

**Advance unedited version**

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**Human Rights Committee****List of issues prior to submission of the fourth periodic report of Barbados\*****A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant**

1. Please report on any significant developments in the legal and institutional framework within which the human rights enshrined in the Covenant are promoted and protected that have taken place since the adoption of the previous concluding observations.

**B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee****Constitutional and legal framework within which the Covenant is implemented (art. 2)**

2. In light of the previous concluding observations (para. 5),<sup>1</sup> please report on the steps taken to incorporate the Covenant into national legislation, including through the constitutional reform started in June 2022, and indicate the status of the draft Constitutional Bill. Please describe the measures taken to raise awareness of the Covenant and the complaint procedure under the Optional Protocol among judges, prosecutors, lawyers and the general public, and provide examples of cases in which the provisions of the Covenant have been invoked or applied by national courts. Please describe the role played by civil society organizations in the implementation of the Committee's previous concluding observations and in the preparation of the State party's report.

**National human rights institution (art. 2)**

3. With reference to the Committees' previous concluding observations (para. 6), please provide information on any progress made to establish a national human rights institution in compliance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles).

**Anti-corruption measures (arts. 2 and 25)**

4. Please report on the legal and institutional frameworks in place, in particular, the Integrity in Public Life Act, adopted in August 2023, and the measures taken to prevent and combat corruption. Please provide statistical information on the number of investigations, prosecutions and convictions in cases of corruption over the past ten years.

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\* Adopted by the Committee at its 143rd session (3-28 March 2025).

<sup>1</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to [CCPR/C/BRB/CO/3](#).

**Non-discrimination (arts. 2, 3, 23 and 26)**

5. Please provide information on any measures, including the adoption of comprehensive anti-discrimination legislation, to ensure protection from and prohibition of all forms of discrimination in the public and private sectors, including direct, indirect and multiple discrimination, and on all the grounds covered by the Covenant, including race, sex, gender, sexual orientation, gender identity, marital status, disability and health status, especially in the areas of health care, employment, education and housing. Please, provide information on the status of the Rights of Persons with Disabilities Bill, which was presented to the Parliament of Barbados in January 2025. Please provide statistical and disaggregated data on complaints of discrimination received during the past ten years, indicating the basis of discrimination, the characteristics of the victims, the nature of investigations conducted and their outcome, and any redress provided to victims.

6. Further to the Committee's previous concluding observations (para. 13), please indicate whether the offences of "buggery" and "serious indecency" in the Sexual Offences Act have been repealed following the ruling of Barbados High Court issued in 2022 declaring these offences unconstitutional. Please also report on the measures taken to address discrimination, hate speech and violence, including the practice of "conversion therapies", against lesbian, gay, bisexual, transgender and intersex persons and indicate the number of complaints received, investigations carried out, prosecutions, penalties imposed and reparations provided to victims in such cases. Please provide information on whether the State party provides any form of legal recognition to same-sex couples and on the legal framework governing the recognition of gender reassignment.

**Gender equality (arts. 3, 25 and 26)**

7. Please also report on the steps taken to: (a) increase the participation of women in political and public life at all levels, in particular at the decision-making level in Parliament, the Government and in the diplomatic service, indicating any statutory quotas that may have been adopted; and (b) ensure that pregnant girls can remain in education during pregnancy and can return to school after childbirth. Please describe any legislative amendments made to eliminate any discriminatory provisions between men and women in relation to the transmission of Barbadian nationality by Barbadian women to their children born abroad or adopted and to their spouses of foreign nationality and clarify whether: (a) national legislation provides for conferring nationality to a child born from a Barbadian mother or father who received citizenship by descent; and (b) married women have the same rights as married men to apply for passports.

**Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26)**

8. Please describe the measures taken to implement the recommendations made by the Committee on the Elimination of Discrimination against Women to prevent and combat all forms of gender-based violence against women and girls, including domestic and sexual violence, and punishing the perpetrators. Please report on any awareness-raising efforts to this effect and on the results of the Gender Violence in the Workplace Project, the Essential Services Package for Women and Girls Subject to Violence and the Gender-based Violence Referral and Information Management Systems. Please also provide information, disaggregated by gender, age and type of offence, including femicide, on the number of complaints, investigations, prosecutions, sentences, penalties and protection orders concerning cases of domestic violence over the past ten years and report on: (a) the support services available for victims of gender-based violence, including the number and accessibility of shelters throughout the country; (b) the measures in place to ensure protection against sexual harassment outside the workplace, including in public spaces; (c) any amendments to the Domestic Violence Act to implement the decision in 2023 of the Caribbean Court of Justice in *OO v BK*.

**Voluntary termination of pregnancy and sexual reproductive rights (arts. 2 and 3)**

9. Please provide information on the steps taken to guarantee the availability and accessibility of sexual and reproductive health information and services and affordable forms of contraception, including emergency contraception, for all, in particular women and

adolescents and lesbian, bisexual and transgender persons, including in rural areas. Please also report on the efforts made to: (a) provide education and awareness-raising programmes, especially youth-friendly programmes, on sexual and reproductive health; and (b) abolish the practice of forced sterilization of women and girls with disabilities.

#### **Right to life (art. 6)**

10. Taking into account the Committee's previous concluding observations (para. 9), please report on any steps taken to abolish the death penalty and to accede to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, and provide information, disaggregated by sex, age and ethnic origin, on: (a) the number of death sentences imposed for the past ten years and the number of persons currently on death row; (b) the death penalty cases in which a pardon or commutation has been granted following the 2018 Amendment to the Offences Against the Person Act, and the new sentences given. Following the 2018 Caribbean Court of Justice (CCJ) ruling in *Nervais et al v. The Queen* and the Constitution Amendment Bill 2019 to repeal the mandatory death penalty for murder, please list the crimes that remain subject to the death penalty and explain the criteria and methods of assessment used to determine which crimes qualify as the "most serious" and the "exceptional circumstances" under which the death penalty can still be applied for the crime of murder.

11. Please provide information on the legal framework and policies in place to combat the escalating rates of crime, including homicide and violence. In that regard, please provide information on practical measures taken to ensure the effective protection of life and of public safety. Please provide statistical, disaggregated information on the number of cases of violent crime, including homicides, the investigations conducted, convictions secured against perpetrators and sanctions imposed, and on the remedies provided to victims.

#### **Right to a remedy (arts. 2, 6 and 14)**

12. With reference to the Committee's previous concluding observations (para. 7), please report on the measures taken to guarantee that persons sentenced have the effective right to a remedy. In this regard, please: a) describe the provisions in place to ensure that persons sentenced to death can seek pardon or commutation of sentence, and to ensure resolution of any such requests as well as any appellate or review other proceedings prior to execution, including proceedings before the Human Rights Committee; and b) indicate whether there is a procedure for those sentenced to death to introduce evidence of innocence following their convictions. Please also indicate whether the State party intends to amend national legislation to ensure that time limits are not enforced against persons who have pending appeals or external consultations that have not been concluded.

#### **Prohibition of torture and cruel, inhuman or degrading treatment or punishment (art. 7)**

13. With reference to the Committee's previous concluding observations (para. 11), please describe the steps taken to introduce a legal definition of torture compatible with article 7 of the Covenant, and indicate whether the State party intends to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment. Please also provide information on: (a) the measures taken, including any training for law enforcement officials, to prevent, investigate and punish all acts of torture and cruel, inhuman or degrading treatment in places of detention; and (b) the number of complaints received concerning torture or ill-treatment over the past ten years, investigations, prosecutions, convictions and sanctions, and the remedies provided for victims.

