Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Bahamas – 3rd Session – 2008
Date of review: 1 December 2008 – 3pm to 6pm

National Report

23. Domestic Legislation: The Parliament of the Bahamas from time to time enacts legislation to enhance the social and economic wellbeing of the people and to strengthen respect for the dignity of the individual. Examples of such legislation enacted include:
- Adoption of Children Act, Ch. 131
- Children and Young Persons (Administration of Justice) Act, Ch. 97
- Guardianship and Custody of Infants Act, Ch. 132
- International Child Abduction Act, Ch. 137
- Status of Children Act, Ch. 130
- Maintenance of Emigrants Children Act, Ch. 128

24. The Bahamas is a State Party to the following International Humanitarian Law and Other Related Treaties:
- Convention on the Rights of the Child

28. The Government has under active review legislation to improve the provisions of law relating to: the administration of justice, protection and guardianship of children, education, health insurance, improved protection for the handicapped, emergency relief assistance, land and estate administration, industrial relations, and immigration

31. The Bahamas is an independent democratic State; The Bahamas has been a responsible member of the international community since attaining independence in 1973. The Government of the Bahamas has signed/ratified/acceded to the following human rights instruments: 23. Domestic Legislation: The Parliament of the Bahamas from time to time enacts legislation to enhance the social and economic wellbeing of the people and to strengthen respect for the dignity of the individual. Examples of such legislation enacted include:
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- The Convention on the Rights of the Child

In 2005, the Committee on the Rights of the Child (CRC) recommended that the Bahamas ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict. While welcoming information that the reservation to article 2 of the Convention might be withdrawn, CRC called upon the Bahamas to do so. The Committee on the Elimination of Racial Discrimination (CERD) recommended that the Bahamas consider making the optional declaration provided for in article 14 of the Convention. CERD also noted with concern the vague and general statement that it will not accept obligations going beyond constitutional limits or the obligation to introduce a judicial process beyond those prescribed under the Constitution, and encouraged the Bahamas to consider withdrawing all the reservations it entered upon acceding to the Convention.

In 2005, CRC recommended expedited action to include children’s rights in the Constitution, to take further measures to ensure that existing legislation conforms with the Convention, and to ensure its effective implementation. CRC welcomed the adoption of the Status of Children Act in 2002 which, inter alia, abolished the distinction between children born in and those born out of wedlock, particularly in relation to intestacy, as well as the enactment of the Early Childhood Care Act 2004. CRC also noted with appreciation the adoption of the Inheritance Act in 2002, which makes provision for all children to have equal rights or entitlement in circumstances where property is distributed on intestacy.

5. CRC encouraged the Bahamas to develop and establish an independent and effective mechanism in accordance with the Paris Principles. This institution should be provided with adequate resources; be easily accessible to children; deal with complaints from children in a child-sensitive and expeditious manner; and provide remedies for violations of their rights under the Convention. CRC also noted the appointment of the National Child Protection Council.

6. CRC recommended the establishment of an inter-ministerial body with a strong mandate and sufficient resources in order to ensure effective coordination between all actors involved in the implementation of the Convention.

7. In 2005, CRC encouraged the Bahamas to increase its efforts to develop and implement, using a participatory approach, a comprehensive National Plan of Action for the full implementation of the Convention.

8. A 2004 UNICEF report informed about the Youth Empowerment and Skills Training program aimed specifically for young males who are more likely to be alienated from school if they come from poor socioeconomic circumstances. While noting the substantial budgetary allocation in social services and infrastructure, particularly in the areas of health and education, CRC recommended that the Bahamas pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups “to the maximum extent of...available resources and, where needed, within the framework of international cooperation”, using a rights-based approach.

9. CRC recommended that the Bahamas strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by adults and children alike, as well as the introduction of adequate and systematic training of all relevant professionals working for and with children.

