

**Opening Statement**

***by***

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**and Foreign Trade of Barbados**

***at the***

**Review of Barbados**

***during the***

**Forty-Third Universal Periodic Review (UPR)**

**Working Group Session**

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Madam Vice-President,

Members of the Council,

Distinguished Representatives,

It gives me great pleasure to be present here today, to deliver this statement during the Forty-third Working Group Session of the Universal Periodic Review of the Human Rights Council. On behalf of the government and people of Barbados, I wish to thank the Office of the High Commissioner for Human Rights for the work it has done in preparing the Compilation and Stakeholders reports. I also wish to acknowledge the importance of the Human Rights UPR fund for Small Island developing states, which has facilitated the representation by a member of our delegation. These kinds of targeted approaches to supporting small islands are critical and I hope we can see more of these initiatives especially in the field of human rights.

Our delegation has benefitted from input and guidance by distinguished colleagues of some of our fellow Ministries who were instrumental in providing the information reflected in our report. As such, we look forward to an open, candid and productive discussion as we engage in dialogue with Member States and during this session.

Madam Vice President, I wish at the outset, to note that of the sixty-four (64) supported recommendations emanating from the UPR 3rd cycle, Barbados considers that forty-three (43) have been fully implemented and sixteen (16) partially implemented. We have done this against the backdrop of political change, a climate and debt crisis and the pandemic.

Indeed, the review period 2018 to 2022, was marked by a number of critical factors that militated against the further progress that might otherwise have been made. Just as an example in June 2021, a freak thunderstorm bombarded the island with 4,700 lightning strikes in less than an hour, the effects of this were significant damage done to some of our lower-income housing stock. This catastrophe was followed in rapid succession by a direct hit from Atlantic Hurricane Elsa. And, this was in turn, after Barbados had in April of the same year, to grapple with severe ash fall from the eruption of La Soufrière volcano on our neighbouring sister island of Saint Vincent and the Grenadines. Indeed, the impact of that ash fall caused the cessation of ordinary business in Barbados for the better part of a week.

I provide this backdrop, Madam Vice President, not by way of excuses but by way of reminding us of the stark realities that confronted us and to some degree still confront us and that have been felt by many, if not all, developing countries in this assembly. These realities also account for the marked slowdown in the implementation of the 2030 Agenda for Sustainable Development. As you will, no doubt appreciate, the Sustainable Development Goals (SDGs) are themselves an expression of the intrinsic human right to the basics of adequate shelter and food, decent work and a healthy and productive environment for all. Barbados remains unswervingly committed to the realization of those goals.

Madam Vice President, it has now been one year and six months since Barbados transitioned to a Parliamentary Republic. This has been a significant milestone in our history. Having attained Independence in 1966, my country has maintained, up to this very moment in time and history, robust democratic institutions and respect for the rule of law. Over the years, Barbados has become signatory to several international human rights Conventions, the aims and objectives of which it wholeheartedly supports, and is committed to defend, promote and uphold. Indeed, Barbados regards all of its commitments with the utmost seriousness. We are a country that always seeks to discharge its duties and responsibilities, even amidst the specific challenges it faces as a Small Island Developing State (SIDS) and a micro-economy.

One of the greatest existential challenges that we are facing today is the climate crisis. This will have dramatic and devastating effects on our citizens, including possibly through an erosion of the most central of human rights- the right to life. As we move forward in the discussions today and beyond I would ask that you keep this at the forefront of your mind. That the heating oceans, the more violent hurricanes, the rising sea levels, the desertification and acidification of the soil, climate related migration, the loss of biodiversity and the increasing temperatures will have real impacts on small islands like Barbados. As you in this Council support human rights, I also ask that you support climate justice and see these two pillars as being inextricably linked.

Despite these threats Barbados continues to forge ahead with good governance and shared responsibility as our guiding principles. We value democracy in its purest form - that is, government by the people, for the people; fundamental human rights; and personal liberties; and ensuring a voice for all Barbadians. This underpins how we as a Government and as a society, are approaching the development of our new Constitution. It is a multi-stakeholder, whole-of-society approach to this ongoing process towards Constitutional reform.

The Constitution of Barbados is the supreme law of the country and gives equal protection to all citizens regardless of race, creed, gender, political opinion, religion or place of birth. These protections have been further enhanced by a body of laws that gives effect to the rights and fundamental freedoms enshrined in Chapter III of the Constitution. Indeed, Barbados’ system of governance is designed to ensure that no law can be enacted, or can stand, that is at variance with the rights proscribed in the Constitution.

Barbados and Barbadians ascribe to a number of core values and characteristics- self-confidence, a robust determination to succeed, a belief in hard work, pride as a people, and the desire of Barbadians for the achievement of excellence in all that we do. Our view of human rights is truly a reflection of our national spirit and this has, in turn, allowed us to strive continuously to enhance and improve our human rights architecture. We are on a journey but we are certainly headed in the right direction.

These commitments to human rights and the preservation of the dignity of all human beings are reflected in our country's expenditure on education, social services, and social security, to which a large part of the national budget is allocated. These expenditure decisions are increasingly difficult to make in light of the economic climate that has prevailed, not only in Barbados but globally, over the past several years. The challenge that confronts us is how do we find and direct resources towards highly desirable efforts like fundamental educational reform, enhanced health and social care while at the same time, diverting scarce resources to finance adaptation and build resilience, coastal revetment, correction of saltwater intrusion into our aquifers, and the creation of subterranean electrical infrastructure which are all fundamental requirements but are all causing unprecedented pressures on our national budget.

The exogenous financial, climatic and public health crises that have scarred our planet in the mere four-year period under review, have created challenges for all of us. But for SIDS dependent on tourism and susceptible to natural and climate change disasters, this has been catastrophic.

Nonetheless, since our last review, conducted in 2018, we have made a concerted effort to implement as fully as possible, and in as many areas as possible, the very important recommendations that emanated from the third cycle. This general advancement is outlined in the submitted National Report. This morning, I wish to highlight some key areas of that Report.

**On Constitutional Reform**

As alluded to previously, Barbados immediately commenced the process of Constitutional reform on transitioning to a Parliamentary Republic in November 2021 through, inter alia, the establishment of a Constitutional Review Commission to spearhead this national initiative.

The purpose of the Constitutional reform is to ensure that the rights of the citizens of Barbados are not infringed by laws which we no longer consider relevant for Barbados and that the Constitution is reflective of the contemporary needs of Barbadians, whilst at the same time respecting and upholding, the values that have underpinned Barbadian society and which have served our country well over the years.

To this end, there have been public consultations in various fora to gather views, receive proposals and share information on the eventual revision of the Constitution. I am pleased to announce that it is expected that the Constitutional Reform Commission will have a draft Constitution for the consideration of Barbados’ Cabinet by year end. This document will then be the subject of further public consultation and further refinement before being legislated and enacted.

**I turn now to International Human Rights Instruments**

Madam Vice President, in addition to the series of UN Human Rights instruments and covenants, Barbados has acceded to a number of other international legally-binding instruments in the area of human rights, such as the International Labour Organisation (ILO) Convention 190 Concerning the Elimination of Violence and Harassment in the World of Work. The ILO Convention 190 enters into force for Barbados on September 1, 2023. We have also recently acceded to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who are Blind. We are also in early consultations with a view to expediting our way to acceding to the Convention Against Torture.

**I turn next to gender issues.**

Madam Vice President, there has been a steady progression in championing equality for women at home. Women’s rights in Barbados have continued to mature and be enforced, and today women in Barbados are protected under the law on issues such as domestic violence and discrimination. Women have also made significant gains in areas such as education and political representation.

As seen in the National Report, the advances that have been made with respect to the inclusion of women in all spheres and rungs of decision-making and national endeavour have been impressive. Now etched in the history of our country’s political landscape is the election of our first female Prime Minister, the Honourable Mia Amor Mottley, who was elected in 2018 and re-elected in 2022, as was the Deputy Prime Minister, the Honourable Santia Bradshaw. Her Excellency Dame Sandra Mason, Barbados' first female President, was elected in 2021 when the country became a Republic, having formerly served as the country’s Governor General. To further underscore Barbados’ culture of inclusion of women at the highest level of decision-making positions, various ministries and departments throughout the public service are headed by female senior public officers. As of 2020, there were 19 female permanent secretaries out of a total of 27. The head of the public service, the cabinet secretary, the director of public prosecutions, the solicitor general, and the registrar of the Supreme Court are all female.

As far as the judiciary is concerned there were 7 female judges of the high court out of a total of 14, while the number of female magistrates stood at 5 from a total of 10. And on the court of appeal, there are two female justices out of a total of five. In terms of political representation in the Upper House of the legislature, 42% of the members are female including the Leader of Government Business.

In the workplace, all Government employees have equality of pay and promotion is strictly based on merit. At present, the vast majority of Heads of Ministries and Departments in the Public Service of Barbados are women. Including, for example, the Chief Agricultural Officer, the Chief Parliamentary Counsel, and the Chief Education Officer among others.

We recognise, however, that while much has been accomplished, more is left to be done. We do not, therefore, rest on our proverbial laurels. Instead, the Government of Barbados has embarked on the development of a National Policy on Gender, which will, among other areas, address the disproportionate impact of the COVID-19 pandemic and the climate crisis on women and girls. It is anticipated that the process of stakeholder consultation on the Policy and the review of a draft by the Cabinet would also be finalised by the end of 2023.

More pointedly, the Government of Barbados through its Ministry of Labour, Social Security and the Third Sector has collaborated with UN Women and developed a project that addresses Gender-Based Violence in the Workplace. This two-year project was launched in March 2021.

Even though there is no specific legislation that governs violence against women and children, there are various laws in place, such as the Offences Against the Persons Act and its 2016 Amendment which treat to rape and sex with a minor and the Domestic Violence Protection Order Act which safeguards victims against perpetrators of domestic violence. Additionally, the Employment Sexual Harassment Prevention Act aims to protect all employees from sexual harassment in the workplace. As is the case in other countries, we recognise that as a result of the pandemic, there has been an increase in domestic violence and abuse. The Government therefore has a zero-tolerance policy on this and we will continue to take steps, both legally and socially, to eradicate this scourge of domestic violence.

Given our commitment at home to the equality of all Barbadians, we will continue to amplify our voice on the international stage to address issues of discrimination and gender based violence.

Today, we reaffirm that very long-standing commitment through the nomination of Professor V. Eudine Barriteau as Barbados’ candidate for a seat on the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) for the 2025-2028 period. Professor Barriteau, is a regionally and internationally renowned Caribbean Educator, Feminist and Activist. We look forward to having Barbados contribute to and offer thought leadership on these important issues.

**Mr. President I now move to Child Protection**

The Cabinet of Barbados had signalled its approval of the Child Protection Bill, 2022 and it was recently laid in Parliament on March 31, 2023 and is set to be debated on Tuesday 9 May. It is envisaged that the enactment of this bill will bridge several policy gaps, and capture the legislative and institutional amendments required to provide a holistic approach to the protection of the rights of the child.

This long-anticipated ground-breaking legislation will provide for the more fulsome protection of children in Barbados. A major development is that it will incorporate, within the Laws of Barbados, the United Nations Convention on the Rights of the Child at the very outset. We view this as a significant and progressive step for the promotion and protection of the rights of the children of Barbados.

The Child Protection Bill will also provide, inter alia, for the mandatory reporting of child abuse and will address all forms of child abuse including child labour, cyber abuse, and emotional, physical and sexual abuse. Safe spaces for children will be identified and provided for under the auspices of the Child Protection Agency. This Bill provides for due regard to be given to the best interest of the child in all decision-making. It also allows, for the participation of children in the decision-making process, in that where children are capable of forming and articulating their own views, these will be given due weight in accordance with their evolving capacity.

Additionally, the Bill provides for the care and protection of children formerly charged with the offence of “wandering” and other similar status offences, now widely regarded and acknowledged as being archaic and woefully anachronistic.

The Child Protection Bill will also provide for therapeutic rehabilitation for those who have been diverted from the Criminal Justice System and for those children who may come into conflict with the law, but who are below the age of criminal responsibility. The Bill will have a companion piece of legislation to be called the Child Justice Bill which will increase the age of criminal responsibility in minors.

As we continue to advocate for the rights and protection of the child our Ministry of People Empowerment is at present actively examining and analysing various policy options with respect to the preparation of a National Policy and Action Plan for Children.

On the issue of corporal punishment, we have both the Child Protection Bill and the draft Child Justice Bill which will seek to ban corporal punishment in their respective institutions.

In summary, Madam Vice President, the core principles of the Convention on the Rights of the Child form the main planks throughout Barbados’ revamped child protection legislation and the related policy reforms that are presently ongoing.

**I turn now to the Prohibition of Slavery and Human Trafficking**

Barbados’ signature of the United Nations Protocol to Prevent Suppress and Punish Trafficking in Persons, Particularly Women and Children led to the establishment of the Sex Crimes and Trafficking Unit in 2013. This unit is subsumed in the Criminal Investigation Division of the Barbados Police Service and the Government of Barbados subsequently passed the Trafficking in Persons Act 2016-9.

This legislation seeks to prevent and deter occurrences of Human Trafficking in and throughout Barbados. For example, the Trafficking in Persons Act Prohibits both domestic and international forms of human trafficking and recommends penalties that are appropriately stringent, by separating the crime of human smuggling and by making suitable consequential amendments to the law. Barbados also continues to be a leader on the global stage on issues around the remembrance of the Slave Trade and in promoting an honest discourse around issues of reparations. We will continue to play this leading role with other champions in the Global South.

**I turn next to the Promotion of Social, Cultural and Economic Policies**

Since our last review, Barbados has continued its pursuit of policies and steady implementation of programmes designed to meet the needs of all of our citizens. One such initiative includes the Adopt A Family Programme which was established in 2020 as an emergency response during the height of the COVID-19 pandemic. Its aim was to financially assist vulnerable families within the society. This programme has to date assisted over 5000 families in Barbados. Similarly, during the pandemic Barbados introduced business interruption benefits targeted at delivering financial assistance to micro businesses of all types across the country.

**I now turn to Persons with Disabilities**

Since the last review, the Government of Barbados has heightened its approach to establishing mechanisms and implementing initiatives that advance and protect the rights of persons with disabilities. The National Disabilities Unit, which has ultimate responsibility for engaging in policy development and training for persons with disabilities, continues to collaborate with the specialized schools to ensure practical applications of technology to aid the integration of persons living with disabilities into the wider society.

We have taken into account our infrastructure and what needs to be done to ensure easy physical access for persons with disabilities, for example, the erection of handrails, ramps, and accessible bathrooms, in public spaces. Additionally, legislation has been passed to create priority parking for persons with disabilities in public car parking spaces.

The Government has also revamped the Call-A-Ride Program so as to provide improved accessible transportation to assist children to get to school and adults to get to their medical appointments.

As earlier mentioned, in February of this year, Barbados deposited its Instrument of Accession to the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind. This reaffirms our commitment to improving the quality of life of people living with disabilities in Barbados.

**Madam Vice President, I turn now to the Abolition of the Death Penalty**

In 2018, following the ruling of the Caribbean Court of Justice, the mandatory death penalty was removed. Section (2) of the Offences Against the Person Act, Cap 141 was deemed to be unconstitutional and was amended to remove the mandatory death penalty. Additionally, the requisite processes to resentence persons to life imprisonment or a term of years is being implemented for individuals who were previously sentenced to death. The death penalty, however, remains a sentencing option subject to judicial discretion. Judges must now consider the factors of aggravation, premeditation, undue delay and other considerations laid out in the amendments to the Offences Against the Person Act, and the guidelines set out in S39 through S41 of the Penal System Reform Act, Cap 139.

It should be noted that even prior to the legislative amendments abolishing the mandatory imposition of the death penalty in Barbados, by virtue of not carrying out any death sentences, Barbados had in essence, implemented a de facto death penalty moratorium since 1984 when the last execution was carried out. We have now taken the considerable de jure measure as I outlined above and which brings Barbados closer to conformity with international best practices.

**I now turn to LGBTQI+ Issues**

Madam Vice President, while not among the supported recommendations from the last reporting cycle, I wish to report that in December 2022, the Supreme Court of Barbados ruled that Section 9 of the Sexual Offences Act was null and void. This resulted in the decriminalization of buggery in Barbados. Barbados is currently in the process of reviewing current national legislation in this regard.

I wish to emphasise that we see Barbados as a safe place for all. The Government of Barbados has heard the concerns of the LGBTQI+ community and I wish to reaffirm that we have zero tolerance for any form of violence or discrimination against anyone within our borders. We recognise that our legal architecture could bear some amendment and we are in the process of determining a road map to begin important discussions on these issues.

**Madam Vice President, I feel compelled to also address you on the National Human Rights Institution**

Regrettably, due to the current poly-crisis of food, fuel, finance, climate and the global pandemic, the goal of establishing an independent National Human Rights Institution (NHRI) in accordance with the Paris Principles has yet to be realised. However, Barbados reaffirms its commitment to the establishment of this institution and it remains a high priority in keeping with the obligations of the State under international human rights law and in fulfilment of Barbados’ sincere undertakings under the UPR 3rd cycle.

We invite States in this room today who may have experience in establishing a National Human Right Institute and who would be willing to lend technical assistance in this area to support Barbados in this endeavour and to kindly have a discussion with us.

Even though we do not have a National Human Rights Institution, the office of the Ombudsman serves to investigate and settle grievances against government agencies, make recommendations for corrective measures when investigations reveal unlawful or unreasonable administrative procedures; and provides recommendations where appropriate for the improvement of administrative systems and their operations.

**I turn finally to the ideal of a National Mechanism for Implementation, Reporting and Follow-up**

With regard to the matter of the desirability of a National Mechanism for Implementation, Reporting and Follow-up, I would wish to give this assembly the assurance that I have since, assuming the office of Foreign Minister in November 2022, issued instructions for the necessary cabinet paper to be prepared in order to facilitate the imprimatur of the cabinet of Barbados for the establishment of a Standing National Mechanism on implementation, reporting and follow up

In closing, I wish to thank all of our development partners such as the Commonwealth Secretariat and the UN agencies who have supported us in preparing this Report.

Permit me, therefore, to take this opportunity to again call on all those with the capacity to do so to re-double their efforts at ensuring that the commitments that we collectively make on paper are furnished with the means of implementation that will assist with translating mere words into concrete action. Be assured that Barbados remains committed to Human Rights both in word and in deed.

I thank you.

**END**