



**EQUALITY  
BAHAMAS**

## **Convention on the Elimination of All Forms of Discrimination against Women**

**88th Pre-Session Working Group  
Contribution to the List of Issues Prior to Reporting**

***Equality Bahamas*** is a feminist organization that promotes women's and LGBTQI+ people's rights as human rights through advocacy, public education, and community engagement.

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### ***A Note on Women in All Their Diversity***

Numerous forms of gender-based discrimination are raised in this report and, while they can affect all women, it must be noted that some women are disproportionately affected by specific issues. Women are diverse, and women who are LGBTQ+, Black, experiencing poverty, have disabilities, are migrants, are institutionalized, have addictions, and/or live in the Family Islands (rural) have different experiences and needs and are impacted differently by gender-based discrimination and gender-based violence. While they are not named in every section, it is our intent that they are centered in all recommendations.

### ***Articles 1 and 2: Discrimination and Policy Measures***

There is no definition of “discrimination against women” in Bahamian law. Article 26(3) of the Constitution of The Bahamas defines “discriminatory” with a list of specific identities including: race, place of origin, and political opinions.

In the 2016 constitutional referendum, 78.6% of voters were against amending the constitution to add “sex” to the prohibited grounds of discrimination. This was a result of a red herring issue—that non-discrimination on the basis of sex would lead to same-sex marriage.

Not only has the State refused to hold another constitutional referendum to amend the constitution to include sex in the prohibited grounds of discrimination, but it has failed to act on the 2018 CEDAW Committee recommendation to develop an action plan and timeline for a referendum. It has outright stated that it does not intend to make this effort.

At the 2023 Universal Periodic Review, the State noted all 14 recommendations on LGBTQI+ rights, including the issue of hate speech, overdue amendments to Article 26 of the Constitution to prohibit discrimination on the basis of gender and sexual orientation, anti-discrimination legislation, LGBTQI+ access to basic services including education, health, and justice, and protection of human rights defenders.

The State maintains its reservation on Article 2(a) which is integral and foundational to the Convention. It believes this exempts it from the expectation of compliance with it, contributing to its decision not to hold a constitutional referendum. It is unwilling to educate or engage the public on gender or the issue of gender-based discrimination. Not only has the principle of gender equality not been integrated into all laws, but the State actively avoids using “gender” and withdrew the years-old Gender-Based Violence Bill, instead passing a “Protection Against Violence” bill.

Laws that discriminate against women include the Employment Act, the Nationality Act, the Marriage Act, and the Education Act.

**Article 3: Guarantee of basic human rights and fundamental freedoms**

Access to justice continues to be impeded for women in The Bahamas. Police are often dismissive to women reporting cases of domestic violence and intimate partner violence, insulting them by suggesting they go back home and have sex with the perpetrators, or refusing to respond to a call from a familiar household.

The Government of The Bahamas has not undertaken any activities to raise women’s awareness of their rights. There have been no government-initiated or government-supported programs to inform women of their rights, provide details on human rights mechanisms, or connect women’s lived experiences with their basic human rights and fundamental freedoms or the resources and services in place to support them.

**Article 4: Special measures**

The Bahamas remains without a political quota. In the 2021 General Election, the two major political parties, each with 39 candidates, had 6 women candidates and 5 women candidates. Political parties are not committed to gender equality, and a political quota is necessary to ensure that they recruit and equitably support women as candidates.

**Article 5: Sex role stereotyping and prejudice**

Gender stereotyping is deeply ingrained in Bahamian society, and the State is not challenging it. Slavery, colonization, patriarchy, and religious fundamentalism have constructed gender in limiting, harmful ways that continue to result in gender-based discrimination, gender-based violence, and femicide.

