

**United Nations Human Rights Council
Universal Periodic Review: Bahamas**

Submission of Equality Bahamas and the International Center for Advocates Against
Discrimination (ICAAD)

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About Equality Bahamas

Equality Bahamas is a feminist grassroots organization that promotes women's and LGBTQ+ rights as human rights through public education, advocacy, and community engagement. It primarily works to end gender-based violence, inclusive of structural violence. It works toward legal reform for gender equality, practices feminist policymaking, and works with organizations and individuals to co-create peaceful, equitable, sustainable futures for all. Equality Bahamas has produced a guide for Commonwealth parliamentarians on engaging young people in legal reform, community-sourced and published recommendations to end gender-based violence, led the drafting of feminist COVID-19 policy guidelines, and hosts the monthly event series Women's Wednesdays which brings women together to discuss issues of personal, national, regional, and international interest, and connects gender justice with other thematic areas including climate, health, and economy.

About ICAAD

ICAAD is a human rights advocacy center working at the intersection of legal innovation and human-centered design to create evidence-based programs with multidisciplinary partners to combat structural discrimination. They see the law and design justice as crucial lenses in identifying and changing discriminatory systems. Guided by international human rights law, we locate and approach human rights violations by identifying pattern and practices of discrimination within various government and cultural systems.

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United Nations Human Rights Council
Universal Periodic Review: The Bahamas

INTRODUCTION

The Bahamas is plagued by gender-based violence which takes various forms including domestic violence, intimate partner violence, sexual exploitation of girls, gender inequality in the law, and lack of safeguards to protect against violence and discrimination. Women, girls, LGBTQI+ people, people with disabilities, and migrant people are particularly vulnerable to gender-based violence and human rights violations. Addressing this issue requires a feminist approach—centering the most at-risk people—and developing laws, policies, and practices that protect people, promote and expand their human rights, and create a peaceful, equitable world. International mechanisms are a critical tool for NGOs to hold governments accountable, remind them of their obligations, and point to specific actions that must be taken to move the country forward. This report focuses on gender-based violence and human rights violations that have been prevalent and gone without appropriate responses since the third cycle of the Universal Periodic Review.

Methodology

1. The information in this report is from firsthand experience of Equality Bahamas in its advocacy and monitoring in The Bahamas, news reports by reputable media outlets in The Bahamas, State reports to treaty bodies, and recommendations by treaty bodies to the State.
2. This report centered people in situations of vulnerability. They include women, LGBTQI+ people, migrants, people with disabilities, rural people (living in the Family Islands—outside of New Providence where the capital of Nassau is located), and people experiencing poverty.

GENDER-BASED VIOLENCE: MARITAL RAPE

General Issue Statement

3. In 2017, UN Special Rapporteur on Violence Against Women Dubravka Šimonović visited The Bahamas and reported that marital rape is the most pressing gender-based issues in The Bahamas.¹ She identified it as “a sign that something is deeply wrong.” Since then, public discussion about marital rape has come up every few months with government officials making noncommittal comments, refusing to provide a timeline for the criminalization of marital rape despite the fact that there were five recommendations in the previous UPR cycle calling for it.²

Supporting Examples

¹ Morgan Adderley, *Marital rape 'most pressing gender-based issue in Bahamas'*, The Tribune (Dec. 2017), <http://www.tribune242.com/news/2017/dec/15/marital-rape-most-pressing-gender-based-issue-baha/>.

² See recommendations 105.106, 105.105, 105.102, 105.101, and 105.99.

