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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Bahamas**

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## Introduction

1. The Bahamas is honoured to present its Report to the Third Cycle of the Universal Periodic Report (UPR) of the United Nations Human Rights Council (HRC) and welcomes the opportunity to share its achievements and challenges in protecting its human rights and fundamental freedoms. The Bahamas reinforces its belief that the protection, promotion and preservation of human rights are essential elements of social and economic development.
2. The Report was prepared in accordance with the General Guidelines for the Preparation of Information for the UPR and Human Rights Council Resolution 5/1 (18 June 2007), Resolution 16/21 (25 March 2011) and Decision 17/119 (17 June 2011). This Report will highlight the major developments that have occurred since the last review (2014–2017) and in the period of follow-up and implementation of the 48 recommendations that were accepted and considered.
3. Since the completion of the Bahamas' Second Cycle in 2013, there was a change in administration on May 7, 2017 by a national general election in accordance with the Constitution of the Commonwealth of the Bahamas (the "Constitution"). As evidenced by the strength of our democratic process and engaged citizens, the administrative change was a smooth and peaceful one as reported by the Commonwealth Observers Group and others invited by the former Government to assess the credibility of the electoral process.
4. The Government of the Bahamas (the "Government") has embarked on a journey of national transformation through *Vision 2040 National Development Plan of The Bahamas* (2015–2040) (the "Plan"). The Plan revolves around six (6) priorities.<sup>1</sup>
5. The Bahamas is one of the States farthest along in this process and has committed to present a report on Sustainable Development Goals implementation through the National Development Plan at the United Nations meeting in July 2018.
6. The women of the Bahamas have made a few landmarks since the second reporting cycle. In February 2016, the Department of Gender and Family nominated the first Bahamian Candidate to serve on the CEDAW Committee and in December 2016, the Bahamas had its first female Leader of the Queen's Loyal Opposition in the House of Assembly.
7. The Bahamas is pleased to report that in 2014 and 2016, through the mobilization of the Registrar General's e-services, our family islands in the archipelago were able to obtain certified copies of birth certificates, death and marriage documents. Residents can now retrieve these documents locally instead of having to incur the expense of travelling to the Capitol to engage in such transactions.
8. The Bahamas continues to be exposed to adverse impacts of climate change, especially natural disasters in the form of hurricanes. From the date of the second reporting cycle in 2013, the Bahamas has experienced three major hurricanes Joaquin in 2015, Matthew in 2016 and Irma in September, 2017. During each of these hurricanes the southern islands in our archipelago were severely damaged. Due to the consecutive experience of the hurricanes for the past three years, it has been virtually impossible for the islands to fully recover.
9. According to the United Nations Development Programme (UNDP), the Bahamas is regarded as a high human development country. The Bahamas ranked 58 out of 188 countries for human development with a score of 0.792 in 2015. Within the English speaking Caribbean, the Bahamas comes second only to Barbados, which ranked 54 with a score of 0.795 for 2015.
10. The Government continues to remain diligent in its drive to reduce crime and violence through community initiatives.
11. In June 2013, as a result of its request for technical assistance with the management of its reporting obligations under the International Conventions, the Bahamas agreed to be one of the States to participate in a Case Study, conducted by the United Nations Human Rights, Office of The High Commissioner. "National Mechanism for Reporting and

Follow-up”, is a study of State engagement with International Human Rights Mechanisms. The study was completed in 2015 and published in 2016. The purpose of the research study was to assist States parties and other actors to share knowledge, information and relevant good practices regarding national reporting and coordinating mechanisms and focused on the experiences of different countries in establishing a national reporting and coordinating mechanism for reporting to United Nations human rights bodies and following up the implementation of the decisions and recommendations of these bodies.

12. In February 2014, after the Bahamas requested technical assistance, a workshop and training were held on “The Reporting Process and Implementation of The United Nations Treaty Body System”. A total of 36 persons attended.<sup>2</sup>

13. The topics covered during the workshop were: Overview of the International Human Rights System, the Reporting Process, The Treaty Bodies-Bringing Human Rights Home, Individual complaints and inquiry procedures, Treaty Implementation, Mapping exercise prioritizing recommendations of treaty bodies, special procedures and UPR.

14. The Bahamas is pleased that its request for technical assistance has been granted in the form of opportunities of training their Officers. The Bahamas nominated four of their officers to be trained by the Office of The High Commissioner for Human Rights (OHCHR) Regional Workshop on the UPR, in July 2015, and in December of 2015, the Bahamas sent two of its officers to a OHCHR-sponsored Training of Trainers Programme for the English Speaking Caribbean Countries, Canada and the United States of America on the UN Human Rights Conventions. One of its officers was invited to speak and to be an expert and resource person at the Regional Workshop on the UPR held in Novotel Suva, Fiji in November, 2015.

15. The Bahamas is pleased that the Special Rapporteur on Trafficking in Persons visited in December 2013 and has since published a report. The Bahamas is also pleased that the Special Rapporteur on Violence against Women, its Causes and Consequences will visit in December 2017.

16. In an effort to address the effects of the Bahamas’ economy as a result of the global economic recession, the Government instituted Value Added Tax (VAT) in 2015.

## I. Methodology

17. The Bahamas reported in its second reporting cycle that the weekly inter-Ministerial Meetings were conducted to draft the Bahamas 2012 National Report, as well as consider the Bahamas’ implementation of Recommendations emanating from the Bahamas’ UPR Review in 2008. In preparation of this report, the Bahamas’ National Reporting Cooperation Mechanism (NRCM), chaired by the Office of the Attorney-General and the Ministry of Legal Affairs and whose deputy chair is the Ministry of Foreign Affairs, compiled the Report.

18. The NRCM<sup>3</sup> was formed in June 2015 with the following terms of reference:

Design a master framework for the scheduling, preparation and submission of the required reports for each treaty; To design a procedure for the delegation of recommendations forwarded by the Treaty Committees; To formulate a strategy for the implementation of the recommendations accepted to the responsible agencies; To determine and develop a monitoring device for the recommendations implemented and; To keep abreast with any human right violations occurring or that may be perceived to be occurring.

19. Also, in June 2015 the Migration Working Group (MWG), an inter-ministerial group with the representation of the Bahamas Red Cross and the Bahamas Civil Society was formed to assess the challenges the country faces with mixed migration; asylum seekers, refugees, stateless persons and irregular migrants. This MWG is chaired by the Office of The Attorney-General and Ministry of Legal Affairs and it has two deputies, one from the Department of Immigration and the other from the Office of the Attorney-General and Ministry of Legal Affairs.

20. The terms of reference for the MWG are to examine the Conventions and the Protocols that the Bahamas is party to that refer to the Status of Refugees, 1951 and 1967 Protocol respectively; to ensure the country is fulfilling its obligations; to review the UN Conventions on Refugees and Statelessness to determine the obligations and decide whether the country should sign onto them; to establish the extent of the issue of “statelessness” within the Bahamas; to evaluate the UNHCR’s 10 Point Plan in Action with a view of defining its response to adhere to its mandate and to participate in regional consultation and cooperation.

21. The MWG has worked to formulate a comprehensive approach to addressing asylum and refugee issues in the Bahamas. The current work of the MWG is focused on implementing Standard Operating Procedures for the Department of Immigration’s Refugee Unit. However the on-going work of the MWG intends to culminate with domestic asylum legislation for the Bahamas.

22. The Bahamas mobilized both of these groups to obtain information to draft the report. The representatives of the multi-ministries and civil society groups consulted their respective ministries and groupings to provide the necessary information.

