



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/15/Add.253
31 March 2005

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-eighth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: The Bahamas

1. The Committee considered the initial report of the Bahamas (CRC/C/8/Add.50) at its 1013th and 1014th meetings (see CRC/C/SR.1013 and 1014), held on 19 January 2005, and adopted at its 1025th meeting (see CRC/C/SR.1025), held on 28 January 2005, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/BHS/1), which gave a clearer understanding of the situation of children in the State party. However, it deeply regrets that the report was received 10 years after the date on which it should have been submitted. The Committee is encouraged by the frank and constructive dialogue it had with the high-level delegation of the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

3. The Committee welcomes the adoption of the Status of Children Act in 2002 which, inter alia, abolished the distinction between children born in wedlock and children born out of wedlock, particularly in relation to intestacy.

4. The Committee also notes 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. The Committee welcomes the enactment of the Early Childhood Care Act 2004, which addresses the regulation and management of day-care centres and pre-schools.

6. The Committee welcomes the ratification in 2001 by the State party of ILO Conventions No. 138 concerning Minimum Age for admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes the challenges facing the State party, namely the vulnerability to natural disasters, including hurricanes, which have impeded progress towards the full realization of children's rights enshrined in the Convention.

D. Principal areas of concern and recommendations

1. General measures of implementation

Reservations

8. The Committee notes with regret the reservation that the State party has made to article 2 of the Convention, but welcomes the information during the dialogue that, given, inter alia, some recent new laws, the reservation may be withdrawn.

9. In the light of the Vienna Declaration and Plan of Action adopted by the World Conference on Human Rights in 1993, the Committee calls upon the State party to withdraw its reservation to article 2 of the Convention.

Legislation

10. The Committee notes with appreciation the efforts undertaken by the State party to harmonize its legislation with regard to children and the reform of the Constitution currently under way which intends, inter alia, to include children's rights in the Constitution. However, the Committee is concerned that the existing legislation in the State party does not fully reflect the principles and provisions of the Convention.

11. The Committee recommends that the State party expedite its action to include children's rights in the Constitution and take further measures to ensure that the existing legislation conforms fully with the principles and provisions of the Convention, and to ensure its effective implementation.

Coordination

12. The Committee notes the information contained in the State party report (para. 14) that the Department of Social Services of the Ministry of Social Services and Community Development has responsibility for coordinating policies relating to children and for monitoring the implementation of the Convention. However, the Committee is concerned at the absence of an inter-ministerial coordinating mechanism.

13. **The Committee recommends that the State party establish an inter-ministerial body with a strong mandate and sufficient human and financial resources in order to ensure effective coordination between all actors involved in the implementation of the Convention.**

National Plan of Action

14. While noting that social sectors of various ministries have come together towards the development of a National Plan of Action, the Committee remains concerned that this process has not yet been finalized.

15. **The Committee encourages the State party 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, incorporating the objectives and goals of the outcome document “A World Fit for Children” adopted by the General Assembly at its special session on children, held in 2002.**

Independent monitoring

16. The Committee is concerned at the absence of an independent mechanism with a mandate to regularly monitor and evaluate progress in the implementation of the Convention and which is empowered to receive and address individual complaints.

17. **In view of the Committee’s general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2), the Committee encourages the State party to develop and establish an independent and effective mechanism in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (General Assembly resolution 48/134 of 20 December 1993, annex). This institution should be provided with adequate human and financial resources, 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.**

Resources for children

18. While noting the substantial budgetary allocation in social services and infrastructure, particularly in the area of health and education, the Committee is nevertheless concerned that budgetary allocations are insufficient to respond to national and local priorities for the protection and promotion of children’s rights.

19. **The Committee recommends that the State party 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.**

Data collection

20. The Committee is concerned at the lack of disaggregated and analytical data on persons under the age of 18 years in all areas covered by the Convention, including the most vulnerable groups, children living in poverty, children with disabilities and immigrant children. It also notes that such data are crucial for the monitoring and evaluation of progress achieved and the formulation and assessment of policies with respect to children.

21. The Committee recommends that the State party establish an effective mechanism for the systematic collection of disaggregated quantitative and qualitative data incorporating all areas of the Convention and covering all persons under 18 years. Furthermore, the Committee recommends that the State party make use of indicators and data in the formulation and assessment of policies and programmes for the effective implementation of the Convention.

Dissemination of the Convention

22. The Committee is concerned at the lack of a systematic plan to introduce training on and awareness of the principles and provisions of the Convention among children and professional groups working for and with children.

23. The Committee recommends that the State party strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by adults and children alike. It also recommends the introduction of adequate and systematic training of all professionals working for and with children, in particular parliamentarians, judges, magistrates, law enforcement officials, teachers, health personnel, social workers and personnel in childcare institutions.