4. In 2018, a bill to amend the Sexual Offences Act was drafted, and it was rejected by Equality Bahamas as it failed to acknowledge that marital rape is rape. Instead of amending the definition of rape in Section 3 by removing “who is not his spouse,” it attempted to create a different category of sexual violence referred to as “aggravated spousal sexual assault.” A new bill has been drafted by the current administration, and numerous requests for the draft went unanswered for several months. While requests for the draft bill and the opportunity to participate in consultations were ignored, government officials announced plans to meet with religious leaders, making no mention of engagement with civil society.³
5. Equality Bahamas only received an invitation to the September 2022 “consultation” after making a public statement⁴ through the press about its communication to the government being ignored. The government must demonstrate interest in engagement civil society and, in particular, feminist organizations with technical expertise and track records of engaging in human rights education, international mechanisms, and legal reform.
6. The event held on September 15, 2022 was not a consultation, but was branded as a “symposium” with more than one dozen invited speakers, many of whom were religious leaders who oppose women’s human rights and used their allotted time to argue either that there is no rape in marriage, or that rapists should be treated differently when the victim is their spouse. There were no opportunities for nongovernmental organizations to present their positions or refute the dangerous ideology of the majority of speakers. To date, there has been no consultation. The Department of Gender and Family Affairs has been provided with copies of *A Guide for Commonwealth Leaders - Active Your Power: Engaging Youth to Reform Discriminatory Laws*⁵, developed by Equality Bahamas for the Royal Commonwealth Society and the Equality & Justice Alliance in 2019.
7. The government has failed to make clear its position on criminalizing marital rape by framing it as an act of violence, affirming the humanity of all women regardless of marital status, and acknowledging its obligations, made voluntarily, through international mechanisms such as Convention for the Elimination of All Forms of Discrimination against women (CEDAW). Instead, it continues to pander to religious leaders, seeking their approval and/or allowing their fundamentalist rhetoric to dominate public discourse.

³ Travis Cartwright-Carroll, *Minister to meet with church leaders to discuss marital rape*, The Nassau Guardian (Jun. 2022), <https://thenassauguardian.com/minister-to-meet-with-church-leaders-to-discuss-marital-rape/>.

⁴ *Activists demand consultation on criminalization of marital rape*, Eyewitness News (Aug, 2022), <https://ewnews.com/activists-demand-consultation-on-criminalization-of-marital-rape>.

⁵ Alicia A. Wallace, *A Guide for Commonwealth Leaders - Activate Your Power: Engaging Youth to Reform Discriminatory Laws*, The Royal Commonwealth Society (Sept. 2019), <https://www.royalcwsociety.org/research-reports?pgid=l8vpdgmc-df09930b-abd6-4b80-9824-0f15c505cddf>.

8. The criminalization of marital rape, by way of amendments to the Sexual Offences Act, has been postponed by successive government administrations which have blatantly stated that the issue is less important than others including financial bills.
9. Government officials have repeatedly made reckless statements, diminishing the issue. In March 2022, Minister of National Security Wayne Munroe said, “We better call it something other than rape.”⁶ He also said, “We would have to change our divorce law in two ways: If your spouse can withdraw consent for sex, then adultery ought no longer be a ground for divorce,” dangerously conflating rape with sex. He also supported the wrongheaded sentiment that the State should not have agreed, in international agreements, to criminalize marital rape, thereby undermining the process undertaken with treaty bodies and confirming the fears of the general public that international human rights standards are a “foreign agenda” and a threat to sovereignty.
10. On August 31, 2022, it was reported that, in a divorce case, a Supreme Court judge said, “The court accepts that rape is a most heinous act of cruelty and a malicious violation of a person.” She added, However, on a strict reading of the laws of The Bahamas, there is no rape in marriage. Pursuant to section three of the Sexual Offences Act, the law does not allow for one spouse to rape the other.” While the divorce was granted on the basis of cruelty, the news story sparked public debate about marriage, obligations of married women, and the legality of marital rape. Public commentary made it clear that married women are viewed as property, and the marital exclusion in the Sexual Offences Act is used as evidence that women are meant to be inferior to their husbands. The law, then, informs social behavior and is currently understood to support violence against women.

GENDER-BASED VIOLENCE: DOMESTIC VIOLENCE AND INTIMATE PARTNER VIOLENCE

General Issue Statement

11. Domestic violence is a broadly understood term and, while most people agree that it is wrong, there are still many people who make excuses for domestic violence in certain circumstances including infidelity and refusal to engage in sexual intimacy. Intimate partner violence is not a widely used term in The Bahamas, but these incidents occur in high numbers and need to be recorded and reported as such.
12. In a 2014 study⁷ conducted by The College of The Bahamas and The Bahamas Crisis Center, 58.1% of high school boys and 32% of high school girls said some women are to blame for abuse from their partners. Ninety-seven percent of boys and 86.7% of girls said

⁶ Travis Cartwright-Carroll, ‘*Call it something other than rape*’, The Nassau Guardian (Mar. 2022), <https://thenassauguardian.com/call-it-something-other-than-rape/>.