#### **Right to liberty and security of person and treatment of persons deprived of their liberty (arts. 6, 7, 9, 10 and 14)**

14. Please describe the measures taken to reduce overcrowding in Dodds Prison and provide information on its capacity and the current number of inmates, disaggregated by, age, sex and nationality. Please report on the steps taken to: (a) ensure that convicted prisoners are held separately from persons in pretrial detention and that adults are held separately from minors; and (b) improve conditions of detention in accordance with the United Nations

Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including in relation to sanitation, food supply and access to medical care. Please report on the mechanisms in place to receive and deal with complaints by persons deprived of liberty and to monitor places of deprivation of liberty.

15. Please clarify the maximum duration of detention without charge in national legislation and describe the measures taken to reduce the use and lengthy duration of pretrial detention, sometimes for more than ten years, and to encourage non-custodial measures, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). Please provide statistical information for the past ten years on: (a) the number of pretrial detainees and the use and application of non-custodial alternative measures, including bail; and (b) the number of individuals, including unaccompanied minors, detained for immigration or asylum-related reasons, the place and the length of detention.

16. Please report on the measures taken to ensure that fundamental legal safeguards for detained persons, including the right to legal counsel and promptly informing them of the reasons for their arrest, are guaranteed at all stages from the very outset of deprivation of liberty, in law and in practice, and are fully in accordance with the Covenant and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. Please provide information on the mandate and role of the Police Complaints Authority and the resources allocated to it to ensure effective and independent investigation of law enforcement personnel, including in the absence of a formal complaint, and comment on allegations of police misconduct, use of force, torture and ill-treatment of detainees and their lawyers by the Barbados Police Service.

#### **Trafficking in persons (arts. 2, 7, 8, 24 and 26)**

17. With reference to the Committee's previous concluding observations (para. 8), please report on any measures taken, including training for law enforcement officials, border guards, judges, prosecutors and related personnel, to prevent and combat trafficking in persons, in particular women and children, including trafficking for the purposes of sexual and labour exploitation. In this regard, please provide information on: (a) the status of the revision of the Trafficking in Persons Prevention Act initiated in 2022, including any amendments to the penalties for the crime of trafficking in persons, and the results of the 2021–2023 National Action Plan to Combat Human Trafficking; (b) the number of complaints of trafficking in persons received for the past ten years, investigations conducted, prosecutions initiated and sentences imposed on the perpetrators, and the reparations awarded to victims; and (c) the number of identified victims of trafficking in the past ten years, the protection and support services, including shelters, available to them, and the mechanisms in place to ensure that victims are correctly identified and referred to the services they need, including foreign nationals in need of international protection.

#### **Rights of migrants, refugees, asylum seekers and stateless persons (arts. 2, 7, 9, 12, 13, 24 and 26)**

18. Further to the Committee's previous concluding observations (para. 10), please provide information on the number of asylum seekers in the State party and on the measures taken, including any amendments to the Immigration Act, to establish clear and accessible procedures to apply for and grant asylum or refugee status. Please: (a) indicate whether there exists an appeals mechanism with suspensive effect against negative decisions on asylum; (b) indicate whether national legislation explicitly prohibits non-refoulement and describe the mechanisms and criteria applicable before the extradition, expulsion or deportation of foreign nationals from the State party in order to evaluate and verify the risk of being their subjected to torture or other serious human rights violations upon their return. Please also provide information the current procedure for the determination of statelessness and on measures taken to prevent and address statelessness within the State party.

#### **Administration of justice (arts. 2, 10 and 14).**

19. Please provide information on the steps taken to: (a) guarantee, in law and in practice, the full independence and impartiality of the judiciary and of the public prosecution,

including information on the current procedures and criteria for the selection, appointment, promotion, suspension, disciplining and removal of judges; (b) reduce delays in the administration of justice and to address the backlog of cases, which reportedly results in delays of several years before many cases go to trial; and (c) ensure that legal assistance is accessible for those charged with a serious criminal offence, particularly those facing the death penalty, and provide statistical information on the legal assistance provided by the State party in the past ten years. Please comment on allegations of falsification of evidence by the Barbados Police Service, any investigations carried out in that respect and their results. Please also indicate whether there exists a compensation framework for victims of unlawful detention or persons whose conviction has been reversed or who have been pardoned.