The years-old Gender-Based Violence bill was expected to be passed in 2023. In the midst of “consultation” with nongovernmental organizations, the State instead passed the “Protection Against Violence” Act, which does not address gender-based violence, nor does it use the word “gender.” The Attorney General claimed “that a regime focused only on gender-based violence has the potential to be confusing, and a broader application to violence is more appropriate.” This is indicative of the refusal and unpreparedness of the State to educate and sensitize the public, and to publicly acknowledge and execute its mandate to protect and guarantee human rights.

<sup>1</sup><http://www.tribune242.com/news/2023/aug/03/ag-gender-based-violence-bill-was-potentially-conf/>

The Act, which the State purported to be incomplete in September 2023 at the adoption of the Universal Periodic Review recommendations, was passed months before and is not an alternative to the Gender-Based Violence Bill, as noted by several public figures . It does recognize gender-based violence as a particular type of violence that affects particular groups of people and, as a result, it does not name, count, or analyze any cases, including femicide. The Act does not fulfill the State’s obligation, and the Gender-Based Violence bill remains necessary, though in need of revision.

It is important to note that, in its response to recommendations in the Universal Periodic Review, the State said, “There has been no reported incidences of femicide in The Bahamas.” This suggests that the Government of The Bahamas does not know what femicide is, or it is intentional in not naming or counting femicide so as to feign ignorance in its international reporting. In September 2020, 30-year-old Alicia Sawyer and her ten-year-old daughter Ednique Wallace were murdered . Sawyer reported to police that her ex-boyfriend threatened to kill her. It was later reported that police “had several units all over the city trying to find this culprit” with no protection for her at her home, where he could and did easily find her . There are many other stories of women who did not get the help they needed from police . There is femicide in The Bahamas, and the State is complicit.

The marital rape bill has been stalled for months. In September 2022, a “symposium” was held, primarily for religious leaders . At this event, more than one dozen planned speakers gave presentations on their positions on the marital rape bill. Many of them were misogynistic and suggested that women do not have bodily autonomy, must “submit” to their husbands, and that women give irrevocable consent through marriage.

In January 2023, when asked when the marital rape bill would be tabled, the Minister of Social Services and Urban Development, who is responsible for the Department of Gender and Family Affairs, said he was waiting to meet with the Baptist church (separately) . He also said that the government should always “overconsult.” This attitude has led to unending “consultation” periods, dominated by anti-rights groups which stall processes as the government continues to prioritize them.

<sup>2</sup><http://www.tribune242.com/news/2023/jun/29/barnet-ellis-says-new-protection-against-violence/>

<sup>3</sup><http://www.tribune242.com/news/2020/sep/30/double-murder-family-well-see-justice-done/>

<sup>4</sup><https://ewnews.com/cop-police-were-searching-for-double-murder-suspect-ahead-of-killing>

<sup>5</sup><https://ewnews.com/woman-in-fear-after-alleged-attack-by-husband>

<sup>6</sup><http://www.tribune242.com/news/2022/sep/16/wilchcombe-hopes-consultations-done-early-next-yea/>

<sup>7</sup><http://www.tribune242.com/news/2023/jan/12/wilchcombe-marital-rape-law-consultation-done-week/>

Sensitization and public education on gender is a critical need that remains unmet in The Bahamas. The national media is attentive to certain religious leaders, the majority of whom repeat anti-rights rhetoric and incite violence against LGBTQI+ people. It does not sufficiently cover the human rights positions and uses headlines and quotes that sensationalize grave issues. Members of Parliament are rarely prepared to comment on issues of women's human rights, and when they do, often suggest that women are inferior to men, state harmful personal opinions, or minimize the importance of women's human rights and the responsibility of the government to guarantee, through legislation, policy, and programs, women's access to human rights.

The Government of The Bahamas is silent on human rights, particularly those of people in situations of vulnerability; including women, girls, LGBTQI+ people, and migrant people. It is necessary for the Government of The Bahamas to submit itself, inclusive of Members of Parliament, Cabinet Ministers, Senators, Permanent Secretaries, and Directors of all Departments, for gender training and sensitization on gender-based violence. It must also be advised of its responsibility to inform the public of its duty to protect and guarantee access to human rights and its necessary indifference to opinions that are stated in the attempt to curtail access to human rights.

The Bahamas has yet to implement a national gender policy (though it has been prompted to take action as a requirement for a loan in 2023). It has yet to implement the Strategic Plan to Address Gender-Based Violence, it does not have a plan to eliminate gender stereotypes, and it refuses to acknowledge that hate speech and hate crimes occur in The Bahamas, taking advantage of the lack of legislation on this issue and the failure of police to take such reports.

### **Article 6: Trafficking and Exploitation of Prostitution**

Sex work is work. It must be decriminalized, and it must not be conflated with the exploitation of prostitution. The criminalization of sex work increases the vulnerability of sex workers, especially transwomen.

To address trafficking, it is necessary for the State to acknowledge the porosity of the borders of the archipelago and the vulnerability this creates for women and girls moved through this chain of islands. As a tourist destination, it is imperative that all airports, marinas, and hotel staff are provided with mandatory anti-trafficking training so that they can identify victims and safely report incidents.

<sup>8</sup><http://www.tribune242.com/news/2023/may/04/breaking-privy-council-upholds-citizenship-ruling/>

### **Articles 7 and 8: Political and public life and Representation**

Women are 18% of parliamentarians. Following the general election of 2021, it was claimed that this was the highest representation of women; however, women were 20% of parliamentarians in 2002. The Senate of 12 currently has two women, and the Cabinet of 22 has five women. Women are not equally represented in political life, and women do not have equal opportunities with men to enter frontline politics.

In its response to recommendations in the Universal Periodic Review to strengthen women's equal political participation, the State said, "There are a very high percentage of women having leadership in public and political life."

This is an unacceptable, insufficient, and deceptive response. The State responded to the recommendation to set concrete goals and time frames for strengthening equal participation and to set targets for political parties to ensure increased participation in public and political life, with, "Women in The Bahamas are already participating equally in public life with their male counterparts."

The State's responses to the recommendations in the area of public and political life are incongruent with CEDAW and other commitments it has made. In the CARICOM (Caribbean Community) Statement Preparatory to CSW65, all Member States made the commitment to "create more enabling environments and institutional systems, eliminate violence against women in public life and strengthen the voice, agency, participation and leadership of women who face multiple and intersecting forms of discrimination, to reach equality in participation and decision-making in public life." The Bahamas has taken no action in this regard.

### **Article 9: Nationality**

Gender-unequal nationality law remains in The Bahamas, preventing women from passing citizenship to their children and their spouses. In 2016, a constitutional referendum was held to address the issue of married Bahamian women not being to confer citizenship on their children born abroad, married Bahamian women not being to confer citizenship on their spouses, and Bahamian men not being able to confer citizenship on their children born outside of wedlock.

On May 4th, 2023 the Privy Council ruled that children born to Bahamian fathers out of wedlock are Bahamian citizens. Before the ruling, the Attorney General claimed in the national media and at the Universal Periodic Review one day before the ruling that the rights of Bahamian mothers married to non-

Bahamian fathers would be addressed after the Privy Council ruling. The State has yet to address it.

In the Universal Periodic Review in 2023, multiple Member States recommended that The Bahamas amend the law to allow married Bahamian mothers to pass on citizenship to their children and address the issue of statelessness in children born in The Bahamas to foreign parents. In response, the government said it has no intention of amending the constitution. This discriminatory practice is imposed solely on Bahamian women.

#### Article 10: Education

There has been little progress in achieving the goals outlined in Article 10 and the 2018 Committee recommendations. There has been no acceleration in efforts to revise the Education Act and curriculum reform; much less to address gender inequality, even as gender has become increasingly debated in national affairs. Discourse regarding comprehensive sexuality education quickly devolves as the general public opposes any discussion of sex or sexuality in schools, and the State has failed to develop, promote, or sensitize people to the importance of such curriculum. Comprehensive sexuality education is a critical component in addressing gender inequality, gender-based violence, the spread of sexually transmitted infections, and child and teen pregnancy.

The devastation caused by Hurricane Dorian in 2019 complicated plans to improve access to education for girls from disadvantaged communities, particularly from the Family Islands. The Bahamas has yet to grapple with these educational setbacks. Strategies to address equipping girls and disadvantaged communities with access to quality education that includes civic education, comprehensive sexuality education, and gender equality have not been announced. Better comprehensive and accessible family planning needs to be available for Bahamians.

Similarly, efforts to remove barriers to access that women and girls face in nontraditional fields, such as science, technology, engineering, and mathematics (STEM) have been insufficient. Mentorship, career exploration, and career counseling are needed to support decision-making about careers. For students with disabilities, there has been an increase in the number of private schools offering inclusive education services. At the tertiary level, there has been progress in accommodating students on a case-by-case basis. There have, however, been no concerted efforts at the State level to ensure public institutions to become more accessible through resources such as assistive technologies, or mandating training for teaching and administrative personnel. There is a dire need for the State to formulate and execute a national campaign to inform and sensitize the public on gender inequality and its intersections with other issues and areas such

as disability. Women and girls need to be informed and have access to different scholarship opportunities.

### **Article II: Employment**

The 2019 United Nations Human Development Report stated that The Bahamas had a gender inequality index of 0.353, continuing its steady decline since 2000 from 0.387 and a gender wage gap of 30%, which is not being addressed. It is critical for the State to monitor and address gender-based disparities in employment, including pay. This is both an issue of undervaluing certain work considered unskilled and women being relegated to that kind of work, and women and men being paid differently for the same work, without a difference in qualifications or performance. The State can begin to address this with pay transparency and by using the data held by the National Insurance Board which collects contributions from all workers in The Bahamas.

In 2020, it was reported that radio personality Erin Reign was being stalked, sent threatening messages on social media, called at work, and had a rock thrown through the window of a car he thought to be hers. His threatening behavior continued, including waiting for her in the workplace parking lot. She was denied assistance by police, who said the stalker had not committed a crime. This is not an unusual occurrence. Perpetrators target the workplace, making it dangerous for people experiencing domestic violence, intimate partner violence, or stalking to go to work. The State has done little to intervene and police continue to minimize harassment, threats of violence, and acts of violence against women.

In November 2022, The Bahamas ratified the International Labor Organization Convention 190 on the Elimination of Violence and Harassment in the World of Work.

In 2022, the Ministry of Public Services adopted a temporary special measure to increase the participation of people with disabilities in the labor market. It launched the Professional Engagement Programme to provide paid training for persons with disabilities in The Bahamas. Notwithstanding the targeted effort of the ministry to encourage employers to hire employees with disabilities, there has been little success in employers retaining them once placement periods expired. This resulted in the discontinuation of remunerative work, and the program has been criticized for failing to provide professional development training that would equip individuals to seek and secure gainful employment.

The Employment Act (2006) does not prohibit discrimination on the basis of disability and is limited to persons with HIV/AIDS. The State has not yet ensured that women engaged in unpaid labor are eligible





for retirement, nor has it guaranteed the right to paid maternity leave for all pregnancies.

Three months of maternity leave is insufficient for childbirth recovery, bonding, adapting to parenthood, or breastfeeding for the minimum recommended period of six months. Research by Equality Bahamas found that most women felt uncomfortable returning to the workplace after three months, noting the infant's size, difficulty finding care for under six months, and the physical and emotional unpreparedness to return. Solely granting maternity leave perpetuates the societal expectation that women undertake all care work. Providing paid parental leave, accessible to both parents, will promote equality within the domestic sphere and support families.

### **Article 12: Health**

Women experience inequality within health services. Women hold the sole responsibility for taking care of children postpartum, which weighs on women's physical and mental health.

