

BARBADOS

NGO PROGRESS REPORT
ON THE FOLLOW-UP TO THE CONCLUDING
OBSERVATIONS
(CCPR/C/BRB/CO/3)

Barbados Association of
Non Governmental Organisations – *BONGO*

Global Initiative to End All
Corporal Punishment of Children

International Gay and Lesbian
Human Rights Commission (IGLHRC)

With the support of :



BARBADOS

Status:

Concluding observations adopted in March 2007

State replies due in March 2008

No information submitted by the State Party

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Concluding observations selected for the follow-up procedure

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

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

Measures taken by the authorities (status quo or improvement):

No measures have been taken by the authorities to remove the death penalty from the Criminal Code.

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

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

Measures taken by the authorities (status quo or improvement):

Corporal punishment of children remains lawful in all settings – the home, schools, and the penal and alternative care systems. The Prevention of Cruelty to Children Act underpins this legal acceptance of corporal punishment by confirming “the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child” (section 4). The National Strategic Plan of Barbados 2006-2025 (see www.barbados.gov.bb/Docs/NSP_Final%202006-2025.pdf) makes no reference to corporal punishment, despite the fact that the Committee on the Rights of the Child made recommendations on this issue in 1999 (CRC/C/15/Add.103, paras.19 and 22).

Since 2007, there have been efforts to promote positive disciplinary methods in schools, in collaboration with UNICEF and others (see www.unicef.org/barbados/Hillaby_In_Touch_Vol2.pdf), and in July 2008 Minister of Education Mr Ronald Jones prompted heated debate in the media when he announced that the Ministry was examining the issue of banning corporal punishment in schools. But as at September 2008 it remains lawful, regulated by the Education Act and Regulations, and by the Guidelines for the Administration of Corporal Punishment associated with the Code of Discipline. We note that under examination by the Human Rights Council in March 2007, the delegation stated that the Government felt there was no need to review the issue of corporal punishment in schools and that it “did not view corporal punishment as torture, or inhuman or degrading in itself” (CCPR/C/SR.2439, para. 21).

In the penal system, corporal punishment as a sentence for crime and as a disciplinary measure in penal institutions is provided for in a number of laws, including the Corporal Punishment Act, the Juvenile Offenders Act, the Magistrate’s Court Act, the Prisons Act, and the Industrial Schools Act.

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

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

Measures taken by the authorities (status quo or improvement):

The law criminalising same-sex activity in Barbados has not been amended. This matter of protection for homosexuals is more a matter of public attitudes to this behavior. Homosexuality is not criminalized as such in Barbados.

Neither is there anything on the criminal code that discriminates against the homosexual in terms of legal rights and remedies, except in the distinction between male and female in wedlock, where there is no provision for a male to be designated as a wife.