Cooperation with civil society

24. Noting the significant steps taken by the State party to facilitate the establishment of non-governmental organizations (NGOs), the Committee remains concerned that insufficient efforts have been made to systematically involve civil society, particularly in the area of civil rights and freedoms, in the implementation of the Convention.

25. The Committee recommends that the State party consider a systematic approach to involving civil society, especially children's associations and human rights-based NGOs, through all stages in the implementation of the Convention, including with respect to civil rights and freedoms.

2. Definition of the child

26. The Committee is concerned that the minimum age for access to employment (14 years) is not in harmony with the age at which compulsory education ends (16 years). The Committee is also concerned at the low minimum legal age of criminal responsibility (10 years). The Committee welcomes the information provided during the dialogue that plans exist to improve the laws and regulations in this respect.

27. **The Committee recommends that the State party:**

(a) **Raise the minimum age for admission to employment to 16 years in order to harmonize it with the age at which compulsory education ends;**

(b) **Raise the minimum age of criminal responsibility to an internationally acceptable level.**

3. General principles

Non-discrimination

28. The Committee is concerned that societal discrimination persists against vulnerable groups of children; including children living in poverty, Haitian immigrant children and children with disabilities and that the Constitution does not prohibit discrimination on the grounds of disability.

29. **The Committee recommends that the State party:**

(a) **Strengthen, in the current 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;**

(b) **Adopt further appropriate legislation (e.g. a separate law on non-discrimination);**

(c) **Adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.**

30. **The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking account of the Committee's general comment No. 1 (2001) on the aims of education.**

Respect for the views of the child

31. The Committee is concerned that, due to certain traditional attitudes in the society, children have limited opportunities to freely express their views in schools, courts or within the family.

32. **The Committee recommends that the State party promote and facilitate respect for the views of children and ensure their participation in all matters affecting them in all spheres of society, particularly in the family, schools, courts and relevant administrative bodies, in accordance with article 12 of the Convention. It further recommends that the State party provide educational information to professionals working with and for children on children's right to participate in all matters affecting them and to have their views taken into account.**

4. Civil rights and freedoms

Birth registration

33. The Committee is concerned that, although parents are required by law to register the birth of their children, the number of children who are not registered at birth is significant mainly due to the geographical features of the country.

34. **In the light of article 7 of the Convention, the Committee urges the State party to increase its 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 recommends that children without birth registration certificates be given access to social services.**

Corporal punishment

35. The Committee expresses its concern at the fact that corporal punishment is still widely practised in the family, in schools, and in institutions, and that domestic legislation does not explicitly prohibit its use.

36. **The Committee recommends that the State party:**

(a) **Expressly prohibit corporal punishment by law in the family, schools and other institutions;**

(b) **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, especially article 28, paragraph 2.**

5. Family environment and alternative care

Alternative care

37. The Committee is concerned that the so called "children with uncontrollable behaviour" can be placed in an institution at the parent's or parents' request.

38. **The Committee urges the State party 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".**

39. The Committee notes the lack of information in the State party's report on the informal system of foster care and adoption placement.

40. **The Committee recommends that the State party provide, in its next periodic report, detailed information, including measures undertaken to regulate the informal forms of alternative care.**

Recovery of maintenance

41. The Committee welcomes the efforts made by the State party to ensure payment of child maintenance, usually by fathers, but is concerned at the rather large percentage of fathers who are defaulting on child maintenance payments.

42. **The Committee recommends that the State party 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.**

Child abuse, neglect and violence

43. The Committee notes the efforts made by the State party, including programmes and activities to sensitize parents to child abuse, such as parenting workshops and the Child Abuse Prevention Month. The Committee also notes the appointment of the National Child Protection Council and the establishment of a National Child Abuse Hotline at the Department of Social Services in 1997. However, the Committee is concerned that this service is underused by the public.

44. **The Committee recommends that the State party take the necessary measures to prevent child abuse, neglect and violence in and outside the family, inter alia, by:**

(a) Undertaking a comprehensive study on the scope and nature of child abuse and neglect;

(b) Developing an effective reporting system with timely and adequate investigations and child-sensitive protection in order to bring perpetrators to justice;

(c) Ensuring that victims of violence have access to counselling, and assistance with recovery and reintegration;

(d) Strengthening further the capacity and role of the National Child Protection Council;

(e) Conducting awareness-raising campaigns to publicize the National Child Abuse Hotline.