10. CRC noted programmes and activities to sensitize parents to child abuse, such as parenting workshops and the Child Abuse Prevention Month, and the establishment of a National Child Abuse Hotline at the Department of Social Services in 1997.
11. Noting the significant steps taken to facilitate the establishment of non-governmental organizations, CRC recommended that the Bahamas consider a systematic approach to involving civil society through all stages of the implementation of the Convention, including with respect to civil rights and freedoms.24

20. CERD was also concerned that the Constitution contains discriminatory provisions on the rights of women to transmit their nationality to their children and foreign spouses and invited the Bahamas to continue its efforts to remedy such discrimination.43

21. CRC was concerned that societal discrimination persists against vulnerable groups of children, including those living in poverty and immigrant children from certain third countries and recommended that the Bahamas: strengthen, in the process of reforming the Constitution, the existing provisions on non-discrimination and ensure observance of the principle of non-discrimination in full compliance with article 2 of the Convention; adopt further appropriate legislation (e.g. a separate law on non-discrimination); and adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.44 CRC was concerned at the societal discrimination experienced by children with disabilities and that the Constitution does not prohibit discrimination on the grounds of disability, at the inaccessibility of buildings and transportation for them and the absence of an inclusive policy, and particularly that children with disabilities in less populated islands suffer particular disadvantage regarding access to services.45 CRC made recommendations in this regard.46

25. CRC recommended that the Bahamas: expressly prohibit corporal punishment by law in the family, schools and other institutions; and conduct awareness-raising campaigns to ensure that alternative forms of discipline are administered in a manner consistent with the child’s human dignity and in conformity with the Convention.51

26. CRC recommended that the Bahamas take the necessary measures to prevent child abuse, neglect and violence in and outside the family, inter alia, by: undertaking a comprehensive study on the scope and nature of child abuse and neglect; developing an effective reporting system with timely and adequate investigations and child-sensitive protection in order to bring perpetrators to justice; ensuring that victims of violence have access to counselling, and assistance with recovery and reintegration; strengthening further the capacity and role of the National Child Protection Council; and conducting awareness-raising campaigns to publicize the National Child Abuse Hotline.52

27. CRC expressed concern at the number of children involved in prostitution and child pornography, at the lack of specific data on this issue and of the lack of targeted measures to address it. CRC recommended that the Bahamas: undertake a comprehensive study on children involved in the commercial sex industry and use the data to design policies and programmes to prevent commercial sexual exploitation of children, including through the development of a National Plan of Action on Commercial Sexual Exploitation of Children, as agreed at the First and Second World Congresses against Commercial Sexual Exploitation of Children, held in 1996 and 2001; adopt adequate measures to combat child pornography; strengthen recovery and reintegration programmes for the victims; and train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute cases of sexual exploitation in a child-sensitive manner that respects the privacy of the victim.53

28. While recognizing efforts made by the Bahamas, CRC remained concerned at the incompatibility of the juvenile justice system with the provisions and principles of the Convention. CRC recommended that the Bahamas: raise the age of criminal responsibility from 10 years to an internationally acceptable level; ensure that the Children and Young Persons (Administration of Justice) Act reflects international juvenile justice standards; provide children with legal and other appropriate assistance at all stages of the proceedings; ensure that children who are detained or imprisoned are separated from adults; and improve training programmes on relevant international standards for all professionals involved with the system of juvenile justice.54

29. CRC urged the Bahamas to increase efforts to ensure the registration of all children at birth by conducting awareness-raising campaigns and establishing mobile registration units in remote and less populated islands. The Committee also recommended that children without birth registration certificates be given access to social services.55

30. CRC was concerned that so called “children with uncontrollable behaviour” can be placed in an institution at the parent’s or parents’ request and urged the Bahamas to provide parents and children with adequate knowledge, skills and support services and to review its legislation, practices and services with a view to eliminating the concept and expression of “uncontrollable behaviour” of children and to gradually prepare for “deinstitutionalization”.56