## **II. Developments since the previous review**

### **A. Constitutional Reform Commission**

23. The Government, during its second cycle, reported that it had reinstated the Constitutional Reform Commission (the “Commission”) in August 2012. The Commission was given the mandate to present recommendations for Constitutional Reform by March 2013. A Constitutional Referendum on gender equality was held on June 7, 2016, pursuant to the Constitution. However, the referendum was defeated by a large margin.

### **B. International human rights instruments**

24. Through its participation in various international and regional institutions such as the United Nations (UN), the Caribbean Community (CARICOM) and the Organization of American States (OAS), the Bahamas continues to contribute to the development of international standards on human rights issues.

25. In April 2017, the Bahamas was pleased to submit to the Committee on the Elimination of Discrimination Against Women (CEDAW), its Sixth Periodic Report. The country has been invited to present the Report late 2018 to the Committee.

26. The Bahamas is pleased to inform that when it appears before the Human Rights Council for its Third cycle of the UPR, all of its outstanding reports will have been submitted.

### **C. The role of human rights in national legislation**

27. Where international human rights instruments have become integral features of the Bahamian political and social landscape, they have contributed to the development of national dialogue on the importance and necessity of respect for the fundamental human rights of all individuals.

28. The Bahamas recognises its challenges to harmonise the integration of its international obligations and national legislation; efforts are on-going to streamline the process. In an effort to facilitate national implementation of international Conventions and Treaties, the Government of the Bahamas conducts comprehensive consultations with Government and private stakeholders prior to, during and after ratification to ensure, insofar as possible, the successful coordination of international and national legislation.

## D. Legislation

### Domestic

29. The Bahamas in its previous report indicated that it was drafting legislation to improve the administration of justice, protection and guardianship of children, education, national health insurance, improved protection for the handicapped, emergency relief assistance, land and estate administration, industrial relations and immigration. The Bahamas is pleased to report that Legislation has been drafted and enacted in all of the categories mentioned:

- Justice Protection (Amendment) Act, 2014 – An Act to Amend the Justice Protection Act to create the offence of Obstruction of Justice in order to complete the Bahamas Obligations under the United Nations Convention Against Transnational Organization Crime, 2000 and for connected purposes.
- Early Childhood Care (National Standard) Act, 2014 – An Act to provide a standard for all Early Childhood Care Centres by establishing the requirement to apply for a certificate of registration.
- Sexual Offences (Amendment) Act, 2014 – Act to Amend the Sexual Offences Act to provide for a Sex Offenders Register and Registry.
- Correctional Services Act, 2014 – An Act to Provide the Modernization of the Law governing the custody and rehabilitation of inmates.
- Child Protection (Amendment) Act, 2014 – An Act making provision for the Appointment of a National Committee for Families and Children to implement the obligations under the Convention on the Rights of The Child.
- Value Added Tax Act, 2014 (19 September 2014 / 1 January 2015) – An Act to provide for the assessment and collection of value added tax on the supply and importation of goods and services in the Bahamas and the connected matters.
- Persons with Disabilities (Equal Opportunities), August 2014 – An Act to achieve equalization of opportunities for people with disabilities; to eliminate discrimination on the basis of disabilities; to provide rights and rehabilitation and habilitation of persons with disabilities; to establish the National Commission for persons with disabilities; and for connected purposes.
- Rehabilitation of Offenders (Amendment) Act, 2015 – An Act to amend the Rehabilitation of Offenders Act to provide for applications for Early Rehabilitation and the establishment of a Rehabilitation of Offenders Committee.
- Immigration (Amendment) Act, 2015 – An Act to amend the Immigration Act to provide for the publication of a policy on the exercise of Ministerial discretion; the establishment of an Immigration Reserve Corps; the establishment of a Detention Centre and for connected matters.
- Child Protection (Marco Alert) Regulations, 2016 – Makes provision that if there is reasonable belief that a child is missing or has been abducted or a child is in danger of serious bodily injury or death and there is descriptive information about the child that will assist in the recovery of the child, an alert is issued immediately by the Commissioner of Police.
- National Health Insurance Act, 2016 – An Act to Repeal the National Health Insurance Plan, to establish a National Health Insurance Authority to establish a National Health Fund and provide for matters connected thereof.
- Freedom of Information Act, 2017 – A Bill for an Act to give to the Public a General right of Access to Records held by Public authorities and to make provisions for incidental and connected purposes.

### **International**

30. The Bahamas is pleased to inform that subsequent to its last Review, the Government signed and ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) and enacted the Persons with Disabilities (Equal Opportunity) Act, 2014, which domesticates the CRPD. Enshrined in the provisions of the Act is the statutory body of the National Commission for Persons with Disabilities. This body is mandated to oversee and implement the provisions of the Act.

31. The Bahamas also ratified the Optional Protocols to the Convention on the Rights of the Child: the Optional Protocol on the Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, in September 2015.

### **Proposed domestic legislation**

32. The Government constantly reviews for the reform and enhancement of existing legislation and the enactment of new laws so as to remain in the forefront of countries advocating for the advancement of human rights practices internationally. The Government has under active review legislation to improve the provisions of law relating to the establishment of an Ombudsman and the offence of marital rape.

33. In preparation for the Bahamas' possible accession to the United Nations Convention Against Torture and the Rome Statute, the Government is in the process of a consultative review of the obligations under the Conventions inclusive of draft legislation.

## **E. Civil society**

34. Social development issues have taken on increased importance in the Bahamas. In response, successive Governments have engaged in discussions with civil society to address the abundance of social issues confronting Bahamian society. It has systematically addressed concerns relating to long-term social and economic development goals. The Government continues to promote the development of civil society by encouraging "town hall" meetings, radio talk shows and consultations on a wide range of issues impacting Bahamian society throughout its archipelago. Civil Society within the Bahamas has always been and continues to be entrenched in its social support structure.

## **III. Promotion and protection of human rights in the Bahamas**

### **A. Access to justice**

#### **Swift justice (Recommendation 92.56)**

35. In its second reporting cycle, the Bahamas indicated how the "Swift Justice" Initiative was established. At the time of the last report, the initiative was in its infancy stage and began to provide critical benefits to proactively identify and respond to the lack of performance or weaknesses in the system as well as strengthen transparency.

36. The Bahamas is pleased to provide statistics to illustrate the effectiveness of this initiative. In 2015, 232 matters were disposed before the Supreme Court. This was 114 more cases than in 2012. There has been a doubling in the rate of convictions compared to 2012, from 31% to 67% in 2016. The conviction rate for murder was 72%. The time for presentation of the Voluntary Bill of Indictment decreased from 344 days in 2012, to 68 days in 2016. Seven murder matters were concluded in 1 year of charge in 2015, and 40 matters were resolved in the same year as the accused was charged. In 2015 there was a decrease in the number of applications for bail.<sup>4</sup>

37. A Backlog Task Force was established to closely review all outstanding cases and make determinations on how they should proceed. Since 2013, the Office of the Attorney-General has made progress on tackling the backlog of criminal cases than at any time in the last two decades.

38. There are ten (10) criminal courts operating in the Bahamas Supreme Court. This represents an increase from six (6) courts in operation in 2012. All the courts are outfitted with internet and video conferencing capacity.

39. The Bahamas is pleased to report that it has established a Public Defender's Unit, a non-profit independent entity governed by a Board of Directors. The significance of this Office which opened on 19 January 2017, is that it is specifically dedicated to defending the accused, and easing the reliance on the crown brief system, this assures the defendants the protection of the law and equal access to justice and reduces the delay caused by the inability of defendants to secure counsel.