The need to prioritize mothers' health continues after entering the workplace. Returning to work, mothers need accommodations to support private and adequate lactation breaks. Research by Equality Bahamas found that many women stopped breastfeeding, even if they had planned to continue, after returning to work because of lack of accommodations and support.

Not only is abortion criminalized, but procedures such as tubal ligation may require a husband's signature. Women must have autonomy to make reproductive healthcare decisions. For Family Islands women, it is even more difficult to access healthcare. Family Island women experience late diagnosis of breast cancer, and have the costs of having to travel to give birth. The State must establish accessible healthcare facilities that address the specific needs of stateless and disabled women.

In The Bahamas, the age of consent is 16, but access to healthcare without a parent or guardian is at 18. This discrepancy is a health risk that needs to be amended.

### **Article 14: Rural women - Lauren**

There continues to be a lack of healthcare facilities in the Family Islands which puts the health of women and girls at risk. Women in the Family Islands must travel to another island to have mammograms, and the travel comes with the additional cost of airfare, accommodations (as



some islands do not have daily flights), and transportation. In addition, women are forced to leave their home islands in their third trimester to give birth in a hospital.

On Family Islands, communities are small and intimate. This makes it more difficult for women to report domestic violence and intimate partner violence. This is evidenced by the April 2023 report of a woman who traveled to another island to report a case of rape .

### **Articles 15 and 16: Law and Marriage and Family Life**

The State has yet to address the legal age of marriage, amending the law to ensure that the minimum age is 18 in law and in practice.

### **RECOMMENDATIONS**

- Engage nongovernmental organizations and technical experts on human rights and gender in the development of an action plan and timeline for a constitutional referendum, and hold a constitutional referendum to amend Article 26 of the Constitution to add “sex”—without using a binary definition which would exclude trans and intersex people—to the prohibited grounds of discrimination.
- Enact legislation on non-discrimination for the protection of people in situations of vulnerability including women, girls, LGBTQI+ people, people with disabilities, migrant people, and women in the Family Islands.
- Develop and execute an educational campaign on gender and gender-based discrimination.
- Use the existing draft review of discriminatory laws in The Bahamas to develop an action plan and timeline to make the necessary amendments to remove discrimination and protect against discrimination.
- Define and denounce discrimination against women.
- Provide mandatory training on gender and gender-based violence to all police officers who take reports by phone or in-person at police stations.
- Update, in collaboration with nongovernmental organizations and technical experts, and pass the Gender-Based Violence Bill.
- Amend the law to make the minimum age for marriage 18 in both law and practice.
- Provide gender and gender-based violence training to all Members of Parliament, Cabinet Ministers, Senators, Permanent Secretaries, and Director of Ministries and Departments on an annual basis.
- Update and implement the national gender policy.
- Update and implement the Strategic Plan to Address Gender-Based Violence.

<sup>9</sup><http://www.tribune242.com/news/2023/apr/17/mp-raped-and-assaulted-me-woman-says-politician-ch/>

- Establish statutory political quotas and create an enabling environment for women to participate in public and political life by promoting women’s leadership, addressing gender stereotyping whenever and wherever it occurs, denounce all acts of violence and harassment against women in public and political life, and develop mechanisms to support equitable sharing of domestic and care work.
- Provide scholarships for women and girls to pursue education in Science, Technology, Engineering, and Mathematics (STEM).
- Ensure that accommodations are made at all educational institutions at all levels for people with disabilities.
- Conduct gender equality training for all educators and employers to highlight the importance of gender equality and its connection to outcomes in education and employment.
- Complete the comprehensive review of all legislation to identify gender-based discrimination and set an action plan and timeline for reform.
- Decriminalize abortion in all cases.
- Implement policies to ensure that people 16 years and older can access healthcare without a parent or guardian.
- Equip all Family Islands with appropriate medical facilities and equipment to enable women to access all healthcare services including the ability to give birth on their home islands.
- Develop mechanisms for women in the Family Islands to report gender-based violence in safe ways and to access swift justice.