



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

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**Committee on the Elimination of Discrimination
against Women**

Pre-session working group

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**Responses to the list of issues and questions with
regard to the consideration of the combined initial
to fourth periodic report**

Bahamas*

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

General

Reply to the issues raised in paragraph 1 of the list of issues (CEDAW/C/BHS/Q/4)

1. The process for preparation of the report firstly included the mobilization of funding from the United Nations Population Fund. This support permitted the Bureau of Women's Affairs to enlist the technical assistance of the University of the West Indies (UWI) in drafting the report.
2. The Bureau coordinated the preparation of the report by convening meetings with representatives from the various Governmental agencies and discussions were held using as a guideline a publication by the United Nations entitled "Assessing the Status of Women – A Guide to Reporting under the Convention on the Elimination of All Forms of Discrimination against Women". In addition, material provided at the training workshop on reporting under the Convention, facilitated by the United Nations Division for the Advancement of Women, was also used. The consultant was provided with a copy of the United Nations publication.
3. Once the various contributions from the governmental and non-governmental agencies were compiled, they were sent to the representative at UWI for inclusion in the report.
4. During the process of compiling the report, The Bureau of Women's Affairs provided to the consultant supplementary data, as required. Upon completion of the first draft of the report, the consultant visited the country and met with the local inter-agency committee responsible for the compilation of the draft report. This permitted the interactive exchange of questions, corrections and observations that would further refine the draft.
5. A public forum was also held, the first segment of which focused on the Convention and its tenets and the second segment shared aspects of the draft. Feedback was also solicited from the audience. Among those in attendance were representatives from the non-governmental women's organizations.
6. The draft was submitted to the Cabinet of the Bahamas for approval and endorsement. The final document was forwarded to the Ministry of Foreign Affairs of the Bahamas for formal transmission to the Committee on the Elimination of Discrimination against Women.

Reply to the issues raised in paragraph 2 of the list of issues

7. Following the enactment of new inheritance legislation in 2002, men and women are now legally able to inherit in an egalitarian manner. Withdrawal of the reservation to article 16, paragraph 1 (h) is under consideration.

Articles 1 and 2

Legal status of the Convention, legislative and institutional framework

Reply to the issues raised in paragraph 3 of the list of issues

8. The Constitution of the Bahamas in Chapter III, article 15, provides an entitlement for every person in the Bahamas irrespective of race, place of origin, political opinion, colour, creed or sex, under the fundamental rights and freedoms of the individual. The protections guaranteed to every person (inclusive of both men and women) are stated in Chapter III, articles 15 through 27.

9. While the Constitution's definition of discrimination omits "sex", protection for the individual against discrimination is guaranteed under Chapter III, article 15 based on the entitlement of every person in the Bahamas to the fundamental rights and freedoms of the individual. Moreover provisions exist within the legal framework of the Constitution under Chapter III, article 28 for any person in The Bahamas who believes that his/her rights have been contravened, to seek redress.

10. In keeping with its mandate, following the referendum of February 2002, the Constitutional reform Commission published in 2003, a report entitled: "The Bahamas Constitution: Options for Change" to raise the consciousness of the electorate, with a view to deepening public knowledge of the Constitution itself and stimulating public interest and debate on constitutional issues. Legislation has not been drafted to include a specific definition of discrimination against women in the Constitution nor has any other national legislation been drafted.

Reply to the issues raised in paragraph 4 of the list of issues

11. As with other international treaties, where the provisions of the Convention are incongruent with domestic law, the domestic law takes precedence. Efforts have been made to import the Conventions adopted by the country into domestic law. This is evidenced in the enactment of legislation on trafficking in persons, child protection, domestic and sexual violence and violence against women.

Article 3

National machinery for the advancement of women

Reply to the issues raised in paragraph 5 of the list of issues

12. Presently, the Bureau of Women's Affairs operates as a Section within the Ministry of Labour and Social Development. The Government of the Bahamas has made every effort to empower the Bureau of Women's Affairs through the provision of a budgetary allocation. The Bureau was awarded a line item in the national budget in 2004 in the amount of \$10,000.00. This amount has been increased steadily over the years to \$20,000 in 2006 to \$50,000.00 in 2007. It now stands at \$80,000.00. It should be noted that personal emoluments are not deducted from this line item.

13. The staff of the Bureau of Women's Affairs consists of two officers and two clerical staff and is provided the additional support of other Ministries with respect to relevant matters. It is recognized that additional staff is required to expand the work of the Bureau.