31. CRC welcomed efforts made to ensure payment of child maintenance, but was concerned at the rather large percentage of fathers who are defaulting on child maintenance payments. CRC recommended that the Bahamas carry out its plans to further strengthen the legal instruments for the enforcement of child maintenance orders, and continue and strengthen its international/bilateral cooperation with regard to the recovery of maintenance abroad.57

33. In 2005, CRC recommended that the Bahamas raise the minimum age for access to employment from 14 to 16 years in order to harmonise with the age at which compulsory education ends.59 CRC appreciated the progress made by the Bahamas in addressing the issue of child labour, including the adoption of the Employment Act in 2001, but was concerned at the relatively high prevalence of child labour and the insufficient protection from hazardous forms of work involving children between 14 and 18 years of age.60 CRC recommended that the Bahamas establish a definition of hazardous work, in conformity with the rules set out in ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and explicitly prohibit
the employment of children between 14 and 18 years in work that is likely to harm their health, safety and morals. CRC further recommended that necessary measures be taken to improve the effectiveness of the labour inspectorate and other forms of monitoring child labour in order to ensure full compliance with the rules of the Employment Act 2001 regarding working conditions for children from 14 to 18 years of age.61

35. CRC welcomed information regarding the steady reduction in infant mortality rates, the improvement in health-care delivery and legislation enacted in 2000 to regulate health professionals and health-care facilities. CRC recommended that the Bahamas take all necessary measures to reduce the gap in quality of health care between public and private hospitals by strengthening the role of the Public Hospital Authority.63 A WHO statistical database noted that in 2006, 99 per cent of births were attended by skilled health personnel.64

36. CRC was concerned at the high rate of teenage pregnancies and drug abuse among adolescents and recommended an increase in efforts to establish and promote adequate adolescent health services, including mental health and reproductive health services, as well as to take all necessary measures to prevent drug abuse and to provide therapeutic, recovery and reintegration services for drug abusers.65

37. CRC welcomed the various plans and policies to address HIV/AIDS and the fact that universal and free testing and treatment with antiretroviral drugs have resulted in a decrease in mother-to-child transmission, but remained concerned at the increasing incidence of HIV/AIDS among adolescents.66 A 2004 UNAIDS report mentioned that the Bahamas is among the Caribbean countries which have national HIV prevalence rates of at least 3 per cent.67 A 2004 WHO report informed that the introduction of antiretroviral therapy has been accompanied by heightened prevention successes, in addition to significant reductions in deaths (56 per cent reduction in deaths from AIDS, including an 89 per cent reduction in deaths among children). It also noted that the success of prevention efforts is also evident from the fact that mother-to-child transmission of HIV was reduced from 28 per cent to 3 per cent; there was also a 44.4 per cent reduction in new HIV cases, a 41 per cent decline in HIV prevalence rate among patients being treated for sexually transmitted infections, and a 38 per cent decline in HIV prevalence rate among pregnant women.68

38. CRC noted with appreciation that the largest share of the national budget is allocated to education and that primary and secondary education is free in public schools for all children in the Bahamas. CRC also noted that the PACE (Providing Access to Continued Education) Programme ensures that pregnant teenagers are given an opportunity to complete their education. CRC recommended that the Bahamas ensure that standards of education are maintained uniformly in all islands and include human rights education in the official curriculum at all levels of education.69

39. CRC also recommended that the Bahamas further strengthen efforts to bring dropouts back to school and to other training programmes. 70 According to 2007 MDG Info, the net primary school enrolment ratio increased from 89.3 per cent in 2004 to 91.4 per cent in 2005. The female net primary school enrolment ratio increased from 90.6 per cent in 2004 to 92.8 per cent in 2005, whereas the male primary school enrolment ratio increased from 88.1 per cent in 2004 to 90.0 per cent in 2005. 71 According to the 2008 UNESCO Institute for Statistics, the rate of primary school age children out of school increased from 9 per cent in 2005 to 12 per cent in 2006. The female rate of primary school age children out of school increased from 8 per cent in 2005 to 10 per cent in 2006, whereas the male rate of primary school age children out of school increased from 11 per cent in 2005 to 13 per cent in 2006.72