⁷ Nicolls, Donna & Smith, Camille & Dean-Patterson, Sandra & Deveaux-Stuart, Lindel & Mobley, Ingrid & Williams, Elizabeth & Pinder-Darling, Antoinette & Fielding, William. (2014). Attitudes of High School Students Regarding Intimate Relationships and Gender Norms in New Providence, The Bahamas. The International Journal of Bahamian Studies, https://www.researchgate.net/publication/276373788_Attitudes_of_High_School_Students_Regarding_Intimate_Relationships_and_Gender_Norms_in_New_Providence_The_Bahamas.

the man must be the head of the household. Gender stereotypes are deeply ingrained and have not been sufficiently challenged. The government has not taken any steps to address gender stereotypes, educate the public about domestic violence and the warning signs, or equip people with tools and resources to resolve conflict, access mental health services, and access safe housing.

13. Femicide is in the killing of a woman or girl because of her sex or gender. The Bahamas does not record these killings as femicide which makes it difficult to count them and get an accurate picture of this pressing issue in order to design effective interventions.

Supporting Examples

14. On September 20, 2020, 30-year-old Alicia Sawyer and her eight-year-old daughter Ednique Wallace were murdered. Sawyer had made a report to the police the day before the double murder. Then Commissioner of Police Paul Rolle said, “we had several units all over the city trying to find this culprit and in the midst of that...we suspect he returned and then we have which took place, which is sad.”⁸ It is not merely sad, but a travesty and embarrassment that the police failed to protect Sawyer by placing officers at her home.
15. Carissa Culmer used social media to request assistance in fleeing an abusive situation. She said she was living in fear for her life since a warrant for the arrest of the abuser was issued when he failed to appear in court.⁹ The person who was abusing her left threatening messages on her porch and continued to be active on social media. Culmer was invited “to attend a Senate session as [Senator Adderley’s] personal guest to bring awareness to domestic violence.”¹⁰ Still, Culmer did not receive the help she needed—specially mental health support—and by suicide, at the age of 25, in a motel where she was being temporarily housed in March 2022.

GENDER-BASED VIOLENCE: SEXUAL VIOLENCE

General Issue Statement

16. There are frequent reports of missing girls in The Bahamas, and the general response from the public is apathy alongside the belief that the girls are “bad” and have willingly absconded with men. This is despite the girls’ age and that they are unable to consent before the age of 16, and that the older men are knowingly committing sexual offences against children. In July 2020, then Commissioner of Police Paul Rolle said most of the

⁸ Sloan Smith, *COP: Police were searching for double murder suspect ahead of killing*, Eyewitness News (Oct. 2020), <https://ewnews.com/cop-police-were-searching-for-double-murder-suspect-ahead-of-killing>.

⁹ Khrisna Russell, *Carissa Culmer ‘lived in perpetual fear’*, The Tribune (Apr. 2022), <http://www.tribune242.com/news/2022/apr/05/carissa-culmer-lived-perpetual-fear/>,

¹⁰ Jasper Ward, *Alleged suicide victim’s message before death*, The Nassau Guardian (Mar, 2022), <https://thenassauguardian.com/alleged-suicide-victims-message-before-death/>.

missing people in the first half of the year were “adolescent females engaging in sexual intercourse”¹¹, again ignoring the illegal nature of the activity where adults are involved.

Supporting Examples

17. In one case in March 2022, a 40-year-old man who impregnated a 14-year-old girl pleaded guilty to five counts of unlawful sexual intercourse was sentenced to only four years in prison.¹² Shockingly, the Minister of National Security Wayne Munroe said the sentence was excessive. He said, “If you were to rape a virgin and if you were to rape a prostitute, both are rape, but you’re likely to be awarded a higher sentence for raping a nun than raping a prostitute.”¹³ Along similar lines, the Acting Director of Public Prosecuting Franklyn Williams said, “We have a generation of highly sexualized young people[...].” It is clear that the government is weak in its response to gender-based violence and fails to recognize the vulnerability of girls. CEDAW Article 5 obligates the government to eliminate gender stereotypes. This issue is not only in the general public and the Royal Bahamas Police Force, but at the ministerial level, and it needs to be addressed swiftly and strongly.