14. The Bureau of Women's Affairs is responsible for liaising with the various non-governmental women's organizations for better cooperation and collaboration on women's issues at the national, regional and international levels. In this regard, the Bureau maintains a regular schedule of consultations with non-governmental women's organizations through a monthly forum.

15. The Bureau also has oversight for international Conventions that address the status of women, including the Convention on the Elimination of All Forms of Discrimination against Women. It also monitors gender and development issues both at home and abroad.

Programmes and action plans

Reply to the issues raised in paragraph 6 of the list of issues

16. With regard to the development of a National Gender Policy, the Bahamas has completed the first stage of the process which was a Gender Needs Assessment. The Bahamas completed extensive consultations with stakeholders throughout the archipelago and the assessment was completed in 2009 by the scheduled deadline. This process will further inform the drafting of the National Gender Policy.

Article 4

Temporary special measures

Reply to the issues raised in paragraph 7 of the list of issues

17. To date, no consideration has been given to the adoption of special measures in the form of affirmative action or otherwise. Instead, attention will be placed on strengthening political caucuses for women by providing more avenues for them to prepare for leadership roles.

Article 5

Stereotypes and cultural practices

Reply to the issues raised in paragraph 8 of the list of issues

18. Some sectors of society, including the religious community, have made strides to dismantle some of the cultural and traditional practices that limit women's advancement. Anglican Church Priesthood roles were held exclusively by men up to 2000 when the first female priest was ordained.

19. The Bahamas is in the process of reviewing and updating its labour laws within the framework of the ILO's Harmonization of Labour legislation. The Employment Act, 2001 covers (a) non-discrimination and equal pay, (b) health and safety at work, (c) minimum wage, and (d) the employment of children and young persons.

20. In 2008, the Bahamas launched the Decent Work Country Program which will strengthen labour legislation and the capacity of the Department of Labour, as well as make social dialogue central to creating public policies.

Reply to the issues raised in paragraph 9 of the list of issues

21. As a section within the Ministry of Labour and Social Development, the Bureau of Women's Affairs has used the Ministry's monthly radio programme – "Bridging the Gap" as a vehicle to educate women about their rights. The media has also been included in promoting this area through news paper articles and radio talk shows. Radio personalities are also used to bring greater awareness to this area.

22. Both the formal and informal education systems are targeted in these public information programs, however, there is no specific program designed to focus exclusively on these sectors.

Violence against women

Reply to the issues raised in paragraph 10 of the list of issues

23. In the Bahamas the data regarding the gender of murder victims indicates that males are more likely to become victims. In fact, males are more likely than females to be offenders and victims of homicides. Eighty-eight percent (88 per cent) of victims between 2005 and 2009 were male compared to twelve percent (12 per cent) females. The number of female victims has shown subtle fluctuations but generally remained around an average of 8 each year, the highest number being 10 in 2009. Statistical data on prosecutions and convictions is not available.

Rape victim's gender

24. As shown in figure 1.3, the vast majority of rape victims over the last two years have been females. In fact, only one male was the reported victim out of 228 reported rape incidents over the last two years.

Figure 1.3

Rape victim's gender (2008–2009)

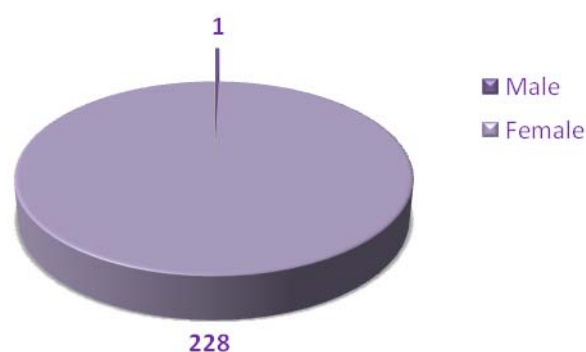


Table 1.1

Persons charged with sexual offences (2007 v. 2008)

Sexual offence	Males				Females				Total	
	Adult		Juvenile		Adult		Juvenile			
	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008
Rape	45	53	0	7	0	0	0	0	45	60
Attempted rape	6	14	0	0	0	0	0	0	6	14
Unlawful sex intercourse	78	67	18	21	0	0	0	0	96	88
Other sexual offences	55	63	6	4	0	1	0	0	61	68
Subtotal	184	197	24	32	0	1	0	0	208	230

25. As illustrated in table 1.1, the vast majority of persons charged with sexual offences were males. Only one female was charged with a sexual offence during 2007–2008.