40. A 2006 UNESCO report noted that Bahamas is one of the countries which have achieved gender parity in primary and secondary education in 2002. 73 A 2007 UNESCO report mentioned that the percentage of trained primary teachers has increased by more than 60 per cent from 1999 to 2004.74 It further noted that growth in the proportion of trained teachers from 2002 to 2004 was paralleled by a decrease in absolute numbers of teachers, the latter trend leading to deterioration in the percentage of teachers required.75

43. CRC noted the challenges facing the Bahamas, namely the vulnerability to natural disasters which have impeded progress towards the full realization of children’s rights enshrined in the Convention.78 A 2007/2008 UNDP report mentioned that an increase in sea levels represents a risk to land area becoming submerged, and the intrusion of saltwater would compromise freshwater supplies.

45. With respect to the juvenile justice system, CRC recommended that the Bahamas seek international technical assistance from the United Nations Children’s Fund, the Office of the United Nations High Commissioner for Human Rights and other relevant regional bodies.81

**Stakeholders compilation**

4. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) indicated that corporal punishment of children is lawful in the home and in the schools. Under provisions for “justifiable force”, the Penal Code (article 110) allows a parent or guardian to “correct his or her legitimate or illegitimate child ... for misconduct or disobedience to any lawful command”, and states that “no correction can be justified which is unreasonable in kind or in degree”. The Penal Code states that delegation of a parent’s or guardian’s “authority for correction” is presumed in the case of teachers (article 110). 11

5. According to GIEACPC, in the penal system, corporal punishment appears to be unlawful as a sentence for crime under an amendment to article 118 of the Penal Code. There is however, no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions. 12 Corporal punishment is lawful in alternative care settings under article 110 of the Penal Code. A Child Protection Bill 2006 – intended to replace the Children and Young Persons A/HRC/WG.6/3/BHS/3 Page 3(Administration of Justice) Act – recognises children’s right “to exercise, in addition to all the rights stated in this Act, all the rights set out in the United Nations
these groups. Mexico recommended that the Second Optional Protocol to the International Covenant on Civil and Political Rights be
victims of trafficking in persons. In this context, Mexico asked which actions will be taken to protect and safeguard the human rights of
the detriment of minors, the excessive use of force by security forces, and the human rights of migrants, asylum-seekers, refugees and
recommended that the Bahamas consider the implementation of the Committee's recommendations.

Netherlands recommended that the Bahamas, as requested by treaty bodies, regularly report to them, and specifically to the Committee
on the Elimination of Discrimination against Women. With regard to women rights, the Netherlands recommended that the Bahamas
are party to the Convention on the Rights of the Child, and stated that consideration will be given to reviewing the age of criminality in the Bahamas as a part of ongoing legal reform.

15. In noting that the age of criminal responsibility in the Bahamas is 7 years, the delegation pointed out that it was a product of its
colonial past, which established that, in English common law, a person under the age of 7 could not be held liable for a criminal offence. The Bahamas considered that there is no domestic lobby to raise the age of criminality. However, children below the age of 18 who are sentenced by a court serve their sentences in juvenile residential facilities administered and managed by the Department of Social Services, not by the Prison Department. The death penalty cannot be imposed on a person whose age at the time the offence was committed was below 18. The Bahamas acknowledged that the age of criminal responsibility in many Member States has been increased following recommendations made by the Committee on the Rights of the Child, and that stated consideration will be given to reviewing the age of criminality in the Bahamas.