GENDER-BASED VIOLENCE: LGBTQI+

General Issue Statement

18. The government’s efforts to prevent gender-based violence and discrimination against LGBTQI+ individuals have long fallen short. In the last cycle, seven noted recommendations referenced the need to incorporate LGBTQI+ individuals into existing legal frameworks and to pass new legislation to ban discrimination on the grounds of gender identity and sexual orientation.¹⁴ The government’s continued refusal to acknowledge the human rights of LGBTQI+ people, leaving them to become victims or to seek asylum in other countries, must be challenged.

Supporting Examples

19. There is currently no explicit protection from discrimination for LGBTQI+ people on the basis of sexuality. In the Constitution, Article 15 on fundamental rights and freedoms names race, place of origin, political opinions, colour, creed and sex. Discrimination on the basis of sexuality is, in fact, discrimination on the basis of sex. It is, therefore, a violation of

¹¹ Royston Jones Jr., *COP: Most of 2020 missing reports linked to ‘adolescent sex’*, Eyewitness News (Jul. 2020), <https://ewnews.com/cop-says-most-missing-reports-linked-to-adolescent-sex>.

¹² Artesia Davis, *40-year-old man jailed after impregnating 14-year-old*, The Nassau Guardian (Mar. 2022), <https://thenassauguardian.com/40-year-old-man-jailed-after-impregnating-14-year-old/>.

¹³ Rachel Scott, *Munroe: Excessive sentence in sex case*, The Nassau Guardian (Apr. 2022), <https://thenassauguardian.com/munroe-excessive-sentence-in-sex-case/>.

¹⁴ See recommendations 105.22, 105.48, 105.47, 105.46, 105.45, 105.44, and 105.43.

fundamental rights and freedoms. The security of person, protection of the law, and freedom of expression of LGBTQI+ people must be explicitly protected. Importantly, the definition of discrimination in Article 26 names race, place of origin, political opinions, colour and creed, excluding “sex” from the list of categories otherwise identical to those in Article 15. Both Articles 15 and 26 need to include gender and sexuality to provide explicit protection for women, nonbinary people, and people of diverse sexualities.

20. The lack of hate speech and hate crime legislation renders LGBTQI+ people defenseless when they are violated and their safety and security threatened. It is difficult to make reports of threats and violence, and it is not unusual for police officers to laugh at victims and refuse to take their reports.
21. In 2020, Bahamian drag queen Anastarzia Anaquway, on the first season of Canada’s Drag Race, shared her story of being shot and fleeing The Bahamas, getting asylum in Canada.¹⁵ She said, “[...]’ve had so many friends murdered and shot in the face as they’re opening their front doors.” Following reports on the episode by Bahamian media, Anastarzia Anaquway received threats and was the topic of hateful, violent discussions. One social media user said, “If he comes back home drag queening, we will be shot again[...].” Not only is there no protection from threats of violence or violence that specifically targets LGBTQI+ people, but there was no response from any government official.
22. In September 2020, a major news outlet irresponsibly published the rant of a parent whose child attends Windsor School where a trans student is enrolled and wears the uniform she finds best suited to her gender.¹⁶ The parent said he was upset that parents were not notified that a trans student would be attending the school. The school did not respond to requests for comment, and the outlet published the story solely based on the parent’s comment, without information from gender experts. The trans-hostile news story spurred trans-hostility in public discourse, including on social media and radio talk shows, all of which are increasingly harmful when hateful rhetoric is shared as factual and/or moral. This media is also accessible to transgender children who are then exposed to violence and to cisgender children who are then taught to hate and harm. Again, there was no response from the government which is obligated to protect the human rights of all people. The Convention of the Rights of the Child sets forth rights afforded to all children including the right to freedom of expression and the right to education including respect for human rights and fundamental freedoms, and it obligates the State to protect children from all forms of violence.

¹⁵ Sloan Smith, *Bahamian drag queen receives hate attacks after sharing survival story*, Eyewitness News (Jul. 2020), <https://ewnews.com/bahamian-drag-queen-receives-hate-attacks-after-sharing-survival-story>.

¹⁶ Travis Cartwright-Carroll, *Some parents concerned over reports of transgender student at Windsor School*, The Nassau Guardian (Sept. 2022), <https://thenassauguardian.com/some-parents-concerned-over-reports-of-transgender-student-at-windsor-school/>.

