



**International Convention
On the Elimination
Of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-seventh session
2 - 19 August 2005

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

BARBADOS

1. The Committee considered the eighth to sixteenth periodic reports of Barbados, submitted in one document (CERD/C/452/Add.5), at its 1709th and 1710th meetings (CERD/C/SR.1709 and CERD/C/SR.1710), held on 5 and 8 August 2005. At its 1727th meeting (CERD/C/SR.1727), held on 18 August 2005, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the State party which fully complies with the reporting guidelines and expresses its satisfaction that dialogue has been re-established with the State party. It also welcomes the supplementary information provided by the State party in writing as well as in its oral presentation. The report and the presentation enabled the Committee to engage in a rich discussion with the State party of the social and historical context of racial issues in Barbados.

3. Noting that the report was more than 12 years overdue when submitted, the Committee invites the State party to respect the timetable it has suggested for the submission of its future reports.

* Re-issued for technical reasons.

B. Positive aspects

4. The Committee notes with satisfaction the establishment of the Committee for National Reconciliation tasked with developing, coordinating and implementing a programme for the process of national reconciliation.
5. The Committee appreciates the relevant statistical information on the composition of the population provided by the State party. The Committee welcomes the draft National Plan on Justice, Peace and Security as an important step in providing victims of violent crime with the right to claim compensation.
6. The Committee welcomes the draft National Plan on Justice, Peace and Security as an important step in providing victims of violent crime with the right to claim compensation.
7. The Committee welcomes the organization of several training programmes conducted at the Regional Police Training Department on the promotion and protection of human rights in the field of racial discrimination.
8. The Committee also notes with satisfaction the pilot education programme which has included African Heritage Studies, Citizenry, Family life and conversational foreign languages in several primary and secondary schools.
9. The Committee notes with satisfaction the country's high ranking in the United Nations Development Programme *Human Development Report*.

C. Concerns and recommendations

10. While welcoming the recommendation of the Constitutional Review Commission that gender be included in the Constitution as a ground for non-discrimination and the establishment of a Constitution Committee which has begun redrafting the Constitution with the intention of, inter alia, including a definition of racial discrimination which would protect individuals against discriminatory actions by private persons and entities, the Committee is concerned about the lack of a legal definition of racial discrimination in line with article 1 of the Convention in its domestic legislation.

The Committee recommends to the State party that it adopt a definition of racial discrimination that includes the elements contained in article 1 of the Convention.

11. While taking note of the establishment of the office of Ombudsman, the Committee regrets the absence of a national human rights institution set up in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex).

The Committee recommends that the State party consider the establishment of a national human rights institution, in accordance with the Paris Principles.

12. The Committee is concerned over the lack of social movements that promote integrationist multiracial values in the State party and in particular that the report was not made more widely available to civil society before it was submitted.

In the light of article 2 (e) of the Convention, the Committee requests that the State party create an enabling environment for integrationist multiracial organizations, and encourages the State party to maintain dialogue with civil society organizations.

13. The Committee expresses concern at the “invisible crypto-racism” mentioned in the report which arises as a result of the separation of black and white communities and which is rooted in social relations at the interpersonal level.

The Committee reminds the State party of its general recommendation XIX according to which de facto racial segregation can arise without any initiative or direct involvement by the public authorities. The Committee thus encourages the State party to monitor all trends which can give rise to such segregation, to work for the eradication of any negative consequences that ensue and to describe any such action in its next periodic report.

14. The Committee notes with concern that, due to its general character, paragraph 1 of the reservation by the State party affects the application of a number of provisions of the Convention, in particular articles 2, 4, 5 and 6. Furthermore, paragraph 2 of the reservation restricts the interpretation of a key provision for the effective application of the Convention, namely article 4.

The Committee recommends that the State party consider withdrawing its reservation and enact legislation to give full effect to article 4 of the Convention, as well as to provide for effective remedies according to article 6.

15. The Committee is concerned at the absence of any complaints of racial discrimination before the High Court since 1994 and at the fact that no complaint was ever submitted before the Police Complaints Authority.

The Committee recommends that the State party consider whether the lack of formal complaints may be the result of the victims’ lack of awareness of their rights, lack of confidence in the police and judicial authorities, or the authorities’ lack of attention, sensitivity, or commitment to cases of racial discrimination. The Committee requests that the State party include in its next periodic report statistical information on complaints lodged, prosecutions initiated and the outcome of cases involving racial or ethnic discrimination, as well as specific examples of such cases.

16. While taking note of the State party’s observation that education in Barbados is “socially guaranteed”, the Committee expresses concern that the right to education as well as other economic and social rights are not adequately protected in domestic law.

The Committee recommends to the State party that it ensure equal enjoyment of economic and social rights including the right to education contained in article 5 (e) of the Convention.

17. The Committee expresses concern at the closure of the Centre for Multiethnic Studies at the Barbados campus of the University of the West Indies which was tasked to research race and ethnicity in the Caribbean.

The Committee encourages the State party to consider reopening the Centre.

18. The Committee requests the State party to further clarify the situation regarding Amerindians in Barbados.

19. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention and urges the State party to consider doing so.

20. The Committee recommends that the State party continue taking into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on further action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

21. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee refers to General Assembly resolution 59/176 of 20 December 2004, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

22. The Committee strongly recommends that the State party ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention relating to the Status of Refugees.

23. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized. It further suggests introducing effective measures, including public awareness-raising campaigns about the Convention.

24. Pursuant to article 9, paragraph 1, of the Convention, and article 65 of the Committee's rules of procedure, as amended, the Committee requests the State party to inform it of its implementation of the recommendations contained in paragraphs 10 and 14 above, within one year of the adoption of the present conclusions.

25. The Committee recommends that the State party submit its seventeenth periodic report jointly with its eighteenth periodic report on 8 December 2007, and that it address all points raised in the present concluding observations.