40. Witnesses out of the jurisdiction or in one of our family islands within our archipelago now routinely give evidence by video conference; saving money and eliminating delays. The Witness Care Division of case management operates under a new system of keeping in regular contact with witness and had a defined Witness Care Road Map.<sup>5</sup> Increased protections are in place for witnesses through new witness protection and witness anonymity legislation and policies.

#### **Family court (Recommendation 92.74)**

41. The Office of The Attorney-General and the Ministry of Legal Affairs continues to work on the particulars in establishing the Family Court. The principal aim of a family court system seeks to fill the gaps and inadequacies of the legal system as it relates to 'family law' matters. Such a system would recognize within its jurisdictional limits the needs of the local family, and would seek to develop an indigenous jurisprudence that is reflective of those needs. Another important feature of this specialised court is that it houses an Alternative Dispute Resolution Support Services component, through Mediation and Counselling Services, which creates a multi-door court system singularly located in the same building. This new improvement caters to the unique needs of our archipelagic nation. Additionally, the premises will enable easy access by all parties; the Court will sit so as to promote mediation rather than an adversarial approach. Counselling rooms will be available as will a "child friendly" space in the Court.

42. The Family Court System Committee has been working at locating an appropriate building to house the courts. This Committee continues to address the creation of special procedural tracks within a family court system so that, while a matter would be required to be initiated in a proper court, as prescribed by the Rules Committee, that matter or any part of it may be referred by the presiding judge to the court at another level along the track without the parties having to initiate a new application. These tracks would remain open in either direction until the matter is finally disposed of. The need for the creation of these special procedural tracks arises from an acute awareness that within the family court system there are ancillary matters in which parties find that the several issues in the same dispute require the intervention of different courts. It has been found expensive and inconvenient for parties to have to initiate claims in different courts for jurisdictional and procedural reasons.

43. Given this policy directive, such a court system would have an obvious multidisciplinary approach, seeking to incorporate both legal and social services into its daily operations, with its main objective being the prevention of the breakdown of the family unit and the protection of the welfare of the members of the family, especially children.

44. A Task Force was appointed to review over twenty (20) pieces of legislation, and the Rules promulgated thereunder, that relate to family matters, with a mandate to streamline and treat family matters as matters of urgency.

## **B. Racism (Recommendation 92.37)**

45. The Bahamas has been an ardent advocate in international struggles against racial discrimination for many decades. The example of peaceful racial co-existence which has typified life in the Bahamas since 1967 is evidence of the commitment of the people and of

successive Governments to eschew the racist practices of the past and to develop a country where people of all races, religions and ethnic origins live and work in harmony.

46. Article 15 of the Constitution provides that every person in the Bahamas is entitled to the fundamental rights and freedoms of the individual, whatever his race.

47. To date, there have been no reports of complaints on the basis of racial discrimination. The Office of the Attorney-General is responsible for liaising with several relevant Agencies to ensure, insofar as possible, exhaustive investigations if such complaints take place.

### **C. Children (Recommendations 92.27–92.29; 92.60; 92.62–92.63; 92.69; 92.88–92.90)**

#### **Legislation**

48. The Child Protection Act, Chapter 132 was enacted in October 2009 to provide for the care and protection of children and for related and consequential matters. Recommendations 92.27 to 92.29 of the Second Cycle report have been fully implemented by virtue of the Child Protection Act which was specifically guided by the Convention on the Rights of the Child (CRC). In particular, section 4(c) of the Act states that the child has the right “to exercise, in addition to all the rights stated in this Act, all the rights set out in the United Nations Convention on the Rights of the Child subject to any reservations that apply to the Bahamas and with appropriate modifications to suit the circumstances that exist in the Bahamas with due regard to its laws.”

49. Additionally, in a continuous effort to protect the rights of children, the Child Protection Act was amended in 2014 to provide for general powers of the court in relation to guardianship.

50. The 2014 amendment also provides for the establishment of guidelines for mandatory action rescuing children operation. Section 148A of the Act provides that, “Where a child is reported missing, and the Commissioner of Police is satisfied that the child is at risk of harm or death, he shall without delay cause mandatory action for rescuing the child to be issued which shall be referred to as a “MARCO ALERT”.” Further, section 148B of the Act gives the Minister responsible for National Security the discretion to make regulations providing for the protocols to be observed prior to and when an alert is issued. Such regulations were made by the Minister in 2016 by virtue of the Child Protection (Marco Alert) Regulations, 2016.

51. Recommendation 92.69 is a noted recommendation. The Child Protection Act, section 110 provides that the age of criminal responsibility for children is ten (10) years of age. The recommendation to increase the age of criminal responsibility is currently under active review within the Department of Social Services and the Office of the Attorney-General and Ministry of Legal Affairs.

#### **Policies/programmes**

52. The Government has taken a systematic approach to ensure that children’s rights are protected throughout the Bahamas. It has done so by establishing various Committees/Councils to promote, monitor and evaluate the provisions of the CRC.

##### *1. National Committee for Families and Children*

53. The National Committee for Families and Children (the “Committee”) was appointed by the Minister of Social Services pursuant to section 96 of the Child Protection Act. The Committee consists of governmental and non-governmental organisations concerned with the welfare of families and children.

54. The functions and terms of reference of the Committee are outlined in Article 97<sup>6</sup> of the Child Protection Act and include, inter alia, promoting, monitoring and evaluating the implementation of the Convention on the Rights of the Child and ensuring that the Government meets its national obligation as a party to the Convention.



55. In accordance with its functions, the Committee sought *inter alia* to promote, monitor and evaluate the implementation of the CRC. In doing so, the Committee held meetings with various stakeholders, including the Department of Public Health, the Ministry of Education, and the Ministry of Social Services, and has toured the juvenile section of the Bahamas Department of Corrections in an effort to monitor and evaluate the implementation of the CRC. Further, the Committee hosted a workshop in an attempt to promote public awareness of the CRC and the Act.

## 2. *The National Child Protection Council*

56. The National Child Protection Council is a government appointed committee whose chief responsibility is to ensure the protection of the rights of all children throughout the Bahamas. This is done through the collaboration of various government agencies using their resources to make the Council as effective as possible.

57. The Council started a national campaign called “I Gat Rights” to promote the Convention on the Rights of the Child using child-friendly terms.

58. Further, in 2016 the Council, in conjunction with the Department of Rehabilitative and Welfare Services of the Ministry of Social Services and Community Development, launched an interactive programme for junior and senior high students. Within the programme, students dialogued with the Minister of Social Services and Community Development in a one-on-one setting. The programme is geared to keeping informed of how the youth of today feel about life as Bahamian students, and determining what improvements should be made if necessary.<sup>7</sup>

59. Also, the Council launched the ‘Say No Then Go’ program. The program explains to children, in a child-friendly way, how to say no to child abuse. It helps children understand what sexual abuse is and it also helps them realize that there are persons in the community that are there to help them. The Government has toll free phone numbers for persons who want to report or are seeking help regarding child abuse.<sup>8</sup>

60. Another major initiative is the ‘Stop and Think’ Program. There is also a program by the Council that is geared toward parents, ‘Parenting With Dignity’ and the newest program ‘The Tell Me’ Campaign.<sup>9</sup>

61. The Council works with schools to launch their campaigns and trained guidance counsellors to carry the child protection message forward. In recent year the Council has focused on the Pinwheel Campaign, which presents a positive symbol for child protection.

### **Violence against girls**

62. In February 2016, the Government approved a national Strategic Plan to address Gender-Based Violence (GBV). The Strategic Plan addresses all forms of violence, as it relates to women and girls throughout the country. To date, the Department of Gender and Family Affairs has begun to implement GBV related activities in the Year 1 Implementation Plan of the Strategic Plan to Address Gender Based Violence. Activities in the implementation plan include prevention, response and accountability measures to combat GBV (including domestic violence) in the Bahamas. In April 2016, officials from the regional UN Women office sponsored a two-day session to, *inter alia*, familiarize key stakeholders, including senior government administrators, with the proposed results-based framework for the implementation of activities proposed in the plan.<sup>10</sup>

63. There is currently a draft Gender Based Violence Bill that addresses violence against women and girls.

### **Education and curricula**

64. The Government supports the efforts of all post-secondary persons who have the option to access higher education. Being fully cognizant that the area of higher education is diverse, the Government in so far as its resources permit, and with civic and corporate partnership seeks to make adequate provisions to support individual pursuits for lifelong learning and the sustainable development of the Bahamas and global community. In an effort to provide access to education, the Government has offered various scholarships.

Further, the Bahamas employs ‘Open Schooling’, which is complimented by Distance Education. Under the Ministry of Education there is Distance Learning Unit, Learning Resources Section which seeks to enhance education and provide education to all.

65. In regards to recommendation 92.89 of the Second Cycle report it should be noted that the Government offers compulsory and free education to all persons in the country between the ages of five to sixteen years without any racial, ethnic, national, religious or gender bias.

66. The Government fully understands that the funding of education is of central importance as it consumes a substantial amount of the country’s economic resources. The academic expenditure for the 2010–2015 academic years was between 13%–15% of public spending. It should be noted that some of the expenditure is used to promote human rights. For example, the Ministry of Education has a mentoring programme for all first year teachers entering the system. The programme sets out as one of its goals the improvement of the teaching profession through the exposure of best practices. The Mentoring Programme has as its backdrop principles from the Commonwealth of Learning’s Teacher Protocol and Eligibility. A component within this programme specifically emphasises the human rights of students and the activities and implications surrounding it. Teachers are presented with the legislation, namely the Education Act, Ministry of Education policy documents and other relevant literature that outline the rights, regulations and policies relative to the educational system in the Bahamas. For existing teachers in the system there are similar events that occur across districts and are put on by district offices (Recommendation 92.90 Second Cycle report).

67. Also, resources are expended to provide proper and adequate facilities and programmes for children with disabilities.

#### **D. Women (Recommendations 92.29–92.36; 92.38–92.44; 92.54; 92.56–92.62; 92.76; 92.87)**

##### **Domestic legislation**

68. Protection of fundamental human rights enshrined in the Constitution applies equally to men and women. Article 15 of the Constitution provides that every person in the Bahamas is entitled to the fundamental rights and freedoms of the individual, whatever his sex.

##### **International obligations**

69. The Bahamas has submitted its sixth cycle report on the Convention on the Elimination of Discrimination Against Women in April, 2017.

70. Further, in adherence to its commitments to eliminate discrimination against women the Bahamas has incorporated the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, otherwise known as the “Bangkok Rules”, as part of its programme to enhance the conditions of female detainees in the Bahamas Department of Corrections (recommendation 92.54).

##### **National machinery**

71. In 2016, the Bureau of Women’s Affairs was expanded into a Department of Gender and Family Affairs in order to ensure a more comprehensive, participatory approach to tackling the country’s social challenges while creating programmes to address education, training, employment and social justice for men and women, boys and girls.<sup>11</sup>

##### **Constitutional reform**

###### *1. Gender Equality*

72. Protection of fundamental human rights enshrined in the Bahamas Constitution applies equally to men and women. However, separate Constitutional provisions concerned

with the transfer of nationality from parent to children and to the award of nationality to foreign born spouses of Bahamian citizens accord privileges to Bahamian men that are not afforded to Bahamian women. Article 54(3) of the Constitution provides that the majority of electors qualified to vote for the elections of members of the House of Assembly take a vote in order to alter the relevant article that addresses the abovementioned issues. Therefore, in June 2016, the Government held a Constitutional referendum to address this issue of gender inequality, however, the referendum was defeated by a large majority and remains a challenge for the Bahamas (recommendations 92.40–92.44).

73. Despite this, successive Governments have developed and implemented gender-neutral policies relative to professional access to education, health, and social services and to employment. Women are prominently evidenced in all professions in the Bahamas.

## 2. *Discrimination*

74. The definition of discrimination is contained in Article 26(3) of the Constitution. It provides that “the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.”

75. The Constitutional Reform Commission made a recommendation to amend the definition of “discrimination” to include “gender” in its definition. This was one of the questions put to the electors during the referendum, however, the electors did not vote in favor of this amendment to the Constitution.

### **Marital rape**

76. The recommendations to criminalize marital rape are currently under review by the Office of the Attorney-General (recommendations 92.35–92.36; 92.61).

77. While the Bahamas does not have specific legislation dealing with the offence of marital rape, it has legislation that covers instances of marital rape; for example, the Domestic Violence (Protection Orders) Act, 2007 and the Matrimonial Causes Act.

78. The Domestic Violence (Protection Orders) Act, 2007 is a landmark piece of legislation revolutionising the intimate partner violence in the country. The Act provides a comprehensive definition of domestic violence, criminalizes stalking and harassment and empowers the courts to mandate intervention with abusers. Previously, the law governing the abuse of wives was set out in the Sexual Offences and Domestic Violence Act, Ch. 99.

79. According to Section 6 of the Matrimonial Causes Act 1979: “If a husband shall be convicted summarily or otherwise of an aggravated assault upon his wife, the court or magistrate before whom he shall be so convicted may, if satisfied that the future safety of the wife is in peril, and with the consent of the wife, order that the wife shall be no longer bound to cohabit with her husband [and] shall have the force and effect in all respects of a judicial separation on the ground of cruelty and such order may further make provision in respect to: the maintenance of the wife [and] the maintenance and custody of any children of the family”.

### **Gender-based violence**

80. The Department of Social Services, through the establishment of its Domestic Violence and Counselling Unit (DVCU) in 2014, has placed great value on the importance of helping victims of violence and their children through direct intervention and services. The Unit has not embarked on an official campaign to raise public awareness about violence against women, however, in November 2014, the Unit participated in a public exhibition hosted by the Department on the occasion of its 50th anniversary, and used the opportunity to raise awareness about intimate partner violence in the community. In February 2015, a representative from the Unit appeared on a local morning television

programme to promote the Unit's services and to make the public more aware of the laws to protect women from violence.<sup>12</sup>

81. In February 2016, the Government approved a national Strategic Plan to address Gender-Based Violence (GBV). The Strategic Plan addresses all forms of violence, as it relates to women and girls throughout the country.

#### **Gender equality global scales and ranks**

82. Statistically, the Bahamas ranks favourably on international standards of gender equality and empowerment. The Bahamas has a Gender Inequality Index (GII) value of 0.362 (compared to 0.332 in 2011), ranking it 77 out of 159 countries in the 2015 index.<sup>13</sup> Relative to an alternative composite index which seeks to measure gender equality, the Gender Empowerment Measure (GEM), the Bahamas has a GEM Global Index value of 0.729 and corresponding country ranking of 37, as of 2016. The country is ranked on the Economic Participation and Opportunity subscale as 3, with a score of 0.827. The Bahamas enjoys a number one ranking on the Educational Attainment and Health and Survival subscales. However, the country scores just 0.110 on the Political Empowerment subscale with a country ranking of 99.