16. In commenting on corporal punishment, the Bahamas noted that, with respect to children, Bahamian law permits parents to use
 corporal punishment to correct a child under the age of 16 for misconduct or disobedience of a lawful command; it is also permissible for a parent to delegate such power of correction to a schoolmaster. The Bahamas considered that corporal punishment of a minor allowable by law does not amount to the sanctioning of child abuse, whereas physical abuse of a child is punishable under the law. In the Government-operated school system, corporal punishment may only be administered by a principal, vice-principal, senior master or senior mistress, and the Department of Education sets out very clear guidelines as to the limited circumstances when corporal punishment may be administered. The law permitting corporal punishment as a sentence from a court of law was repealed in 1984 but reinstated in 1991, and has only been imposed twice since. In the last instance, the sentence was of a 33-year-old man, convicted of burglary, attempted rape and causing harm to an 83-year-old woman. The delegation noted, nevertheless, the intention of the Government to once again repeal the law permitting corporal punishment for adults during the next legislative term. The Bahamas stated that, on 26 September 2008, it ratified the United Nations Convention on Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. It will sign the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights before the conclusion of the third session of the Working Group on the Universal Periodic Review. In concluding, the Bahamas stated that outstanding reports due to the Committee on the Elimination of All Forms of Racial Discrimination and the Committee on the Elimination of Discrimination against Women will be submitted by 31 December 2008 and that the report for the Committee on the Rights of the Child will be submitted early in 2009.

24. The Netherlands appreciated the answers to the written questions that it had submitted concerning discrimination against non-
nationals, reporting to the Committee on the Elimination of All forms of Discrimination against Women, violence against women and protection of children against physical abuse. It would welcome further information with regard to the written questions concerning the standing invitation to special procedures. The Netherlands recommended that civil society be sufficiently consulted in the implementation of the recommendations of the universal periodic review, and that the Government report on these consultations at the next round of the review. While welcoming the statement made in the national report in paragraph 32, it recommended that the Bahamas accede to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and in this regard consider concrete time frames. The Netherlands noted that, despite several positive developments concerning the rights of women, the Government still faces some serious challenges, specifically with regard to violence against women. The Bahamas is party to the Convention on the Elimination of Discrimination against Women, but its national report is overdue. The Netherlands recommended that the Bahamas, as requested by treaty bodies, regularly report to them, and specifically to the Committee on the Elimination of Discrimination against Women. With regard to women rights, the Netherlands recommended that the Bahamas ensure the full and effective implementation of the Domestic Violence (Protection Order) Act. With regard to the prevention of physical abuse of children, it pointed out the recommendations that the Committee on the Rights of the Child made in this respect, and recommended that the Bahamas consider the implementation of the Committee’s recommendations.

25. Mexico recognized the efforts to reduce the gender gap and the advancement in the empowerment of women. However, it expressed concern that this does not apply to all areas and in particular that women are unable to transmit their nationality to their children and foreign spouses. Mexico identified several other challenges facing the Bahamas, including corporal punishment for certain offences to the detriment of minors, the excessive use of force by security forces, and the human rights of migrants, asylum-seekers, refugees and victims of trafficking in persons. In this context, Mexico asked which actions will be taken to protect and safeguard the human rights of these groups. Mexico recommended that the Second Optional Protocol to the International Covenant on Civil and Political Rights be
26. The Czech Republic welcomed the adoption of the Domestic Violence (Protection Order) Act in 2007, which can serve as both a basis and a useful tool to fight violence against women, and asked for more details about its use, recommending its full and effective implementation. It stressed the importance of cooperation with international human rights bodies and mechanisms, and recommended that the Bahamas accede to, inter alia, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto. With regard to the rights of the child, it asked about measures taken to ensure compliance of national legislation with the provisions of the Convention on the Rights of the Child with regard to, inter alia, children of detainees and prisoners and the registration of children. The Czech Republic recommended that the age of criminal responsibility of children be raised. It also recommended that a standing invitation be issued to special procedures.

