

UPR Intervention for the Barbados, 15th Session January 25, 2013

The United States warmly welcomes [head of delegation] and the Barbadian delegation to the UPR Working Group.

We commend Barbados for engaging with civil society in preparation of its UPR presentation and for accepting previous recommendations to work toward the establishment of an independent human rights commission.

While we appreciate Barbados' commitment to protect all members of society from harassment, discrimination and violence regardless of sexual orientation, there are credible reports of discrimination and harassment against members of the LGBT community. In particular, we are concerned about sections of the criminal code that continue to be applicable to same-sex sexual activity between consenting adults as well as that there is no law that prohibits discrimination on the basis of sexual orientation and gender identity. We note that commitments to protect freedom of religion and to protect the human rights of LGBT persons are not mutually exclusive.

We applaud Barbados' constant pursuit of higher levels of professionalism for the police force. However, allegations of excessive use of force by police continue, and frequently, long delays in the transmission of case files from the police and the completion of coroner's inquiries related to police killings have prevented closure of cases and the administration of justice.

We are pleased with the establishment of a high-level interministerial group that included NGO representatives to coordinate Barbados' anti-trafficking efforts in March 2012. However, the Transnational Crime Bill (Part III) is inconsistent with international standards because it requires migration as a necessary element of human trafficking. Thus, it appears that forced labor or forced prostitution of Barbadian citizens and residents is not prohibited. This not only hampers law enforcement efforts to investigate and prosecute trafficking crimes, but also limits the ability to identify trafficking victims, a critical prerequisite to protecting them.

Bearing in mind these concerns, the United States makes the following recommendations:

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1. Amend the criminal code to decriminalize same-sex sexual activity between consenting adults and adopt legislation that prohibits discrimination on the basis of sexual orientation and gender identity;
2. Review and if necessary update existing human rights training for police and security forces with the assistance of independent nongovernmental organizations to foster more consistent application of international human rights standards, and ensure that cases of abuse or killings by police are processed in a more timely manner;
3. Amend the 2011 Transnational Crime Bill to prohibit all forms of human trafficking by removing migration as a necessary element of human trafficking, prescribe penalties that are commensurate with those prescribed for other serious crimes, and publicly report any investigations, prosecutions, convictions, or sentences of trafficking offenders under this law, or other statute.