### **E. Disability (Recommendations 92.10–92.11; 92.86; 92.91)**

83. The Government remains committed to addressing the needs of all persons in the Bahamas, and is especially cognizant of the need to supply provisions for persons with disabilities.

84. Pursuant to recommendations 92.10 and 92.91 of the Second Cycle report, the Bahamas signed the Convention on the Rights of Persons with Disabilities (CRPD) on 24 September 2013 and ratified on 28 September 2015. The Bahamas has not signed the Optional Protocol of CRPD.

85. Further, recommendations 92.11 and 92.86 of the Second Cycle report have been fully implemented. The Government of the Bahamas enacted the Persons with Disabilities (Equal Opportunities) Act, 2014 (Act No. 21 of 2014). The Act promotes the rights and equal opportunities for all persons with disabilities.

86. One of the key provisions of the legislation is to cause persons with disabilities to be treated equally and fairly when applying for or engaging in any type of employment. All businesses and employers are important stakeholders in helping to provide an inclusive environment for persons with disabilities. In doing this, businesses and employers are helping to protect the rights of persons with disabilities to live their full potential, achieve greater independence and contribute to national and economic development.

87. Section 14 of the Act states that:

(a) No person shall deny a person with a disability equal access to opportunities for suitable employment;

(b) A qualified employee with a disability shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as qualified able-bodied employees;

(c) Every employer having more than 100 employees shall employ not less than 1% of qualified persons with disabilities;

(d) The Commission shall provide a list of employable persons with disabilities and where such persons are not available for employment the Commission may issue to the employer, a certificate of exemption from the requirement.

88. Part V of the Act addresses education for persons with disabilities. Particularly, section 31 provides that the Minister responsible for Education, after consultation with the Commission shall ensure that:

(a) The special requirements of persons with disabilities are addressed when formulating and implementing educational policies and programmes;

(b) Learning institutions take into account the special needs of persons with disabilities with respect to the entry requirements, curriculum, examinations, auxiliary aids, and services including accessible formatting, use of school facilities, class schedules, physical education requirements and other relevant matters.

89. The Act also specifies the provision of accessibility to structures for persons with disabilities. An important component of the Act was the establishment of the National Commission for Persons with Disabilities. The Commission as a statutory body has the functionary responsibility of ensuring, among others, that all the provisions enshrined in the Act are implemented. One such provision is creating policies, regulations and measures to prevent discrimination that are intended to guarantee equal inclusivity of all persons with disabilities.

## **F. Migration (Recommendations 92.73; 92.92–92.98)**

90. Migration is a global phenomenon with individuals being willing to migrate, legally or irregularly, in order to improve their quality of life. Whilst the Government of the Bahamas acknowledges the need for temporary and long-term migration into the Bahamas to meet domestic labour needs, successive Governments have maintained that migration must be legal, standardised and designed first and foremost to meet the needs of the Bahamas and its citizens.

91. In the framework of Regional Solidarity with the Caribbean Programme, a new regional dialogue, the Caribbean Migration Consultations (CMC), were launched in 2016 with the support of UNHCR and IOM.

92. The Bahamas was the delegation that highlighted the need for developing rights-based migration policies as the foundation for comprehensive and effective management of mixed migration using a regional coordination platform to achieve this goal. The main priorities identified for further discussion under the framework of the CMC included the need for data collection, information-sharing, intelligence and analysis on migration-related issues. Also of priority are systematic Migration Policy Consultations, that would include periodic meetings of Chief Immigration Officers and would allow for innovative ways of information sharing and training; and regular sharing of best practices and capacity-building in the field of refugee protection, including consistent practices in refugee status determination (RSD).

93. The Bahamas hosted the *Second Caribbean Migration Consultations* on 4-6 December, 2017 with the participation of twenty Caribbean Countries. The discussions were primarily focused on issues relating to refugee protection. Brief discussions were also held on issues relating to statelessness.

### **Legislation**

94. The Immigration (Amendment) Act, 2015 was passed in June 2015, and served as a mechanism pending review of applications for citizenship to grant “Belonger” status to irregular migrants born to non-Bahamian parents who have no legal status in the Bahamas. To ensure accessibility by even the most indigent applicant, a nominal fee is attached to the “Belonger” application.

95. In September 2014, the Bahamas signed a Memorandum of Understanding (MOU) with the International Organization for Migration (IOM) to identify measures to assist and protect vulnerable migrants.

### **Public policy**

96. The Government introduced a policy in November 2014 that mandates that every person living in the Bahamas has a passport of their nationality with proof to legally reside in this country, among other restrictions, like the requirement for every foreign person

enrolled in schools, including children born in the Bahamas to immigrants, to have a student permit.

97. Although the policy was introduced in November 2014, the restrictions on school enrolment did not come into effect until the Fall 2015 school semester. However, according to the Minister of Immigration, all school administrators are to admit students and contact his office for any needed clarification as no Government should prohibit any student from maintaining their education due to an apparent immigration issue.<sup>14</sup>

98. The Minister of Education acknowledged the negative impact of the policy introduced in November 2014 on school registration and its contravention of both the domestic Education Act and the United Nations' Convention on the Rights of the Child (UNCRC). The Minister said that the Education Act is very clear, and prescribes that the Minister of Education shall provide all persons in the Bahamas an opportunity to receive an education and that the Government is urgently reviewing and discussing the matter and a new policy would be forthcoming.<sup>15</sup>

99. The Bahamas continues to be the recipient of large numbers of irregular migrants either seeking employment in the Bahamas or using the country as a transit point to the United States of America. The Bahamas has long informed the international community of its incapacity to effectively process the continued influx of irregular migrants, the majority of whom are from Haiti and Cuba. Moreover, to affect the smooth return of irregular migrants not qualifying for refugee status, the Bahamas has signed Memorandums of Understanding that govern the return of nationals from Cuba and Haiti, respectively.

100. The Bahamas has maintained a policy of detention and repatriation of irregular migrants. The policy applies to all irregular migrants irrespective of race, colour or place of origin. Notwithstanding its policy of detention and repatriation, all persons living in the Bahamas have free access to education, health care and social services without regard to their immigration status.

### **Refugees and detainees**

101. Undocumented and/or irregular migrants found in the Bahamas are interviewed by appropriately trained personnel from the Department of Immigration. In keeping with protocols developed in consultation with the United Nations High Commissioner for Refugees (UNHCR), persons found to have a well-founded fear of persecution upon their return to their country of origin have been granted refugee status or received assistance with relocation to a third country. Individuals who do not meet the standards of political refugee are repatriated to their country of origin. Every effort is taken by the Government to improve the efficiency of detention, interview and repatriation exercises connected to irregular migrants.

### **Haiti**

102. In June 2015, the Government of the Bahamas signed the Framework Agreement for Bilateral Cooperation between the Governments. The Framework addressed cooperation in the areas of technical assistance, trade and investment, migration and regularization. Similarly, a Memorandum of Understanding (MOU) for agricultural trade was also signed. The Government of the Bahamas remains committed to supporting Haiti in its endeavours to become a stable, social and economically secure nation.

#### *1. Repatriations*

103. The Bahamas Government continues to be challenged by the cost associated with housing and maintaining detainees as well as their repatriation. For the budget year 2017/2018, the Minister responsible for Immigration tabled that some \$400,000.00 had been added to the budget for the repatriation of irregular migrants, with a total of \$1.2 million. In the last five years, the Government has spent some \$7.2 million repatriating persons who have arrived irregularly. The Government spent \$900,000 in 2012; \$1.4 million in 2013; and \$1.6 million in 2014, with the total being \$1.4 million to date. The country has repatriated in that period in 2012 some 3,500 people, the next year 4,500 then 4,200 with an average between 3,500–4,500 persons a year. A large percentage of those are

Haitian nationals. Jamaicans, Dominicans and Brazilians also make up a large percentage of those repatriated.<sup>16</sup>

2. *Applications for permits*

104. The Department of Immigration receives a large number of applications for various permits every year. From January 2012 to present, some 115,323 permits have been issued, as a result of applications for homeowner's permits, permanent residents' permits, permits to reside, resident spouses or work permits. The largest percentage of those is work permits.<sup>17</sup>

**The Carmichael Road Detention Centre**

105. The Carmichael Road Detention Centre continues to improve the conditions under which detainees are housed in the Bahamas. Women detainees with children are kept in separate accommodations, in keeping with international standards. In 2014, the Department of Immigration (DOI) established a safe house for this purpose outside the Carmichael Road Detention Centre. There is a fully-equipped multi-family accommodation with adequate outdoor recreation space for children. The facility is administered by DOI and twenty-four hour security is provided by the Royal Bahamas Defence Force. There is a full-time social worker, cook, and janitor. The Bahamas Red Cross assists with donations of clothing, blankets, toiletries and miscellaneous items as necessary for the women and children.<sup>18</sup>

106. The Government continues to partner with private NGOs such as the Bahamas Red Cross and Salvation Army to facilitate the transmission of provisions and counsel to detainees.

107. The Department of Immigration works closely with the local UNHCR Officer, who established an office in 2015.

108. There has been construction of additional buildings at the Carmichael Road Detention Centre to alleviate housing and maintenance issues.

**G. Trafficking in persons (TIP) (Recommendations 92.70–92.73)**

109. As an archipelagic nation, the Bahamas encompasses 100,000 square miles of ocean, straddling major shipping lanes between the United States of America, the Caribbean and South America. Thus, the Bahamas, due to its porous borders has become a transit area for persons clandestinely migrating to the United States of America, particularly economic immigrants from Haiti and Cuba. The Government of the Bahamas has been constantly challenged by illicit transit into and through its borders. However, the Government cooperates with regional partners as mandated by international conventions and very specifically with the United States of America Government Agencies in joint and multilateral efforts to restrict the traffic of migrants, arms and drugs via the Bahamas.

**Legislation**

110. The Trafficking in Persons (Prevention and Suppression) (Amendment) Act, 2017 amends section 3 of the 2008 principal Act and provides for the establishment of the offences of organizing, engagement in or directing another person to engage in Trafficking in persons. This amendment is in keeping with the Trafficking in Persons Protocol that supplements the United Nations Convention against Transnational Organized Crime (UNTOC).

111. The Criminal Procedure Code (Amendment) Act 2017 deleted the definition of "indictable offence" (section 2 of the principal Act) and replaced it with a new definition that states that an "indictable offence" means any offence triable on information before the Supreme Court. Section 58 of the principal Act was also amended by an insertion immediately after subsection 7 which gave the Crown the right to commence trial summarily pursuant to section 213 of the principal Act or on information without any

reference to the magistrate for determination of the mode of trial. The Amendment also ensures that the penalty for trafficking would be greater as a Supreme Court matter.

112. The Trafficking in Persons (Prevention and Suppression) Act 2008, adopts the broad definition of “Trafficking in Persons” as set out in the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Girls, supplementing the United Nations Convention on Transnational Crime. This Act specifically prohibits trafficking in persons in all aspects, and is applicable to men, women and children.

113. The Bahamas has maintained its Tier 1 Ranking as a country who fully meets the minimum standards of the Trafficking Victims Protection Act’s (TVPA) minimum standards.

#### **Access to justice**

114. The Government’s anti-trafficking law enforcement efforts resulted in 11 new sex and labour trafficking investigations involving 37 potential victims, compared to 12 investigations involving 53 potential victims in 2015. Authorities also initiated one new trafficking prosecution in 2016, compared to three from 2015; however four prosecutions continued from previous reporting periods. Two new trafficking cases were initiated in 2017 with five being continued from prior investigations. Moreover, there have been two convictions thus far in 2017.

#### **Public policies and victim protection programmes**

115. The 2011 Inter-Ministry Committee on Trafficking in Persons (TIP Committee) continued its public awareness campaign and engaged in activities prior to World Anti-Trafficking Day, 30<sup>th</sup> July 2017. On 28<sup>th</sup> July 2017, 10,000 brochures were disseminated to the Bahamian public. The Brochures were disseminated in two languages: Creole and English. Both of the daily newspapers, the Guardian and Tribune, printed a National Trafficking in Persons Proclamation from the Prime Minister of the Commonwealth of the Bahamas. Members of the TIP Committee attended two radio shows – “Joining Hands for Help” on 25<sup>th</sup> July 2017 and “Let’s Talk Health” on 26<sup>th</sup> July 2017. Additionally, presentations on trafficking were held in various schools to raise awareness among school children of the danger and evils of human trafficking.

116. Prevention efforts also included increased coordination with NGOs and the formalization of the Department of Labour’s 2017-2019 Strategic Plan. Provisions were also made for anti-trafficking training for labour and immigration officials and the development of specific procedures for data collection and TIP victim care.

117. In 2016, the Government increased efforts to protect victims by implementing a formal victim-centered protocol and training for front-line TIP responders. The Government screened 37 potential victims, identified five victims – three sex trafficking victims, one labour and sex trafficking victim, and one labour victim. Victims received housing, medical, psychological, educational, legal, immigration, translation, and reintegration assistance.

118. The Government formalized its policy via the Department of Labor’s 2017-2019 Strategic Plan to raise awareness and advise foreign nationals of their labor rights, limits on recruitment fees, and prohibition against document retention, in addition to the current practice of sending letters to foreign nationals with work permits, which explain the definition of trafficking and advise employers of the prohibition against document retention. The Department of Labor raised awareness in the business community, distributed pamphlets about labor trafficking and workers’ rights, advised potential job seekers about potential fraud in the cruise ship industry, screened for indicators of trafficking when inspecting work sites, and identified a foreign national as a labor trafficking victim during the reporting period.<sup>19</sup>

119. The Government provided anti-trafficking training for immigration and labor officials, and its diplomatic personnel, including a rotation in the legal affairs office of the Ministry of Foreign Affairs and Immigration where officials participate in inter-ministerial anti-trafficking committee meetings. The Government also distributed trafficking



awareness-raising materials in consular reception areas. Awareness efforts were conducted and targeted potential clients of the sex trade. In its efforts the Government closed some sex trade establishments, and conducted random inspections of businesses, including strip clubs and bars, to identify and hold the owners of such establishments accountable.<sup>20</sup>

120. Child sex tourism is not considered a problem in the Bahamas and there were no investigations in this regard, although a special pamphlet on child trafficking was developed and tourism officials were trained in addition to the placement of anti-trafficking pamphlets in tourism information booths. The Government has developed general standard operating procedures for victim identification, protection and referral, as well as specific procedures for data collection and victim care, including referrals for medical or mental healthcare and terms of reference for research, and case management.<sup>21</sup>

## **IV. National priorities and commitments of the Bahamas**

### **New and emerging issues, including advances and challenges in that regard**

#### **Education**

121. The Department of Education has seen notable improvements in educational achievements since 2011 with 50.5% of students achieving grades of C or above in 2015 compared to 44.38% in 2011. The 2015 results represent a turning point in the education systems as for the first time, the average grade was a C. Further, there was evidence of the closing of the gender gap. While in absolute terms in 2015 more females received high grades, a larger percentage of males that sat exams achieved more favourable outcomes than females (53% and 47.1% respectively).<sup>22</sup>

#### **National development plan**

122. Vision 2040 is an initiative of the Government of the Bahamas, developed in partnership with the Inter-American Development Bank and in close cooperation with the College of the Bahamas, now University of the Bahamas, and the Bahamas Chamber of Commerce and Employers' Confederation. The Plan will be guided by extensive research, analysis and widespread public consultation aimed at addressing four main policy pillars: The Economy, Governance, Social Policy and Environment (Natural and Built). The Plan will include a comprehensive policy framework that will guide Government decision making and investment over the next 25 years.<sup>23</sup>

#### **Establishment of the Office of an Ombudsman**

123. The Office of Ombudsman will be created to provide a direct source of relief, where people have legitimate grievances due to the actions or inactions of Government or any agency of the Government.<sup>24</sup> The Government has recently indicated that a Bill establishing a first-ever Integrity Commission for the Bahamas (known as the Bill for An Act to Provide for the Establishment of A Body To Be Known as the Integrity Commission (Long Form)) will be among one of several bills to be tabled in the House of Assembly.