23. In August 2022, the Royal Bahamas Police Force reported on sexual offence statistics. In this report, it included six reports of “unnatural male sex.”¹⁷ This is cause for great concern as The Bahamas decriminalized same sex sexual activity in 1991. The term “unnatural male sex” is offensive, that same-sex intimacy was reported to police and recorded by police is violent, and the reporting of this alongside acts of sexual violence deepens the stigma against LGBTQI+ people. Requests for clarification on the use of this term and its inclusion in the report on sexual offences sent to the Department of Gender and Family Affairs have gone unanswered to date.

GENDER-BASED DISCRIMINATION

General Issue Statement

24. In the last cycle, there were a number of recommendations responding to the persistent gender-based discrimination in the Bahamas.¹⁸ These recommendations included the need for improving legal frameworks. We reinforce the need for action on these issues and draw attention to two specific gaps: nationality law and parental leave.
25. Political representation continues to be a challenge for women in The Bahamas. In the general election of 2021, seven women won seats in Parliament and women now have representation of 17.9%—a long way from 50% which would reflect the population. Importantly, we call for the recruitment of women who are committed to advancing the rights of women and the achievement of gender equality.
26. The Bahamas has failed to support women human rights defenders. Following participation in the CEDAW review in October 2018, representatives of nongovernmental organizations including Equality Bahamas faced reprisals in the form of reckless, incendiary speech by a radio show host.¹⁹ When contacted by OHCHR, the government called the complainant advising her to report the incident to the police, but could not specify which law supported her and did not offer any further assistance. The government then made a false statement to the Human Rights Council that the complainant was satisfied with the outcome. The response of the government was insufficient and its mischaracterization of its response is unacceptable.

Supporting Examples

27. In 2016, a constitutional referendum was held in the attempt to amend Articles 8, 10, and 14 of the constitution to allow women to confer citizenship on their children and spouses equally to men and to allow men to confer citizenship on their children born out of

¹⁷ Leandra Rolle, ‘Startling’ rise in rape attacks, *The Tribune* (Aug, 2022), <http://www.tribune242.com/news/2022/aug/30/startling-rise-rape-attacks/>.

¹⁸ See recommendations 105.104, 105.103, 105.98, 105.95, 105.93, 105.91, and 105.90.

¹⁹ Human Rights Council (HRC), *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General* (Aug. 2, 2019), https://www.ohchr.org/sites/default/files/Documents/Issues/Reprisals/A_HRC_42_30.pdf.

wedlock. More than 60% of voters opposed the proposed amendments. As a result, women continue to have unequal rights in nationality.

28. Bahamian women married to non-Bahamian spouses do not automatically confer citizenship on their children born outside of The Bahamas; Bahamian men have this right, and it is automatic. Bahamian women also do not confer citizenship on their husbands while the spouses of Bahamian men have the right to apply. In addition, the children of Bahamian men, when born out of wedlock, do not have the right to Bahamian citizenship. These inequalities in nationality rights are destructive to families, limit opportunities, particularly for women who may wish to return to The Bahamas to live, work, and raise their children, make it difficult for women to leave abusive relationships since returning to The Bahamas is difficult when their children are not citizens, results in a loss of expertise and national income by contributing to brain drain, and increases the number of stateless children. Another referendum must be held, and the government must follow through on its promise to address the issue through The Bahamas Nationality Act in the interim.
29. The same 2016 constitutional referendum attempted to amend Article 26(4) on prohibited grounds of discrimination, specifically to add “sex”. The proposed amendment was opposed by the majority of voters and the government has not presented any other means by which this issue will be addressed. Another referendum must be held on this issue and, in the interim, the principle of non-discrimination on the basis of sex and gender must be integrated into legislation, including the Employment Act.
30. Gender inequality in the law contributes to gender stereotypes which impact women’s lives, limit their opportunities, and affect their outcomes. At present, national legislation only guarantees maternity leave for 12 weeks. This contradicts ILO Convention No. 183, which states that maternity leave should be a minimum of 14 weeks with a recommended duration of 18 weeks.²⁰
31. Paid paternity leave is recognized as a means of promoting gender equity in the home and the workplace. Importantly, amended legislation should include parental leave that is not exclusive to any gender so as not to reinforce gender norms and stereotypes about domestic responsibilities and to encourage the sharing of responsibilities between parents/guardians. The Bahamas has committed, through its ratification of the CRC (See Article 18) and CEDAW (see Article 5), to ensure that parents have common responsibilities, regardless of gender, in raising children.
32. Gender inequality persists in The Bahamas, even as people point to the high graduation rate of girls and high rate of tertiary education of women in the country which does not translate to higher income. UNDP’s 2020 Human Development Report²¹ stated a 32%

²⁰ Convention No. 183. Convention concerning the Revision of the Maternity Protection Convention (Revised), 1952, Article 4.1.