27. Germany welcomed the frank report of the Bahamas and the answers to the written questions. With regard to corporal punishment of children and the recommendations of the Committee on the Rights of the Child in this regard, Germany asked the Bahamas to elaborate on the distinction between corporal punishment and physical abuse in punishing children and the criteria when corporal punishment amounts to physical abuse. Germany recommended that the Bahamas abolish the death penalty. It also recommended that the Bahamas, as recommended by the Committee on the Rights of the Child, establish effective mechanisms in accordance with the Paris Principles, especially with regard to children’s rights, which are lacking in the Bahamas Constitution.

29. Brazil noted that significant progress had been achieved in areas such as the fight against racism, the promotion of gender equality and combating human trafficking. It noted the concerns of the Government to promote and protect human rights as essential elements of social and economic development. In the area of fighting discrimination, Brazil highlighted the adequacy of policies aimed at improving the social and economic living standards of its disadvantaged black majority. Brazil also stated that, although education receives the largest percentage of the Bahamian annual national budget, challenges still persist in key specific areas, such as migration and the rights of children. Brazil asked how the Government intended to address the concerns of the Committee on the Elimination of Racial Discrimination about the issue of undocumented migrants and asylum-seekers. Brazil recommended that the Government of Bahamas consider establishing a moratorium on executions with a view to abolishing the death penalty, in accordance with General Assembly resolution A/62/149, adopted on 2 February 2008. Brazil also proposed that the Bahamian authorities consider increasing dialogue with treaty bodies and special procedures.

31. Sweden recommended that the Government continue its efforts to promote gender equality and consider appropriate legislative changes, including criminalizing marital rape. It recommended that the Government continue, as a matter of priority, its efforts to prohibit corporal punishment of children as well as of adults, and allocate the resources necessary to allow the full implementation of the Convention of the Rights of the Child. Sweden also recommended that the Government continue its efforts to combat all forms of discrimination and consider specific measures to promote tolerance and non-discrimination on the grounds of sexual orientation.

32. Italy acknowledged with satisfaction the de facto moratorium on executions in the Bahamas since 2000 and recommended that the Bahamas, in the light of the increasing awareness of the international community on the matter, as reflected in the General Assembly resolutions adopted in 2007 and 2008, consider the introduction of a legal moratorium on the use of the death penalty with a view to abolishing capital punishment in national legislation. Italy also noted with concern that the Bahamas has one of the highest rates of reported rapes in the world and a very high incidence of domestic violence. In this respect, Italy recommended that the Bahamas take effective measures to address this serious social problem and reinforce its domestic legislation concerning domestic violence against women. Thirdly, Italy asked which measures the Bahamas intends to take to address the problem of child labour; it joined the Committee on the Rights of the Child in recommending that the Bahamas take the necessary measures to prevent child abuse and neglect, and increase its efforts to ensure the registration of all children at birth. Finally, Italy recommend that the Bahamas develop a national strategy for human rights education in the school system at all levels, in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education, including the review and revision of curricula and textbooks, the training of teachers and the practice of human rights in the school community.

34. In noting that the distinction between corporal punishment and physical abuse of children is clear, the Bahamas considered that corporal punishment is a reasonable act of discipline, while physical abuse of children is not permitted under Bahamian law. It is the intention of the Government to repeal the law permitting corporal punishment as a sentence by the court during the next legislative term.