### **Freedom of expression (arts. 19 and 20)**

20. Please report on the measures taken by the State party to promote and protect the right to freedom of opinion and expression and: (a) provide information on the access to information legal framework in the State party and its compatibility with the provisions of the Covenant; (b) indicate whether any steps have been taken to decriminalize defamation and blasphemy, clarify whether libel and slander are handled in civil or criminal courts, and specify how many persons have been tried on the basis of the Defamation Act in the past ten years, including the type of offence and sentences imposed; (c) describe the mandate of the Barbados Broadcasting Authority and the steps taken to ensure its independence and impartiality. Please provide information on any investigation and its results into the killing of journalist Christoff Griffith in 2020.

### **Freedom of conscience and religious belief (arts. 2, 18 and 26)**

21. Please describe the steps taken to guarantee freedom of conscience and religious belief within the State party, and comment on reports that Rastafarian children wishing to wear head coverings in public schools must provide letters from a Rastafarian elder confirming they are Rastafarian. Noting that the military service in the State party is voluntary, please clarify: (a) the minimum age for voluntary recruitment into the military, including with parental consent; (b) whether current legislation allows for serving members of the armed forces to apply for early release for reasons of conscience.

### **Freedom of assembly and association (arts. 21 and 22)**

22. Please describe the State party's legislation on freedom of assembly and association and indicate whether there are any restrictions in relation to the registration and operation of trade unions and civil society organisations, the right to collective bargaining, and the right to strike. Please provide information covering the past ten years on: (a) permits issued and denied for assemblies under the Public Order Act, as well as any protests that have been dispersed, including the details of the legal basis; and (b) the detention of and judicial proceedings brought against protesters, if any.

### **Participation in public affairs (art. 25 and 27)**

23. Please report on any measures taken to foster political pluralism in the absence of a parliamentary opposition, and to ensure the inclusion and participation of members of the political opposition and minorities in decision-making on matters of national interest, including in the Constitutional reform.

### **Rights of the child (arts. 7, 23, 24 and 26)**

24. In light of the Committee's previous concluding observations (para. 12), please describe the measures taken, including awareness-raising campaigns for the general public on the harmful effects of all forms of violence against children, to: (a) prohibit, prevent and combat corporal punishment in all settings, including in judicial sentencing, prisons, schools and the home, as well as to protect children from corporal punishment and promote non-violent methods of education and discipline; (b) amend the Family Law Act to remove any exception to the minimum age of marriage set at 18 years; and (b) combat and eradicate child labour, in particular the engagement of children in hazardous work, and to combat child abuse, including physical and sexual abuse. In this regard, please provide statistical

disaggregated data on the extent of child labour in the State party and on the number of cases of physical and sexual abuse of children over the past ten years.

25. Please provide information on the status of the Child Justice Act 2024 and on the steps taken to implement the concluding observations of the Committee on the Rights of the Child, to ensure that the juvenile justice system takes into consideration the specific needs of children in conflict with the law. Please report on the steps taken to: (a) raise the minimum age of criminal responsibility and the age at which children can be sentenced as adults, in accordance with international standards; (b) ensure that children in conflict with the law are provided with legal counsel and that they are deprived of liberty only as a measure of last resort and for the shortest possible period of time; and (c) establish separate facilities for children in need of care and protection and for children deprived of their liberty. Please provide information on the implementation of the recommendations following the investigation carried out in 2022 on the conditions at the Government Industrial School (GIS) and provide disaggregated statistical data on the number of children deprived of liberty at this school and in other places of deprivation of liberty, the reasons for their deprivation of liberty, the sentences given, and the number of children subject to alternative arrangements to deprivation of liberty.

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