²¹ UNDP, Human Development Report 2020 The Next Frontier Human Development and the Anthropocene (2020), <http://report2020.archive.s3-website-us-east-1.amazonaws.com/>.

gender wage gap with men's income estimated at \$40,295 and women's income estimated at \$27,560. In 2018, the gender wage gap was 33%, so it is evident that progress is slow and must be supported and expedited by laws and policies. The 2020 Human Development Report noted that lack of data was a hindrance. The Employment Act mandates equal pay for equal work, but enforcement and evidence of this is not readily available. The government must collect and analyze the data necessary to determine whether or not the law is being kept, and this information must be made publicly available. The National Insurance Board has information, including positions held, hours worked, and wages received, on every legally employed person in The Bahamas and this can be used to make the assessment on equal pay.

DISCRIMINATION AGAINST PERSONS WITH DISABILITIES

General Issue Statement

33. The Persons with Disabilities (Equal Opportunities) Act of 2014 has still not been fully implemented. Three recommendations from the last cycle refer to ongoing gaps for persons with disabilities that include the implementation of existing legislation, the need for greater social protection policies, and better inclusion in the mainstream education system.²²

Supporting Examples

34. While many businesses have allocated parking spaces for people with disabilities, there are two pressing issues. The first is that most of the parking spaces do not have access aisles to facilitate dismount of mobility devices such as wheelchairs. The second is that the parking spaces are blocked with orange cones and have insufficient and/or unattentive staff so the cones cannot be moved unless an aide is able to exit the vehicle to make the parking space accessible.
35. Parliament remains inaccessible, in various ways, to people with disabilities. Sittings take place on the second level of a building with no elevator. There is no sign language interpretation and no other accessibility devices or services provided in the public gallery.
36. As the COVID-19 pandemic continues, some businesses still have some protocols in place including lines outside of their buildings. Among them are commercial banks with long wait times that do not consistently staff the single window serving senior citizens. Elderly people and people with disabilities are often on the outside, in extreme heat, waiting for service. In many cases, there is no separate line for people with disabilities, and they must depend on the mercy of a security guard who may advocate for them. This ought not be a matter of chance, but of law and policy.

MIGRANT RIGHTS

²² See recommendations 105.120, 105.119, and 105.118.

General Issue Statement

37. The treatment of migrants and refugees is an ongoing area of concern. In particular, Haitian migrants are often treated inhumanely. Recommendations from the past cycle have not been implemented, and the government continues to lack a human rights-based approach in its immigration policy.²³

Supporting Examples

38. Equality Bahamas, in collaboration with two organizations, operated a hurricane relief distribution center for six months, providing food packages, hygiene kits, and other supplies to people displaced by category five Hurricane Dorian. Haitian migrants presented for assistance and reported that they had been turned away from other relief centers for inability to produce government-issued photo identification. They were targeted and systematically excluded, prevented from accessing resources to meet their basic needs for survival.

CLIMATE JUSTICE

General Issue Statement

39. There is an increasing need to view the climate crisis as a human rights issue. The government must be held to a higher standard on climate policy, and pass recommendations around seeking additional technical and financial support and promoting strategies for mitigation and adaptation have yet to be fully implemented.²⁴

Supporting Examples

40. The carbon credit scheme is not a solution to climate change. At best, it gives polluters permission to continue with emissions at the same rate or higher. At worst, it creates a dynamic where large countries and major polluters can buy their way out of culpability for the contributions to climate change and the resulting disasters that disproportionately affect small island developing states like The Bahamas that are selling passes.

41. The Bahamas imports almost 90% of its food products²⁵ at a cost of \$1 billion per year.²⁶ The cost of food in the country is high, and food insecurity is a threat for many and a reality for others. One in every 10 people in The Bahamas is living below the poverty line. Hurricane Dorian and the COVID-19 pandemic exposed the precarious nature of many households' finances and ability to feed themselves. It is critical that the government undertake measures to increase food security and support households in growing their

²³ See recommendations 105.201, 105.134, 105.133, 103.131, 105.126, and 105.124.