38. China noted that a number of domestic laws include provisions improving people’s political and economic rights; at the same time, the Bahamas has actively and extensively participated in international, regional and specialized human rights treaty and cooperative mechanisms. China commended the Government for its determination in eradicating racial practices and for the progress made in promoting women’s and children’s rights. Women make up a large proportion in the Parliament and the Cabinet, and the ratings on the women’s rights index and the gender development index are among the world’s highest. Yet, in the 2002 referendum held in the Bahamas, an amendment to discriminatory provisions against women in the Constitution was not adopted. China asked for an explanation and whether the Bahamas plans to take further measures to amend the situation. It mentioned that the Bahamas has included women’s rights in the training programmes of branches of public departments. China asked about specific implementation measures and if the Bahamas had decided to seek technical assistance in human rights training, as well as what were the ideas and requests of the country on training targets, contents and methods.
39. Australia welcomed the ruling by the Bahamas Judicial Committee of the Privy Council that the imposition of mandatory death sentences contravenes the Constitution of the Bahamas. However, it noted that the Bahamas voted against a General Assembly resolution calling for a global moratorium on executions. Australia strongly encouraged the Bahamas to abolish the death penalty and immediately declare a moratorium on all executions. It further recommended that it accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights. Noting that the Bahamas does not have an independent national human rights institution, Australia recommended that such a body be established, in line with the Paris Principles. Australia noted that the Committee on the Rights of the Child has expressed concern at the number of children involved in prostitution and child pornography, and recommended that the Bahamas take a number of actions in this regard, including a comprehensive study on children involved in the commercial sex industry and using the data to design policies and programmes to prevent commercial sexual exploitation of children. Australia asked the Bahamas to report on what, if any, action has been taken to implement the recommendations of the Committee.

41. Argentina expressed concern that the Constitution does not ban discrimination on grounds of disability, that access to public transportation and buildings is difficult, and that there is a lack of inclusive policies for children, noting that all these questions were stressed by the Committee on the Rights of the Child in its concluding observations in 2005. Argentina suggested that the Bahamas consider the possibility of ratifying the Convention on the Rights of Persons with Disabilities. Furthermore, it recommended the adoption of necessary measures to comply with article 23 of the Convention on the Rights of the Child, and consider the possibility of ratifying the International Covenant on Civil and Political Rights.

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43. The Bahamas noted in response to the reference to child abuse and child prostitution made by several delegations that it did not accept that there is a grave problem of child prostitution. The Bahamas has recently passed new legislation criminalizing child pornography and passed legislation in November 2008 on trafficking in persons, which are important steps in the harmonization of its legislation with international laws. With regard to persons seeking political asylum, it is important to note that thousands of people transit through the Bahamas in an attempt to reach the United States of America and that many among them stop in the country to seek economic opportunities. When migrants claim international protection, the Department of Immigration investigates all matters in conjunction with UNHCR. The delegation noted that records show that the Bahamas has granted political asylum to 102 people over the years, which showed that the Bahamas respects its international obligations. With regard to the status of women, the Bahamas recognized the crucial role women play in its society and regarded allegations of gender discrimination as inconsistent. The Bahamas reported that women rights are protected, inter alia, through the Bureau of Women’s Affairs, which can consider allegations of discrimination. With respect to the question of the passage of citizenship of Bahamian women married to foreign men to their children born outside the Bahamas, this matter was the subject of a referendum in 2002, which was rejected. The delegation stated that, even though the referendum failed, the Government has taken several measures to ensure gender equality and to prevent discrimination against women. The delegation stressed that most of the constitutional provisions can be amended only through a referendum.

44. Bangladesh noted that the steady decline in infant mortality, improvements in the health-care system, the high rate of literacy and the status of women in society indicate the progress made in the implementation of human rights, particularly in economic, social and cultural rights. In many gender-related indexes, the Bahamas can be an example to many developed countries. Bangladesh appreciated that the Bahamas has allocated the largest share of its national budget to education, which has allowed free education for Bahamas citizens up to grade 12. Bangladesh noted, however, the concerns expressed by United Nations human rights bodies about the treatment of migrants and minorities. It was particularly concerned about the prevalence and involvement of children in the commercial sex industry and that the Bahamas has not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and suggested that it consider ratifying it. While noting the delegation’s response, Bangladesh recommended that the Bahamas consider undertaking studies on children involved in the commercial sex industry, factors luring or compelling them to engage in such crimes, and taking appropriate action. Bangladesh noted that the Bahamas is vulnerable to natural disasters and climate change. Bangladesh asked what the Bahamas expects from the international community to protect its people from imminent dangers of climate events and protect their fundamental human rights to such things as life, a livelihood, food, housing and health.1