6. Basic health and welfare

Children with disabilities

45. The Committee takes note of the 2000 Census Report, which provides mainly quantitative information but lacks specific details on persons with disabilities. The Committee is concerned at the societal discrimination experienced by children with disabilities, the inaccessibility of buildings and transportation for them and the absence of an inclusive policy. The Committee is particularly concerned that children with disabilities in less populated islands suffer particular disadvantage regarding access to services.

46. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96 of 20 December 1993, annex) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), the Committee recommends that the State party ensure the integration of these children into mainstream education. In this respect, the State party should take into account the principle of non-discrimination and accessibility to all services, including public buildings and transportation, and specifically address the situation of children in less populated islands.**

Health and health services

47. The Committee welcomes the information provided in the report regarding the steady reduction in infant mortality rates, the improvement in health-care delivery and the legislation enacted in 2000 to regulate health professionals and health-care facilities. However, the Committee remains concerned at the marked difference in the quality of health care between the private and the public providers.

48. **The Committee recommends that the State party 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.**

Adolescent health

49. The Committee is concerned at the high rate of teenage pregnancies and drug abuse among adolescents.

50. **The Committee recommends that the State party increase its efforts to establish and promote adequate adolescent health services, including mental health and reproductive health services. It also recommends that the State party take all necessary measures to prevent drug abuse and to provide therapeutic, recovery and reintegration services for drug abusers.**

HIV/AIDS

51. The Committee welcomes 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 remains concerned at the increasing incidence of HIV/AIDS among adolescents.

52. **The Committee recommends that the State party continue its efforts to prevent the spread of HIV/AIDS, especially among adolescents, focusing on education and awareness-raising as well as on integrating respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected with and affected by HIV/AIDS, as well as their families, in accordance with the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child (CRC/GC/2003/3).**

7. Education, leisure and cultural activities

53. The Committee notes 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 State party. It also notes that the PACE Programme (Providing Access to Continued Education Programme) ensures that pregnant teenagers are given an opportunity to complete their education. However, the Committee remains concerned at the dropout rates within the formal public education system, especially among boys. It is further concerned at the lack of human rights education as part of the school curriculum.

54. **The Committee recommends that the State party:**

(a) Further strengthen efforts to bring dropouts back to school and to other training programmes;

(b) Ensure that standards of education are maintained uniformly in all islands;

(c) Include human rights education in the official curriculum at all levels of education.

8. Special protection measures

Economic exploitation, including child labour

55. The Committee appreciates the progress made by the State party in addressing the issue of child labour, including the adoption of the Employment Act in 2001. However, the Committee is concerned at the relatively high prevalence of child labour in the State party and the insufficient protection from hazardous forms of work involving children between 14 and 18 years of age.

56. **The Committee recommends that the State party 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. It further recommends that the State party take the necessary measures 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.**

Sexual exploitation and child pornography

57. The Committee notes the results of the Rapid Assessment, completed by ILO in 2002, of the situation of children engaged in the worst forms of child labour in the State party and expresses its concern at the number of children involved in prostitution and child pornography. The Committee is also concerned at the lack of specific data on this issue and of targeted measures to address it.

58. **The Committee recommends that the State party:**

(a) 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;

(b) Adopt adequate measures to combat child pornography;

(c) Strengthen recovery and reintegration programmes for the victims;

(d) 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.

Juvenile justice

59. While recognizing the efforts made by the State party in this domain, the Committee remains concerned at the incompatibility of the juvenile justice system with the provisions and principles of the Convention. It is especially concerned at the fact that the age of criminal responsibility, fixed at 10 years, is too low. Furthermore, the Committee is concerned at the fact that persons below 18 may be detained with adults.

60. **The Committee recommends that the State party:**

(a) Raise the age of criminal responsibility to an internationally acceptable level;

(b) Ensure that the Children and Young Persons (Administration of Justice) Act reflects the international juvenile justice standards, in particular articles 37, 39 and 40 of the Convention, as well the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System, in the light of the day of general discussion on the administration of juvenile justice, held by the Committee in 1995;

(c) Provide children with legal and other appropriate assistance at all stages of the proceedings;

(d) Ensure that children who are detained or imprisoned are separated from adults;

(e) Improve training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(f) **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.**

9. Optional Protocols to the Convention

61. **The Committee notes that the State party has not yet ratified 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.**

62. **The Committee recommends that the State party 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.**

10. Follow-up and dissemination

Follow-up

63. **The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations, inter alia, by transmitting them to members of the cabinet, the Parliament and local governments for appropriate consideration and further action.**

Dissemination

64. **The Committee further recommends that the initial report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including through the Internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

11. Next report

65. **In the light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (see CRC/C/114, chap. I), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its second, third and fourth periodic reports in one consolidated report by 21 March 2008, date on which the fourth report is due. The report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.**
