



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eighty-eighth session

**LIST OF ISSUES TO BE TAKEN UP IN CONJUNCTION WITH THE
CONSIDERATION OF THE THIRD PERIODIC REPORT OF BARBADOS
(CCPR/C/BRB/6)**

**Constitutional and legal framework within which the Covenant
and the Optional Protocol are implemented (art. 2)**

1. Given that the Covenant has not been incorporated into domestic legislation (State party third periodic report, CCPR/C/BRB/3, para. 85), please indicate if and how individuals can invoke the rights under the Covenant before the courts. Have there been any cases in which the Covenant has been applied by the courts?
2. Please provide information on the follow-up made by the State party to the Committee's recommendations in its previous concluding observations.
3. What powers does the Ombudsman have to redress complaints? In the light of the information that the mandate of the Office of the Ombudsman established under the Ombudsman Act does not include a broad competence to protect and promote human rights, please explain the reasons why the State party does not envisage the establishment of a national human rights commission (CCPR/C/BRB/3, paras. 121 and 124).

Right to an effective remedy (art. 2) and right to life (art. 6)

4. Does the State party intend to review old laws dating from the colonial period, such as the Vagrancy Act and the laws relating to the award of costs in litigation to lay litigants, for their compatibility with the Covenant?
5. Please provide further information as to whether the State party considers mandatory imposition of death sentences to be in compliance with the Covenant and about the considerations that prompted the amendment of the Constitution in 2002 (CCPR/C/BRB/3, para. 226). Have the views of the Committee on the mandatory imposition of death sentences been taken into account?

6. The Constitution (Amendment) Act 2002 allows the Governor General to set time parameters for matters pending before the Committee (CCPR/C/BRB/3, para. 238). Please explain how the State party considers this provision to be compatible with the obligations of Barbados as State party to the Covenant and its first Optional Protocol.

Principle of non-discrimination, and equality between the sexes (arts. 2, 3, 25 and 26)

7. Please provide information on existing laws, policies and measures to prevent discrimination against persons with disabilities.

8. What are the results of the State party's efforts to enhance the participation of women in public life (CCPR/C/BRB/3, paras. 141-148)?

9. Please inform the Committee whether consensual adult same-sex sexual relations are criminalized.

Prohibition of torture and inhuman and degrading treatment and punishment (art. 7)

10. In the light of reports of cases of "improper police conduct" with regard to the use of force (CCPR/C/BRB/3, para. 258), please comment on the effectiveness of the measures that are in place to prevent and punish acts of excessive use of force by police officers.

11. Please provide information on any abuses committed against detainees in prisons, including deaths in custody. Please provide detailed information on investigations and prosecutions carried out, if any, and with what results as well as on compensation granted to the victims. Have any concrete measures been undertaken to prevent the excessive use of force by law enforcement officers in maintaining security and order in prisons?

12. Does the State party continue to use flogging of children as a disciplinary measure in prisons and as a judicial sentence? Are other methods of corporal punishment used in the juvenile justice system in the State party? Please also inform the Committee whether the State party intends to review laws allowing corporate punishment in schools.

Prohibition of slavery or forced or compulsory labour (arts. 8 and 24)

13. Notwithstanding the difficulty faced by the State party in determining the extent of the problem of trafficking in persons (CCPR/C/BRB/3, paras. 152 and 160), has the State party taken any concrete steps to prevent and punish such trafficking? Furthermore, has the State party taken any measures to protect the status of victims of trafficking?

Liberty and security of the person, and treatment of prisoners (arts. 9 and 10)

14. Please indicate to what extent the State party met the standards of the Standard Minimum Rules for the Treatment of Prisoners during the events which took place following the destruction by fire of Her Majesty's Prison, Glendairy, on 29 March 2005. In particular, please describe the conditions of detention in temporary prison facilities referred to in the report, and their compatibility with articles 9 and 10 of the Covenant (CPR/C/BRB/3, paras. 302-306).

15. The report acknowledges that overcrowding exists in prisons. What is the progress of the construction of the new prison at Dodds, St. Philip (CCPR/C/BRB/3, paras. 311-313)? What interim measures are being taken to improve the reportedly harsh prison conditions whilst the new prison is being constructed?

Freedom of movement and prohibition of arbitrary expulsion of aliens (arts. 12 and 13)

16. Does the State party intend to adopt regulations that provide for the granting of refugee or asylum status? Is the rule of non-refoulement recognized in the laws of Barbados? Does an asylum-seeker have the right to appeal against a deportation decision? If so, does such an appeal have suspensive effect? On what basis may an individual be deported to another country by the State party?

Right to a fair trial (art. 14)

17. Does the legal aid system in Barbados, as described in the report (CCPR/C/BRB/3, paras. 339- 355), cover non-citizens, including asylum-seekers and migrants?

Violence against women and children and right of children to be protected (arts. 3, 7, 8 and 24)

18. The report lists several measures, including adoption of the Domestic Violence Act and the Sexual Offences Act, providing support for victims of domestic violence (CCPR/C/BRB/3, paras. 161-187). Please provide the Committee with information on the results of these measures in practice.

19. Please describe actions taken in relation to the cases of sexual exploitation and physical abuse of children (CCPR/C/BRB/3, paras. 406 and 407). Please elaborate on the aims, strategies and results of existing programmes to combat sexual exploitation and physical abuse of children, if any.

20. Please indicate whether there are any children currently held in custody with adult inmates (CCPR/C/BRB/3, para. 322). Please also indicate whether the State party intends to establish a juvenile court.

21. In light of article 24, paragraph 1, of the Covenant, please indicate the age of criminal responsibility in the State party.

Dissemination of information relating to the Covenant (art. 2)

22. Please indicate the steps taken to disseminate information on the submission of this report. How will information on the Committee's consideration of the report and the Committee's concluding observations be disseminated?