46. Jamaica noted with appreciation that education receives the largest percentage of the national budget on an annual basis and, in particular, that all children residing in the Bahamas are granted free access to education from kindergarten to grade 12. Jamaica also commended the efforts of the Government to ensure the representation of women in decision-making positions in the political sphere and to strengthen domestic legislation to address and prevent trafficking in persons. Jamaica welcomed the statements that the Bahamas is in the process of submitting reports to the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child. Furthermore, it welcomed the fact that the Bahamas is in the process of acceding to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In terms of capacity-building, Jamaica supported the request of the Bahamas for technical assistance in human rights training and urged the international community and OHCHR to facilitate it.

48. Haiti congratulated the Bahamas on having provided free education to all children in public primary and secondary schools. Haiti expressed concern that undocumented persons who enter Bahamian territory are automatically detained and deported without judicial safeguards or right to appeal, and recommended that the Bahamas apply the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It also recommended the abolition of the death penalty and that a moratorium be immediately decreed with respect to all executions. It asked the Bahamas to put an end to corporal punishment in schools and in the home. Article 1.10 of the Penal Code needs to be revised. Haiti requested information on specific measures taken to address allegations of the use of excessive force by security forces, and also asked the Bahamas to provide an explanation for the high levels of reported rapes in the country.
51. The Bahamas thanked all the delegations for their support for the efforts of the Bahamas in the protection of human rights, and noted that its commitment in that area is entrenched in the Constitution. Over the last 35 years of independence, the Bahamas has made significant progress in the protection of human rights and development of its society. The delegation noted that all recommendations will be given full consideration. However, the Bahamas considered it important to note that the report of the Committee on the Rights of the Child did not suggest as a fact that there was widespread prostitution and that there are children involved in child pornography in the Bahamas, but commented on the lack of specific data on the issue. The delegation stressed that the Committee had asked the Bahamas to take measures to acquire data, but it did not suggest that the Bahamas is a haven for child prostitution or child pornography. To the extent these issues are a problem, the delegation assured that the protection of the child is the utmost concern. In this regard, the Bahamas recently passed legislation to make it an offence to possess and distribute child pornography; in addition, it has made trafficking in persons, especially children for the purpose of child prostitution, an offence. The delegation concluded by noting that the commitment of the Bahamas in this regard is unqualified, and that the protection of human rights is cherished by its people.

Conclusions and Recommendations

2. To consider the possibility of acceding to the other major human rights instruments, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Algeria, Slovenia, France) and the Optional Protocol thereto (Czech Republic); the International Convention for the Protection of All Persons from Enforced Disappearance (France); the Convention on the Rights of Persons with Disabilities (Argentina); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Algeria, Mexico, Haiti); the optional protocols to the various United Nations conventions on human rights (France); the Optional Protocols to the Convention on the Rights of the Child (Mexico); the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Bangladesh); to ensure that civil society is involved in the implementation of the outcome of the review (United Kingdom); and to report on these consultations in the next round of the universal periodic review (Netherlands);

7. To consider specifically with regard to the prevention of physical abuse of children the implementation of the recommendations of the Committee on the Rights of the Child (Netherlands); to take necessary measures, as recommended by the Committee on the Rights of the Child, to prevent child abuse and neglect and increase efforts to ensure the registration of all children at birth (Italy); to undertake a comprehensive study on child abuse in order to understand its scope and to suggest ways to prevent it (Canada, Australia); to take the necessary measures to implement article 23 of the Convention on the Rights of the Child (Argentina).

57. The recommendations below will be examined by the Bahamas. The response of the Bahamas to the recommendations will be included in the outcome report adopted by the Human Rights Council at its tenth session: