

*Doing good for
humanity without
religion*



**HUMANISTS
BARBADOS**

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HUMANISTS BARBADOS BACKGROUND INFO

- ¹ Humanists Barbados, established in October 2022, is a community of free-thinking citizens who actively create and share meaningful lives outside the traditions of religion. We are dedicated to education in science, history, and human rights and the promotion of humanism for a more fair and equal society.
- ² We endeavor to promote the key perspectives of Humanism which lend to a progressive and inclusive society. We strive to raise awareness within our society that humans without a traditional theistic worldview can live good and meaningful lives; and contribute to the advancement of the nation and advocate for social justice. We champion Freedom of Religion or Belief as the “litmus test of civil and political rights” and contend that... “When it is not respected, other human rights are not guaranteed either”¹.

EXECUTIVE SUMMARY

- ³ This report brings to light these issues with following recommendations to assist with the solution forward. This includes:
 - Equality and Non- Discrimination as it relates to LGBTI+ rights, gender, unequal pay, and health
 - Abolition of the Death Penalty
 - Abolition of Corporal Punishment
 - Freedom of Religion or Belief

Though there has been some change since the last Universal Periodic Review (UPR) in 2018, Barbados still has several issues to not just “note”, but to effectively implement the improved change in relation to human rights fulfillment to its citizens.

¹ Freedom of religion or belief is a litmus test of civil and political rights - <http://europeanpost.co/freedom-of-religion-or-belief-is-a-litmus-test-of-civil-and-political-rights/>

PAST RECOMMENDATIONS AND PROGRESS

Equality and Non- Discrimination

i. *LGBTI+ rights*

4. It was recommended to repeal the provisions that criminalize consensual homosexual relations, notably those contained in the Sexual Offences Act², and establish policies to combat discrimination, prejudice and violence based on sexual orientation and gender identity (A/HRC/38/12/Add.1 - Para. 5 - Iceland). This recommendation was noted. As such, the Sexual Offences Act 1992, Chapter 154, Section 9, continues to provide that “Any person who commits buggery is guilty of an offence and is liable on conviction on indictment to imprisonment for life” and establishes one of the most severe punitive measures for sodomy in the Commonwealth.
5. While the government has maintained that the ‘buggery’ law is not enforced in practice, it has also demonstrated a reluctance to abolish the law, citing religious, cultural and societal opposition³. The maintenance of the law serves to strengthen discrimination and stigma against LGBTI+ individuals. It has led to a number of other issues, including a historic lack of anti-discrimination laws and hate crime protections, and a lack of data and statistics on violence against LGBTI+ people. Anecdotally, LGBTI+ people in Barbados can feel relatively unsafe to live openly or show affection to their partners in public⁴.
6. Netherlands recommended that Barbados enact legislation that ensures protection from discrimination on the grounds of sexual orientation or gender identity in the areas of employment, health care and education (A/HRC/38/12/Add.1 - Para. 5). In August 2020, the Employment (Prevention of Discrimination) Bill, 2020 was passed, which outlaws discriminatory acts such as bias on the grounds of race, age, sexual orientation, marital status, and disability. However, it does not include or mention anything in relation to gender identity or discrimination against those with HIV/AIDS or other diseases. On the other hand, the Employment Act 2012 does note grounds for prohibiting the termination of employees with HIV/AIDS⁵. Employees are also empowered to appeal to an

² Sexual Offences Act 1992, Chapter 154 - <https://www2.ohchr.org/english/bodies/hrc/docs/ngos/lgbti2.pdf>

³ Human Rights of Lesbian, Bisexual and Transgender Women in Barbados: A Shadow Report - https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BRB/INT_CEDAW_NGO_BRB_27711_E.pdf

⁴ The Freedom of Thought Report (Barbados) - <https://fot.humanists.international/countries/americas-caribbean/barbados/>

⁵ Employment Rights Act, 2012 (2012-9) Section 30 - http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=94144&p_country=BRB&p_count=291

Employment Rights Tribunal if a formal complaint of discrimination within the workplace was not addressed satisfactorily.

ii. ***Gender equality***

7. There was also a call from Algeria for Barbados to “Strengthen gender equality and ensure equal rights and opportunities for women victims of converging forms of discrimination, particularly migrant women and women belonging to religious minorities” (A/HRC/38/12/Add.1 - Para. 5). This too was noted by Barbados. To date, there are currently no laws which stipulate equal pay for women who provide the same labour services as men. As such, they are often paid at a low rate to men⁶. Women are further prevented from working certain industrial jobs in the same way as men, in accordance with the Safety and Health at Work Act 2005, Sec. 73⁷.
8. The Barbados Citizenship Act, Cap 186 (amended 1982) still denies Barbadian women the ability to confer their nationality on children who are jointly adopted, unlike men. Barbadian women also cannot confer their nationality on foreign spouses, though the current Constitution of Barbados permits such for men.
9. The Employment Sexual Harassment (Prevention) Act was proclaimed in 2017, where employers had to ensure that they provided a policy against sexual harassment within six months of the act’s passing⁸. While the Act provides a sense of protection to those within the workplace, there is no such act for the general public. Though the common law can be used to provide remedies to persons who are victims of sexual harassment⁹, there is a need for affirmative legislation offering women protection from forms of violence and harassment.

iii. ***Rights of Persons with Disabilities***

10. In 2018, Barbados supported the New Zealand position for Barbados to “Continue to seek parliamentary approval for the Persons with Disabilities Bill and take concrete steps towards its implementation” (A/HRC/38/12/Add.1 - Para. 3). UNESCO also recommended that Barbados review and amend the definition of discrimination in the Constitution in order to extend it to cover discrimination on the grounds of disability and health status. In response, Barbados launched an advisory committee to commence a

⁶ Gender Earnings Gaps in the Caribbean

<https://publications.iadb.org/publications/english/document/Gender-Earnings-Gaps-in-the-Caribbean-Evidence-from-Barbados-and-Jamaica.pdf>

⁷ Safety and Health at Work Act 2005 (2005-12 -

https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=92044

⁸ Explaining The Sexual Harassment Act -

<https://gisbarbados.gov.bb/blog/explaining-the-sexual-harassment-act/#:~:text=%E2%80%9CThe%20Sexual%20Harassment%20Act%20provides,the%20Act%2C%E2%80%9D%20he%20noted>

⁹ UN Women Caribbean Portal -

<https://caribbean.unwomen.org/en/caribbean-gender-portal/caribbean-gbv-law-portal/gbv-country-resources/barbados>

commission for “Improving the Lives of Persons with Disabilities”. This is expected to result in a draft policy and legislation by November 30th, 2022¹⁰.

¹⁰ Barbados launches advisory committee on persons with disabilities - <https://disabilityinsider.com/2022/06/10/misc/barbados-launches-advisory-committee-on-persons-with-disabilities/>

Abolition of the Death Penalty

11. In the 3rd cycle of the UPR, Uruguay recommended that Barbados Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/HRC/38/12/Add.1 - Para. 5).
12. In relation, Australia recommended that Barbados establish a formal moratorium on the death penalty, as a step towards the complete abolition of this practice (A/HRC/38/12/Add.1 - Para. 5). There has not been significant progress on these recommendations, however in January 2018 the Caribbean Court of Justice ruled that the mandatory death sentence was unconstitutional because it was in violation of the right to protection of the law as guaranteed by section (c) of the Barbados Constitution. Following this, Barbados passed the The Constitution (Amendment) Bill 2019 which no longer makes it mandatory for murderers to be sentenced to the death penalty¹¹.
13. As of December 2018, there are ten persons on Death Row and “all 10 are due to be resentenced now that Barbados has renounced the mandatory death penalty for murder and it looks likely that, after the facts in these cases have been reconsidered and a discretionary penalty applied, the number remaining on death row will be much reduced.”¹²

Abolition of Corporal Punishment

14. Barbados received recommendations in the 3rd cycle regarding the Abolition of Corporal Punishment. New Zealand recommended that Barbados take steps to address issues raised by the Committee on the Rights of the Child in 2017 with regards to the corporal punishment of children and continue its efforts to educate the population on the negative impact of such punishment (A/HRC/38/12/Add.1 - Para. 4). Brazil recommended Barbados outlaw the use of corporal punishment, especially in criminal and educational settings, in accordance with international human rights standards (A/HRC/38/12/Add.1 - Para. 5).
15. Barbados supported the following recommendations in the 3rd cycle:
 1. “Expedite the adoption of a Juvenile Justice Bill in order to inter alia outlaw the use of corporal punishment as a criminal sanction (Belgium)”

¹¹ “Not On Board” - <https://barbadostoday.bb/2019/04/10/not-on-board-3/>

¹² Sentenced to Death Without Execution - https://dpproject.wordpress.com/wp-content/uploads/2020/04/2809872v1_WSDOCS_-Sentencing-to-Death-Without-Execution-2020.pdf

2. “Take steps to address issues raised by the Committee on the Rights of the Child in 2017 with regards to the corporal punishment of children, and continue its efforts to educate the population on the negative impact of corporal punishment on children (New Zealand)”
 3. “Call on international technical assistance to review the legal framework in respect of certain traditional social attitudes and in particular corporal punishment, with a view to follow up on the recommendation 14 of the first cycle and 102.80, 102.81, 102.82, 102.83, 102.84, 102.85 and 102.86 of the second cycle (Haiti)”¹³.
- ¹⁶. There has been mixed public statements by state officials concerning corporal punishment in Barbados. In January 2018 Attorney General Adriel Brathwaite in conversation with United Nations Children’s Fund (UNICEF) Representative to Barbados and the Eastern Caribbean, Dr. Aloys Kamuragiye said he “believes the time has come to eliminate corporal punishment, he admits that greater discussion and dialogue are needed on the issue before it is accepted by society... We need to go to the churches and society and show them the alternatives... We need to socialize our people”¹⁴. On the other hand, in August 2019 Governor General Dame Sandra Mason supported retaining corporal punishment to help reduce deviancy among some of Barbados’ youth and said, “I don’t believe you should lash somebody to kill them, but a little smack here and there can’t hurt,”¹⁵.
- ¹⁷. Humanitarian Frank Peters noted in October 2021, “Of the thousands of religions in the world, not one condones corporal punishment against children, whether that is in the school, home, madrassa or wherever children are to be found. The Islamic religion, as one example, is strictly against the heinous barbaric practice. Maulana Muhammad Khan Sherani, Chairman, Council of Islamic Ideology (CII) in Islamabad, told the world media a while back that Islam strictly prohibits physical punishment of both males and females of any degree. One of the main sources for most of the corporal punishment suffered by children worldwide nowadays points to flaws in Christian teachings.”¹⁶

¹³ Country report for Barbados -

https://endcorporalpunishment.org/reports-on-every-state-and-territory/barbados/#_ftnref10

¹⁴ Commitment To Eliminate Corporal Punishment -

<https://gisbarbados.gov.bb/blog/commitment-to-eliminate-corporal-punishment/>

¹⁵ “Dame Sandra for corporal punishment” -

<https://www.nationnews.com/2019/08/06/dame-sandra-for-corporal-punishment/>

¹⁶ “#BTCColumn – Corporal punishment: an act of ignorance” -

<https://barbadostoday.bb/2021/10/15/btcolumncorporalpunishmentanactofignorance/>

18. Religious tradition or “veiled reference to the Biblical injunction that were one to spare the ‘rod’ (taken literally), then one would certainly ‘spoil’ the child”¹⁷ should not be allowed to perpetuate the violation of human rights of children. Humanists Barbados takes the stance of Justice Md. Imman Ali and Justice Md. Sheikh Hasan Arif, who outlawed corporal punishment in Bangladesh schools and madrasahs in 2011, describing corporal punishment as “cruel, inhuman and degrading treatment and a clear violation of a child’s fundamental right to life, liberty and freedom”.¹⁸
19. We also contend that Corporal Punishment is unconstitutional “15. (1) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.”¹⁹

Violations Specifically Regarding Freedom of Religion or Belief and Freedom of Expression

20. Freedom of Religion or Belief is protected under the constitution in the section - Freedom of conscience -19. (1) “Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience and for the purpose of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.”²⁰
21. However, although the Government “is in practice highly secular, symbolic trappings of state religion remain. The preamble to the Constitution proclaims that the people of Barbados “acknowledge the supremacy of God” along with “the dignity of the human person, their unshakeable faith in fundamental human rights and freedoms and the position of the family in a society of free men and free institutions.”²¹
22. There is significant social marginalization of the non-religious or stigma associated with expressing atheism, humanism or secularism²². Those who openly advocate for humanist values, human rights, and the importance of upholding freedom of religion or belief for

¹⁷ “Editorial: The End of Corporal Punishment?”

<https://www.barbadosadvocate.com/columns/editorial-end-corporal-punishment>

¹⁸ “Zero tolerance for corporal punishment” -

<https://barbadostoday.bb/2019/08/10/zero-tolerance-for-corporal-punishment/>

¹⁹ The Constitution of Barbados - https://www.oas.org/dil/the_constitution_of_barbados.pdf

²⁰ The Constitution of Barbados - https://www.oas.org/dil/the_constitution_of_barbados.pdf

²¹ The Freedom of Thought Report (Barbados) -

<https://fot.humanists.international/countries/americas-caribbean/barbados/>

²² The Freedom of Thought Report (Barbados) -

<https://fot.humanists.international/countries/americas-caribbean/barbados/>

all, including the non-religious, can face targeted criticism and harassment, including from prominent religious figures.

23. In November 2021, as part of discussions around constitutional reform, Humanists Barbados President Maachelle Farley called “for a sharp shift away from centuries of religious principles and dogma characteristic of colonialism as the country prepares to transition from a constitutional Monarchy to a parliamentary Republic...” Farley also stated that “Barbados has a secular Government and is home to diverse religious and non-religious populations...” and called for the removal of all references to God in the local law books, the elimination of ‘blasphemy’ as an offence, the scrapping of all forms of prayer in public schools, the abolition of capital punishment and corporal punishment and a full slate of Lesbian, Gay, Bi-Sexual, Transgender and Queer (LGBTQ) rights recognised²³.
24. This call from Humanists Barbados was met with much opposition from religious leaders. There was also negative response from the public with vilification and trolling online²⁴. Religious leaders suggested that “humanists are going to negatively impact the vulnerable youth in the most destructive manner” and that “There may be significant damage done to our morals, values and to our Christian culture already”²⁵
25. The threats received by Farley, and by Humanists Barbados, for the peaceful expression of some of her core beliefs as a humanist, represent not only a violation of the right to freedom of expression, but also the right to freedom of thought and belief. There is a risk that it may cause some to fear publicly identifying as a humanist, or expressing humanist views in public.

²³ “Humanists group: Remove references to God from law books, end school prayer, abolish capital punishment” -

<https://barbadostoday.bb/2021/11/18/humanists-group-remove-references-to-god-from-law-books-end-school-prayer-abolish-capital-punishment/>

²⁴ The Freedom of Thought Report (Barbados) -

<https://fot.humanists.international/countries/americas-caribbean/barbados/>

²⁵ Religious groups stoutly defend need to maintain country’s religious backbone -

<https://barbadostoday.bb/2021/11/19/religious-groups-stoutly-defend-need-to-maintain-countrys-religious-backbone/>

RECOMMENDATIONS FOR ACTION

Humanists Barbados on the Government of Barbados

26.

Equality and Non- Discrimination

- To decriminalize homosexuality as seen in the Sexual Offences Act 1992
- To pass the Employment (Prevention of Discrimination) Bill into law, with an amendment that includes equal pay for all genders, the acceptance of varying gender identities, and protection against those with HIV/AIDS or other diseases
- To amend the Constitution to provide equal rights as it pertains to conferring the nationality to an adopted child or foreign spouse
- To make law, the offence of sexual harassment outside of the workplace
- To mobilize and accelerate an act to prevent discrimination against Persons with Disabilities
- Intensify efforts to combat all forms of discrimination into line with international standards
- Legally remove the savings law clause from the constitution during the constitutional reform process to ensure Barbados can fulfill all modern human rights developments
- Complete the process of establishing a human rights institution in line with the Paris Principles

27.

The Death Penalty

- To immediately establish a moratorium on executions with a view to abolishing the death penalty, in line with UN General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008 and 65/206 of 21 December 2010
- To commute all death sentences to terms of imprisonment
- To ensure rigorous compliance in all death penalty cases with international standards for fair trial
- To ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
- To insert a clause in the new constitution guaranteeing the right to life in absolute terms

Corporal Punishment

- Repeal the provision in The Prevention of Cruelty to Children Act 1904 which confirms “the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child” (art. 4)
- Prioritize the abolition of Corporal Punishment in the Constitutional reform process to put into law that all forms of corporal punishment and other cruel and degrading treatment are unacceptable and illegal in any setting
- Prohibit corporal punishment in all alternative care settings without exception, including foster care, institutions, children’s homes, places of safety, emergency care, etc.
- Prohibit corporal punishment in all early childhood care settings (nurseries, preschools, crèches, children’s centres, etc.) and all-day care for older children (day centres, after-school childcare etc.).
- Provisions in the Education Act and Education Regulations authorizing corporal punishment in schools should be repealed and prohibition enacted in relation to all schools, public and private
- Repeal Provisions for “disciplinary” corporal punishment in the Reformatory and Industrial Schools Act 1926 and prohibit corporal punishment in all institutions accommodating children in conflict with the law

Freedom of Religion or Belief and Freedom of Expression

- Remove the reference to God from the constitution
- Repeal the Blasphemy Law
- Advance towards sensitization and a national policy on Freedom of Religion or Belief for all as a tool to combat all forms of discrimination
- Guarantee an environment in which minorities, including humanists, feel capable of expressing their fundamental beliefs and views without threats or retribution

ENDNOTES