124. The Bill seeks to accomplish a number of objectives, among them, promoting and enhancing ethical conduct for Parliamentarians, Public Officials and other persons; to provide measures for the prevention, detection and investigation of acts of corruption; and to repeal the Public Disclosures Act and provide for matters connected therewith.

125. The Bills establishing the Integrity Commission and the Ombudsman Bill will be part of the proposed Anti-Corruption Package. The Ombudsman Bill is part of the Government's package that will introduce a system of recall for "non-performing Members of Parliament".<sup>25</sup>

**Persons with disabilities**

126. In 2013, the Bahamas signed the United Nations Convention on the Rights of Persons with Disabilities. Our country is committed to upholding and promoting international standards on how the issues of persons with disabilities are addressed. The Bahamas Persons with Disabilities (Equal Opportunities) Act 2014 was enacted to end discrimination against persons with disabilities as well as promote their rights to advance equal opportunities, amongst other provisions.

127. The National Commission for Persons with Disabilities is a statutory body that has been mandated to carry out the provisions of the Persons with Disabilities Act.

128. The Commission is comprised of 15 persons who represent the community of persons with disabilities and as well as a cross-section of stakeholders. The work of the National Commission for Persons with Disabilities is assisted and administered by the Secretariat of the Commission. The Secretariat is comprised of a team of full-time personnel who undertake the day-to-day affairs of the Commission.<sup>26</sup>

129. It is the intention of the Government to “appoint Disability Inspectors to assist with the monitoring and enforcing of the provisions of the Persons with Disabilities Act, particularly as Provision 21 of the Act will come into full effect on 31st December, 2017”.<sup>27</sup>

**Position of human rights defenders**

130. The Constitution of the Commonwealth of the Bahamas guarantees freedom of expression and opinion and human rights defenders in the Bahamas are accorded full respect and allowed to actively defend such rights without any restriction or hindrance by the Government.

**Health**

131. National Health Insurance (NHI) was introduced to the country and public health care facilities have been upgraded. The Government reaffirms that the fundamental premise of National Health Insurance is that eligible residents have equitable access to quality healthcare. The Government supports National Health Insurance but recognizes that the present roll-out model, which focuses on primary care services, does not address the significant health maladies our country presently faces. The Government will therefore extend the focus of NHI to secondary and tertiary health care.<sup>28</sup>

**Education***1. The University of the Bahamas*

132. The College of the Bahamas transitioned to the University of the Bahamas on November 11, 2016. An expectation of this shift would be a greater impact on the formulation of public research through research.

133. The University has created a Government and Public Policy Institute, which is “designed to encourage and support research on national and regional matters relevant to public policy creation and practice, the Institute will foster critical inquiry, discourse and engagement around national development and public policy matters through publications and other media, seminars, lectures and fora. The Institute will also provide consultancy and research services to agencies and ministries of the Government of the Bahamas as well as private entities based on national development goals and research priorities.”<sup>29</sup>

*2. Scholarship Programmes*

134. The investment in scholarships has been continued. From 2012 to 2015, the Government awarded a total of 2,319 scholarships to Bahamian students with 1,521 recipients being female, forming 65.6% of the total awardees.<sup>30</sup>

3. *Bahamas Agriculture and Marine Science Institute (BAMSI)*

135. The Bahamas Agriculture and Marine Science Institute was “launched in 2013 and is a key part of the Government’s overall plan to build a more modern and prosperous nation. At the centre of BAMSI is an 800-acre research and demonstration farm located in North Andros. Crop and livestock production began in 2014 and in the last two years, the total acreage under production has expanded significantly. Beyond Andros, BAMSI is creating opportunities for all Bahamians. The Institute is also rapidly expanding in The Family Islands, with offices established in Eleuthera, Grand Bahama, Cat Island, Abaco, Crooked Island and Mayaguana.”<sup>31</sup>

4. *National Training Agency (NTA)*

136. The National Training Agency Act (NTA) of 2013 allowed the establishment of the NTA which targets young persons aged 16-26 years and has since graduated more than six cohorts since its inception. The programme is designed to equip youth with skills to render them employable. For this effort, the Government of the Bahamas has established relationships with the private sector – wherein individuals in the programme receive practical training within a variety of fields. The majority of individuals enrolled in, and placed for employment as a result of, the training programme are female.<sup>32</sup>

5. *Marjorie Davis Institute for special education*

137. In 2015, the Government officially opened a first class state-of-the-art institute for special education. It is comprised of four major areas: Diagnostic and Consultative Services, Intervention Services, Training Services and Research. The institute services children with mild learning and developmental disabilities who represent the largest proportion of all students with disabilities here in the Bahamas. It is the perfect environment to properly diagnose and assess how our exceptional children learn and wherever possible, help them to be able to matriculate into to the regular school system<sup>33</sup>.

6. *National Accreditation and Equivalency Council of the Bahamas*

138. The National Accreditation and Equivalency Council of the Bahamas is a statutory body established under the National Accreditation and Equivalency Council of the Bahamas Act (Chapter 47A). The National Accreditation and Equivalency Council of the Bahamas is committed, through its principles and philosophy, to providing the public at large, affirmation of institutions, providing effective program and service based on agreed regulation accreditation to ensure that students receive a quality education and it holds the institution accountable.<sup>34</sup>

7. *National High School Diploma programme*

139. In an effort to ensure that all students have an opportunity to do this, as well as to graduate, it is the Ministry’s desire to see more students qualify as graduates from high school. The Ministry has therefore introduced a new initiative to assist students with qualifying to graduate. This program is called the Bahamas High School Diploma (BHSD), which was implemented in September 2014. The 2014 9th grade students were the first to graduate with a Bahamas High School Diploma (BHSD), which indicate that you have met a standard level of accomplishment during your high school life.<sup>35</sup>

## V. Challenges and constraints (Challenges which would require the support of the international community)

140. The principal constraints impacting the human rights environment in the Bahamas lie with the constitutional requirement for a referendum to amend provisions of the Constitution which discriminate against women.

141. The Bahamas continues to experience challenges with its capacity to enforce and report on the many Conventions and Treaties to which it is party. It is hoped that as the National Reporting Cooperation Mechanism (NRCM) evolves and when all of the

outstanding reports have been submitted there would be a more cohesive approach to the implementation and the monitoring of the recommendations.