²⁴ See recommendations 105.51, 105.50, and 105.49.

²⁵ United States International Trade Administration, *Bahamas - Country Commercial Guide - Agricultural Sector*, <https://www.trade.gov/country-commercial-guides/bahamas-agricultural-sectors>.

²⁶ Leandra Rolle, The billion dollar industry of importing food, *Tribune* (Jun, 2021), <http://www.tribune242.com/news/2021/jun/15/billion-dollar-industry-importing-food/>.

own food while resourcing micro, small, and medium-size businesses to enter and grow the agriculture and food production sector.

42. Given the volume of imports to The Bahamas, it is critical for the government to take a strong position to properly manage waste and chemicals. It needs to demand that the polluter pays principle so the burden of mitigation of pollution and its negative effects is borne by the polluter.
43. As climate disasters intensify with hurricanes getting stronger and moving more slowly, it is critical that the government assists residents in preparing for them. This includes ensuring that people have access to medication, food, and clean drinking water, regardless of ability to pay for them. It must also invest in the preparation of sufficient, appropriate long-term shelters. There must be plans for education to continue for school-age children. There must also be protection for women and children from all forms of violence.
44. Disaster relief must be accessible to all people, regardless of identity markers such as gender, race, nationality, immigration status, sexuality, and employment status. The government must recognize its responsibility to ensure that everyone has access to food, water, shelter, and clothing, and that all human rights are upheld without exception.

HUMAN RIGHTS EDUCATION AND TRAINING

General Issue Statement

45. There is a continued need for the government to support human rights education and training programming for the general public. The government has adopted and ratified Conventions and Declarations, but failed to educate the public on treaty bodies, the voluntary nature of participation, the importance of coming into full compliance with international mechanisms, and the benefit of protecting, promoting, and expanding human rights.

Supporting Examples

46. In 2016, ahead of the constitutional referendum, it was clear that people did not understand CEDAW or its purpose. Six years later, people continue to fear that treaty bodies are a foreign imposition and threat to sovereignty. These fears lead to a strong backlash against human rights and human rights defenders. When the government attempts to make necessary changes in the constitution and legislation, it is perceived as giving in to external forces rather than fulfilling an obligation—to the people of The Bahamas—that has been strengthened by the commitments made internationally. This is a failure of the government to provide information, not only on human rights, but also on the processes it engages in New York, Geneva, and other international spaces.

RECOMMENDATIONS

47. **Criminalize marital rape.** The government should amend the Sexual Offences Act's definition of rape in Section 3 by removing "who is not his spouse." It must also include a statutory definition of consent and a clause of non-immunity on the basis of marriage. Clear recommendations have been made by Equality Bahamas in its #Strike5ive campaign.²⁷
48. **Develop and implement educational and preventative programs,** including school curricula and public television, radio, and social media programming, to address gender stereotyping, promote gender equality, and end gender-based violence.
49. **Record the killings of women and girls** because of their sex or gender as femicide, make the data and its analysis public available, and use the information to develop effective interventions to end femicide.
50. **Develop and implement comprehensive support services for survivors** of gender-based violence. These must include one-stop reporting to a specialized, trained unit of the Royal Bahamas Police Force, safe, long-term housing, immediate and ongoing healthcare, childcare, basic income, mental health services, and access to justice.
51. **Update and implement the Strategic Plan to Address Gender-based Violence, 2015.**²⁸
52. **Expand anti-discrimination protections to LGBTQI+ people.** Article 26 of the Constitution should be amended to expand grounds for discrimination to include gender identity, gender expression, and sexual orientation. This requires a constitutional referendum which must be planned with a clear timeline and follow a robust public education campaign on the proposed amendment.
53. **Enact hate crime legislation.** The government should take steps to develop hate crime legislation explicitly criminalizing violence motivated by prejudice based on identity including gender, sexuality, race, class, age, and nationality.
54. **Extend parental leave requirements to 18 weeks for any gender.** This is in line with recommendations in the ILO Maternity Protection Convention, 2000 (No. 183) and Maternity Protection Recommendation, 2000 (No. 101). Ensure that both parents have paid parental leave for 18 weeks to enable them to share domestic and childcare responsibilities.

