

Report on the Implementation of the Universal Periodic Review (UPR) for Barbados in relation with the UNDP, UNFPA and UN Women mandate

The objective of this document is to provide information from the perspective and mandates of UNDP and UN Women, about the implementation of the recommendations accepted by Barbados in the first cycle of the Universal Periodical Review and the developments of the human rights situation subsequently. The document also highlights the assistance that UNDP and UN Women rendered to Barbados and stakeholders in this regard.

The work of UNDP in relation to the UPR recommendations

After reviewing the recommendations accepted by the Government of Barbados, UNDP contributions in this document will focus on three main topics under which the agency has had relevant work: legislation and policies to guarantee social, economic and cultural rights, improvement of citizen security and strengthening of women's rights and gender equality.

The situation of Human Rights in Barbados

Legislation and policies. Barbados legal system is based on the British model. Fundamental rights and freedoms contained in the Constitution generally reflect political and civil rights, but the existing legal body does not include sufficiently more recent notions of discrimination (gender, racial, sexual orientation, for example), grave human rights abuses like torture, and social and economic rights espoused in international human rights treaties. This calls for the ratification of a number of international instruments which the Government is reluctant to ratify for various reasons, particularly their lack of capacity to meet the reporting demands related with the approval of new instruments. There is pressure from civil society to ratify the Convention on the Rights of Persons with Disabilities (CRPD) and other treaties and this might open a window of opportunity for the ratification of new instruments.

A particular area of concern of UNDP is the lack of social data available for policy making, leading to difficulties in the measurement of key indexes such as the family of Human Development Indices. Addressing the rights of people with disabilities is an emerging area of work for UNDP as the possibility of leading flourishing lives relates with disabilities. Recent estimations for Barbados approximate the number of persons with disabilities at around 20,000. The island has a National Disabilities Unit, whose mandate is to promote equal opportunities in all areas for people with disabilities, and which led the drafting of the Government's White Paper on Persons with Disabilities. Barbados also has a number of programmes regarding the fuller integration and participation of persons with disabilities into the community, including special needs units in a number of primary schools.

Improvement of citizen security. Comparatively, Barbados does not have much crime, and their Police force recently received some of the highest marks in the recent UNDP victimization survey conducted for the Report on Citizen Security in the Caribbean. The police has, however, been denounced as being discriminatory in its treatment of victims, when these are women, lesbian, gay, bisexual, and transgender (LGBT) persons, migrants, and minorities. However, stigmatization of

people living with HIV/AIDS and discrimination against LGBT people is not limited to the actions of the police, but constitutes a phenomenon that calls for attention as a specific human rights concern.

Regarding violence against women, as with other social phenomenon in the Caribbean, statistics on gender-based violence in Barbados are scarce, but the region in general is estimated to have relatively high rates of rape and other forms of gender-based violence, and there are reports of the police not intervening in cases of domestic violence, with few victims of abuse reporting they sought help from the police, and even fewer reporting they were satisfied with the police's response. Conviction rates for perpetrators are low, and cases before courts are often excessively lengthy. There is recognition from the Government that this is a problem, with domestic violence being identified by their Report to the UPR as a key national priority, and work on this (including improving data collection) being undertaken with UN Women. UNFPA has been supporting civil society organization and the offices in charge of gender affairs in Barbados and the OECS for increasing their capacities to identifying and coping with gender and sexual violence cases and to detect and assist victims including implementing medical protocols for dealing with victims of sexual and domestic violence in the service delivery points. Several initiatives to address this problem, however, have been awaiting consideration by the Cabinet for quite some time; such is the case of a draft law to combat sexual harassment in the workplace, which has been awaiting consideration since 2002.

It should be noted that in the 2008 review Barbados avoided committing itself to any actions in several of the above mentioned topics.

UNDP's efforts in Human Rights

Generally speaking, during this period, UNDP led the negotiations on behalf of the UNST to access for Barbados and the Eastern Caribbean assistance and capacity building support from OHCHR to implement the UPR recommendations accepted by the Eastern Caribbean states. This proposed programme support was initiated with the first visit of UN High Commissioner for Human Rights to Barbados in April 2012. A joint programme has been developed covering seven of the thirteen English-speaking Caribbean States, but with initial focus on Barbados.

