challenges. Barbados has joined the world global alliance against persistent racism by adhering and supporting a range of international conventions, and seeks to play a leadership role in this regard by means of its advocacy and domestic policy implementation at all levels of social and political organisation. The presence of a large majority of persons of African descent within the society, whose journey has been described as a flight from the terrorism of colonialism, presents an urgent context for such asserted action. Simultaneously, the crafting of a culture of peace and tolerance within a society that emerged with minority white privilege as a legal and customary norm, calls for vigilance as a necessary posture in fostering the democratic order that has assumed consensual form.

195. Efforts are ongoing to design and implement more sophisticated forms of ensuring non-racial public and private actions that are suited to national mobilisation of human effort in the newer global reality. The importance of using legal reforms in order to forge a progressive civil and human rights infrastructure cannot be understated. At the same time it is recognised that public efforts have to be intensified to foster and enhance integrated conditions for social living and economic exchange that reflect a rejection of hierarchies based on race and culture, whether these be in service clubs, corporate boardrooms, and the utilisation of public facilities, such as schools, courtrooms and political assemblies. There has been considerable progress over time, but more work needs to be done, especially in driving the processes of poverty eradication and social transformation that are now at the center of the national development agenda.

Notes

¹ Walter Rodney, *The Groundings with my brothers*, Bogle-Louverture Publications, 1969.

² Barbados Non-Paper presented to the Preparatory Meeting at Geneva of the UNWCAR, Durban 2001.

³ M.G. Smith, *The Plural Society in the British West Indies, 1950-54*, University of California Press, 1965.

⁴ Richard Carter, *A View of Tomorrow: Attitudes and Perceptions of Barbadian Youth* (Mimeograph), 1992; Andrew Downes, Ian Boxill and Dillon Alleyne, *Class, Racial Status and Social Mobility in Barbados: A Look at the Black Middle Class*, Sunday Sun, February/March 2002.

⁵ Report of the Committee For National Reconciliation, December 2000.

⁶ *Facing Reality*, The Nation, 3rd November, 2003; Sunday Sun, August 6, 2000, Supplement on 40th Anniversary of C.O. Williams Construction Ltd.

⁷ C.L.R James has documented the integral connection between cricket and societies formerly colonised by the British in *Beyond A Boundary*, Century Hutchinson, 1963.

⁸ Gordon Lewis, *The Growth of the Modern West Indies*, MacGibbon & Kae, 1968.

⁹ Arthur Lewis, *The Evolution of the Peasantry in the British West Indies* (Mimeograph), 1969.

¹⁰ Hilary Beckles, *Corporate Power in Barbados*, Lighthouse Communications, 1989.

¹¹ *The Sociology of our Development*, Address by the Rt. Hon Owen Arthur, Prime Minister of Barbados on the occasion of the launching of the National Committee for Reconciliation, July 28, 1999.

¹² Address by the Rt. Hon. Owen Arthur, Prime Minister of Barbados at the official launching ceremony of the Commission for Pan African Affairs, November 25, 1998.