²⁷ Equality Bahamas, #Strike5ive Campaign, <http://tiny.cc/strike5ive>.

²⁸ The Bahamas Ministry of Social Services and Community Development, *Strategic Plan to Address Gender-Based Violence*, (Aug. 2015), <https://www.bahamas.gov.bs/wps/wcm/connect/3be7c3ad-862c-4c0f-ac44-a2833552e00b/GBV+REPORT.Final.+August2015.pdf?MOD=AJPERES>.

55. **Decriminalize abortion in all circumstances** and ensure that this healthcare service is accessible to all, including people in the Family Islands and people experiencing poverty.
56. **Amend the Marriage Act to end child marriage** by making the minimum age for marriage 18 years old.
57. **Ensure that girls 16 years and older have access sexual and reproductive health services**, including contraceptives and STI testing, without parental consent given that 16 is the age of consent.
58. **Immediately withdraw reservations** on CEDAW Articles 2(a) and 9(2).
59. **Establish a political quota** requiring all political parties to have 50% of their candidates be women and develop and implement policies to create an enabling environment for women to participate, guided by the CARICOM Statement Preparatory to CSW65.²⁹
60. **Plan and hold a constitutional referendum.** The government must commit to holding a constitutional referendum to amend Articles 8, 10, and 14 of the constitution for gender-equal nationality rights. A successful exercise requires the development of a timeline and an action plan that includes a public education campaign and meaningful engagement with and resourcing of nongovernmental organizations with the necessary expertise and experience in international mechanisms, legal reform, and public education.
61. **State and demonstrate support for women human rights defenders.** Acknowledge the important role played by WHRDs who work directly with affected communities, collect and analyze data, write and submit reports, and hold the government accountable, reminding it of its obligations and commitments. Protect WHRDs from violence and those who incite violence with strong statements supporting WHRDS, denouncing violence against them, and enacting laws and policies to support their work and safety.
62. **Ratify ILO Eliminating Violence and Harassment in the World of Work (No. 190).** Protect all workers, including contract workers, apprentices, interns, and jobseekers, from unacceptable behaviors and practices that result in physical, psychological, sexual or economic harm.
63. **Fully implement the Persons with Disabilities (Equal Opportunities) Act.**
64. **Use ordinary legislation to give gender-equal rights to confer citizenship** on children and spouses, regardless of marital status. Make the necessary amendments to The Bahamas Nationality Act immediately.
65. **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.**

²⁹ CARICOM Statement Preparatory to CSW65 (Feb. 2021), http://parlamerica.org/uploads/documents/CARICOM_Statement_CS65.pdf.

66. **Use a human rights-based approach in immigration policy**, make transparent the process for refugees, asylum seekers and victims of trafficking, protect migrant workers from exploitation and trafficking, and limit detention by creating alternatives and ensure it does not violate human rights.
67. **Hold large countries and industries accountable for carbon emissions** by developing a comprehensive legal framework to support the polluter pays principle and joining with other countries in the demand for climate reparations. Abandon the imaginary tradeoff of carbon credits.
68. **Develop inclusive climate action and disaster relief plans** that acknowledge the varied levels of risk and vulnerability and respond to the specific needs of women, children, migrants, people with disabilities, people in the Family Islands, and people experiencing poverty.
69. **Establish a National Human Rights Institution.** This entity would provide advice on compliance with international human rights standards, monitor the situation in-country, promote a culture of human rights, receive complaints and respond with support, conduct research, and work with civil society—all areas in which the government is currently making minimal effort and/or failing.
70. **Increase human rights education and programming for the general public.** Provide information, in plain language, about human rights, gender equality, and all international mechanisms The Bahamas has adopted and ratified. Prioritize education on and familiarization with the Universal Declaration of Human Rights, CEDAW, Belém do Pará, and the Convention on the Rights of the Child (CRC).
71. **Allocate necessary resources to The Bahamas National Statistics Institute** to collect and analyze gender-disaggregated data in all areas including education, employment, health, climate, domestic violence, and intimate partner violence. This data must be publicly available.
72. **Design and implement a consultation process** to meaningfully engage affected communities and NGOs with technical expertise and experience in thematic areas.