With the support of a National Human Rights Officer who will be recruited under the aegis of the project, UNDP will contribute with other agencies in:

Assessing the existing potentialities and challenges with regard to the implementation of UPR recommendations in Barbados;

Developing a corresponding strategy for implementation with the relevant counterparts: Government, civil society, UN entities, etc.

Elaborating a plan of action for implementing UPR and other human rights mechanisms' recommendations in Barbados;

Establishing a national coordination mechanism in charge of implementing UPR and other human rights mechanisms' recommendations and;

Implementing UPR recommendations considered as priority human rights issues.

Concerning the three topics prioritized, following is a description of the activities undertaken by the agency:

1. Legislation and policies to guarantee economic, social and cultural rights

Regarding the Government of Barbados' commitment to take appropriate measures to develop its internal domestic legislation so as to guarantee economic, social and cultural rights for all and to foster economic, social and cultural rights for its people, UN Women and UNICEF in 2010 supported a Social Safety Net Assessment that has to date not been presented to Cabinet. As a related development intervention, the Government of Barbados has sought UNDP support in the preparation of its National Social Policy Framework addressing equality of access to social protection, in line with UNDP's country programme commitment to support the analysis of social protection services and systems. UNDP also will support the reforms required to implement strategies to improve equity, universal accessibility and quality.

Barbados has signed, but not yet ratified, the CRPD, and the National Disabilities Unit has been engaged in an initiative to promote its ratification. A proposed joint UN programme under the UN Partnership to Promote the Rights of Persons with Disabilities (UNPRPD) would support these ongoing efforts, as well as the development of the necessary legal framework for national implementation. The project would also engage in data collection, awareness-raising activities and evidence-based advocacy through partnerships with government and local civil society organizations on accessibility. The project also proposes to analyze the extent to which, disability contributes to social exclusion and poverty, and to inform national level actions to reduce poverty and inequality to meet MDG targets through access to decent work for persons with disabilities. UNDP has been leading the elaboration of this joint programme.

However actions in this field have already initiated. The United Nations Resident Coordinator for Barbados and the OECS has worked closely with the Barbados Council for the Disabled (BCD) providing conceptual programme inputs on the formulation of a National Advocacy Campaign - ***Stand Up for Persons With Disabilities*** - focusing on Empowerment of Persons with Disabilities as a preliminary step in the implementation of the Barbados White Paper priority areas.

In addition, the UN System, through the Office of the UN Resident Coordinator, has been supporting the advocacy and awareness-raising efforts of the BCD and the Council's projects to improve the lives of persons with disabilities in Barbados, for example, through the "Fully Accessible Barbados" Campaign and Project. UNICEF and UN Women have also carried out activities to address the rights of people with disabilities. UNFPA is also providing technical and financial resources to the Barbados Council for the Disabled (BCD) in support of the sexual and reproductive health and rights programme including for youth with disabilities. The BCD has commenced the development of a Sexual and Reproductive Health Counseling Strategy to formalize the ongoing work being undertaken with a view to share the Strategy and lessons with other Disabled People's Organizations in the sub region.

2. Improvement of citizen security

UNDP is providing support to implement the recommendations of the 2012 Caribbean HDR on Citizen Security. Data gathered and analyzed by the report is a benchmarking input to address national insecurity challenges and responses which include increasingly high levels of crime, low detection rates and case processing delays.

UNDP will work and support parliamentarians and justice stakeholders dialogues to identify sustainable implementation approaches and formulate national action plans to address citizens safety concerns and issues.

Some of the findings and recommendations of the report address key human rights issues. For example, the 2012 CHDR includes a 2010 UNDP Citizen Security Survey which measured citizen perception of crime and victimization - 62.6 percent of the Caribbean population, when not given an alternative, expressed that they are in favor of death penalty during the survey conducted for the UNDP Caribbean Human Development Report (CHDR). Despite the support expressed by the population and the reluctance of the government to make changes in its legislation, the CHDR states: "[r]egardless of its actual or potential instrumental benefit, the death penalty is incompatible with the values that are associated with the human development approach." It is important to note that when given options, the Caribbean population strongly prefers a social response to crime which may reflect an opportunity to move ahead on death penalty discussions in the region.

On the topic of police professionalism and training requirements, the 2012 notes challenges with police system which include the need enhanced responsiveness and effectiveness, legitimacy, integrity, improved accountability, reduced power abuses and human rights.

Closely related with this topic are the existing crime Data Gaps. The HDR makes extensive use of secondary data including official statistics on reported crimes although this was limited by the absence of comparable data on all countries.

Data gaps include lack of standardized data and data collection methods on violence against women; no disaggregated statistics by sex and age, data deficits on caseloads of courts, police investigators and other criminal justice system indicators. Lack of data on new security challenges such as school violence is another notable area of deficit. UNDP to support donor coordination on implementation of Citizen Security Programmes based on access to critical statistics and data on compiled in the 2012 Citizen Security HDR.

Additionally, UNDP is involved in donor coordination activities in the topic of citizen security and is to lead on the implementation of Citizen Security recommendations to support upgrading and access to critical statistics and data on compiled in the 2012 Citizen Security HDR.

3. Rights of women, particularly as it relates to violence against women (this section was elaborated in cooperation with UN Women)

Regarding recommendation 5 on "...provid[ing] the Bureau of Gender Affairs with sufficient human and financial resources to enable it to contribute efficiently to the promotion and protection of the rights of women", the Bureau has seen an increase in its human resource complement since 2008. It

is now staffed by a Director, two programme Officers, a Research Officer and four support staff, up from a complement of four (4) (Director, research Officer and two support staff).

Regarding recommendation 6 on addressing discrimination against women by means of sensitizing civil society and taking steps to enact legislation to enshrine a specific right of non-discrimination on the basis of gender, the Caribbean Human Development Report also analyses the topic of domestic violence and victimization of women and makes recommendations that will also be incorporated into the dialogues with stakeholders.

On Recommendation 11. to harmonize the method of data collection by relevant agencies involved in the fight against domestic violence, UNICEF, UNFPA and UN Women are supporting the implementation of the MICS in Barbados and the OECs to better assess health-based vulnerabilities at the household level, including of women and children.

Efforts on combating violence against women and providing authorities with more training in this regard, and to put an end to violence against women with a national plan and necessary legislative reforms have focused on UN Women's Partnership for peace programme on battery intervention in collaboration with the Ministry of Family and training of Barbadian police prosecutors in relation to the prosecution of sexual assault cases August 2012. There is, however, a need to review domestic violence Legislation (Protection Orders 1993), and Government in June 2012 mandated the National Advisory Committee on Family Matters to examine the existing Act and to make the necessary recommendations for its amendment.

UNFPA is partnering with the Ministry of Health to strengthen the health care sector response to Gender-based Violence. Recent research was conducted to clarify current approaches to prevention, care and response to gender-based violence in the primary health-care system and strengthening existing programmes aimed at addressing and preventing Gender-based Violence. The partnership has resulted in the implementation of a pilot programme of the Gender-Based Violence Screening Tool in the Polyclinic system, which included gender sensitization training for health and social care providers. The Report on the pilot programme has been presented to the Ministry of Health for endorsement, and discussions are underway with policy-makers on extending the programme to incorporate additional primary health-care institutions.

It is worthwhile to note that UNFPA is collaborating also with the Nursing Department of the Barbados Community College to develop a module on Gender-Based Violence targeting nurses in training.

UN Women in collaboration with the Bureau of Gender Affairs, Ministry of Health and the Ministry of Education is implementing an HIV/AIDS and Gender project to sensitize health and education workers and NGOs on the development of gender-sensitive public health policy.

UN Women, on behalf of the UN System and working with the UN Resident Coordinator, is also leading the effort in Advancing Parliamentary Leadership in community dialogues on HIV prevention, stigma and discrimination Project to: support parliamentarian leadership in raising prevention awareness about HIV/AIDS and speaking out against the stigma and discrimination and to strengthen partnerships between parliamentarian and communities, civil society organizations and media in support of the implementation of the Barbados National HIV Policy. The Bureau for Gender Affairs

has also sought UN Women support in developing a National Gender Policy for Barbados. In keeping with Recommendation 21, the Bureau is also seeking technical assistance from UN Women to build its capacity for CEDAW reporting

UN Women is also engaged in direct work with the judiciary on a child support project, working with courts towards more gender-responsive decisions in relation to judgments on child support cases, especially in regard to low-income women. The Ministry of Labour has signed ILO convention 189 on decent work for domestic workers, and UN Women is working with the Government towards its ratification.