### **Establishment of the Bahamas Department of Correctional Services (BDOCS)**

142. In 2013, the Parliament passed a law that replaced the Prison Act, which was seventy years old. While much of the previous legislation was retained, the Act was designed to bring the Institution up to 21<sup>st</sup> Century standards. During the last five years, there were infrastructural improvements, staff growth and development, agricultural development and reform and rehabilitative programmes for inmates. The Department is commencing its fifth year of transitioning from a punitive institution to a correctional service facility.<sup>36</sup>

143. The current number of inmates is 1,746 with 54 being female and 1,692 being male.

144. The Government has taken the initiative to hire a full time dietician. Currently, the dietician is being used from the Public Hospital Authority. Diet for inmates is similar to those of any normal household in the country.

145. Every inmate has access to medical care upon entry and any time a request is made. The medical services are currently being strengthened to meet special needs of inmates.

146. The number of courts at the Bahamas Department of Correctional Services (BDOCS) has been increased from one (1) to four (4) and three (3) soundproof booths have been installed so that the accused person may speak to his or her lawyer as if they are present at a court in bank Lane. This means that all matters up to a trial can be dealt with from the courts at BDOCS. Now the only people being brought down to the court every day from BDOCS ought to be the persons actually participating in a trial.<sup>37</sup>

### **Constitutional reform**

147. A principal constraint impacting the Human Rights environment in the Bahamas remains to be the constitutional requirement for a referendum to amend offending provisions of the Constitution. Another constraint would be the strong opposition of the citizenry towards the abolition of capital Punishment. It must be noted that the country established a Constitutional Reform Commission that delivered 242 suggestions to amend the Constitution.

### **Expectations of the State**

148. The Bahamas, supporting the Universal Declaration of Human Rights, accepts that the accession of the majority of States to international human rights instruments provides an important benchmark from which to measure the observance of human rights.

### **Capacity building**

149. The Bahamas having engaged in a long history of promoting, protecting and respecting human rights, are resolved to improving on the implementation of our human rights obligations and commitments, through our legislation, policies, training and programmes.

### **Requests for technical assistance**

150. The Government actively seeks and welcomes any technical assistance which may assist in the development and promotion of human rights in the Bahamas.

## Notes

- 1 i) Transparency, Accountability and Effectiveness in Government;  
ii) A Healthy Productive Workforce for a Modern World;  
iii) Enduring Citizen Security;  
iv) Community Revitalization;  
v) Inclusive Economic Growth through Empowerment, Business Climate Improvements and Diversification;  
vi) and A Sustainable and Resilient Environment.
- 2 Agencies that attended were representatives from: The Office of The Attorney-General, the Ministry of Foreign Affairs, The Department of Immigration, The Department of Social Services, Disabilities, Women's Bureau, Department of Labour, Department of Statistics, Bahamas Customs, Her Majesty's Prison, The Royal Bahamas Police Force. Two Non-Government Organizations; The Crisis Centre and Bahamas Civil Society.
- 3 The following agencies are presently a part of the NRCM: The Office of the Attorney-General and Ministry of Legal Affairs, the Ministry of Education, The Ministry of Foreign Affairs, The Department of Immigration, the Department of Social Services, The Department of Gender and Family Affairs, The Ministry of Youth, Sports and Culture, The Royal Bahamas Defence Force, The Royal Bahamas Police Force, The Ministry of Health, The Ministry of Agriculture, The Ministry of Education, The Registrar General's Office, The Red Cross and Civil Society, The National Commission for Persons with Disabilities, The Ministry of Tourism, The Department of Labour and the Department of Statistics.
- 4 The Office of The Attorney-General Annual Report, *Swift Justice*, 2017, page 18.
- 5 *Ibid.* page 18.
- 6 97. The functions and terms of reference of the Committee shall be as follows:
  - (a) promoting, monitoring and evaluating the implementation of the Convention on the Rights of the Child and ensuring that the Government meets its national obligation as a party to the Convention;
  - (b) promoting, monitoring and evaluating the implementation of the goals reached at the world summit on the Convention on the rights of the child;
  - (c) promoting public awareness on the national legislation affecting families and children and facilitating effective and efficient planning and coordination of efforts among and between nongovernmental organizations, service clubs, churches and other organizations involved in the provision of services for families;
  - (d) ensuring that the various institutions, communities and homes in the Bahamas understand and apply the standards of protection and care of children set out in this Act and regulations made hereunder and in the Convention on the Rights of the Child within their institutional, community or family setting;
  - (e) recommending and advocating to, and at different levels and institutions of the Bahamian society policies for:
    - (i) policies for the care, protection and maintenance of families and children in the Bahamas;
    - (ii) the contribution of resources from the international community and the local private sector.
- 7 Stirling Strachan (December, 2016), Child Protection Council Launches Interactive Programme. BIS <http://www.govnet.bs>
- 8 Freeport News (April, 2017) NCPC highlighting its "Say No Then Go" Program during Child Protection Month <http://thefreeportnews.com/>
- 9 *Ibid.*
- 10 CEDAW Sixth Periodic Report – The Bahamas (2017).
- 11 Matt Maura (November, 2016). Department of Gender and Family Affairs Established.
- 12 CEDAW Sixth Periodic Report – The Bahamas (2017).
- 13 Briefing note for countries on the 2016 Human Development Report – Bahamas.
- 14 The Tribune, 25th September, 2017.
- 15 Guardian Radio Talk Show – Real Talk Live 21st September, 2017.
- 16 2017/2018 BUDGET CONTRIBUTION BY THE HON. BRENT SYMONETTE, M.P., AND MINISTER OF FINANCIAL SERVICES, TRADE AND INDUSTRY AND IMMIGRATION, 20TH JUNE, 2017.
- 17 2017/2018 BUDGET CONTRIBUTION BY THE HON. BRENT SYMONETTE, M.P., AND MINISTER OF FINANCIAL SERVICES, TRADE AND INDUSTRY AND IMMIGRATION, 20TH JUNE, 2017.
- 18 CEDAW Sixth Periodic Report – The Bahamas (2017).
- 19 USA State Department – Trafficking in Persons Report June 2017.
- 20 *Ibid.*
- 21 *Ibid.*

- <sup>22</sup> CEDAW Sixth Periodic Report - The Bahamas (2017).  
<sup>23</sup> <http://www.vision2040bahamas.org/about.html>  
<sup>24</sup> Speech from the Throne May 24, 2017.  
<sup>25</sup> BAHAMAS INFORMATION SERVICES - Bills Establishing Integrity Commission, Office of Public Prosecutions High on House Agenda By Matt Maura.  
<sup>26</sup> <http://www.disabilitiescommissionbahamas.org/index>  
<sup>27</sup> Excerpt from the Speech from the Throne May 24, 2017.  
<sup>28</sup> Excerpt from the Speech from the Throne.  
<sup>29</sup> <http://www.ub.edu.bs/academics/institutes/government-public-policy-institute/>  
<sup>30</sup> CEDAW Sixth Periodic Report – The Bahamas (2017).  
<sup>31</sup> <http://www.bamsibahamas.com/>  
<sup>32</sup> CEDAW Sixth Periodic Report - The Bahamas (2017).  
<sup>33</sup> <http://www.19ccembahamas.com/single-post/2015/06/17/The-Marjorie-Davis-Institute-for-Special-Education>.  
<sup>34</sup> <https://www.ministryofeducationbahamas.com/copy-of-examination-assessment-div>  
<sup>35</sup> <https://www.ministryofeducationbahamas.com/copy-of-bjc-timetable>  
<sup>36</sup> Bahamas Department of Correctional Services 2012 – 2016 Report.  
<sup>37</sup> Office of the Attorney-General (OAG) 2014-2017 Report.
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