Reply to the issues raised in paragraph 11 of the list of issues

26. Several measures have been undertaken to combat violence against women and girls. Among them are increased partnerships between the Bureau of Women's Affairs, the Crisis Centre and other NGOs to educate women of their legal rights and of services available to them. The absence of a national policy to combat violence has not stifled the country's progress in addressing this most critical concern.

27. The Bureau of Women's Affairs uses workshops, public forums, talk shows, exhibitions, poster contests among school age children and public service announcements (PSAs) as a means to raise awareness of violence against women. To this end, the National Women's Advisory Council, a government appointed body, has also launched its own public awareness campaign with PSAs that focus on promoting healthy relationships through mutual respect as well as conflict resolution.

28. Consultations are also held with the public when new legislation or amendments are being proposed. This provides the opportunity for the government to receive recommendations from the public on such proposals prior to formalization. This practice was adhered to with all legislation pertaining to domestic violence and violence against women.

29. There are a number of private shelters that provide temporary accommodation to women and young girls who are victims of violence. They include the Salvation Army, Great Commission Ministry and Links Safe House. All of these entities receive an annual grant from the Government to assist them in providing this service.

Reply to the issues raised in paragraph 12 of the list of issues

30. The enactment of the Domestic Violence (Protection Orders) Act, 2007, strengthens the existing legislative framework by granting rights to protection orders pertaining to domestic violence. Since its entry into force in December 2008, the Government of the Bahamas has made significant strides in heightening public consciousness of the nature and implications of the Act.

31. A Bill for an Act to amend the Sexual Offences Act was introduced in Parliament in July 2009, to make marital rape an offence as long as the marriage subsists. As a consequence of the introduction of the Bill, a number of town meetings were held with the objective of arriving at a national consensus with respect to changing the law. This critical phase of the process, that is, public debate involving the whole spectrum of society has begun.

Reply to the issues raised in paragraph 13 of the list of issues

32. The Bill amending the Sexual Offences Act, which is designed to outlaw marital rape, was tabled in the House of Assembly in July 2009. Following the introduction of the Bill, it was recommended that the Parliament suspend further discussion pending additional public consultation on this matter. Public discussions are still ongoing.

**Article 6
Trafficking and exploitation of prostitution**

Reply to the issues raised in paragraph 14 of the list of issues

33. As this Act has been in force for slightly over a year, comparative data is not available to adequately assess its impact. Where cases of alleged trafficking and prostitution are brought to the Department of Immigration's attention, the Department works in

conjunction with the Royal Bahamas Police Force to investigate the claims, and take necessary action to address them.

Reply to the issues raised in paragraph 15 of the list of issues

34. In an effort to address the economic challenges faced by women, the government of the Bahamas encourages them to further their education and obtain a skill. These women are referred to the Bahamas Technical and Vocational Institute which offers professional development programmes for a duration of 10 weeks. Individuals are able to learn a basic skill at the craft level. The institution offers additional certificate programmes of various durations in several technical vocations including but not limited to beauty trades, clerical work and clothing construction.

35. Individuals who are unable to pay the required fee to access such training can apply to the Department of Social Services for assistance. Mothers attending the day programmes may also enrol their children at the on site day care facility.

36. Graduates of the Institute can apply to the Bahamas Development Bank for a loan from its Micro Loan Programme to start their own businesses. Eligible individuals are able to borrow a maximum of \$10,000.00. Historically, the majority of persons in this category have been women. Sessions are also provided to teach young entrepreneurs how to start a business.

Articles 7 and 8

Participation in decision making and representation at the international level

Reply to the issues raised in paragraph 16 of the list of issues

37. There are no legal barriers to women's participation in the political process. In fact, women have outnumbered men in exercising their right to vote. In the last General Election held in 2007, 55 per cent of persons voting were women.

38. Women have also been able to form non-governmental organizations to address special concerns in the country. The Bureau has enjoyed a cordial relationship with such entities and partnerships have been encouraged on areas of mutual interest.

39. No consideration has been given to the adoption of special measures in the form of affirmative action or otherwise. Instead, attention will be placed on strengthening caucuses for women by providing more avenues for them to prepare for leadership roles in the various sectors of society.

Article 9

Nationality

Reply to the issues raised in paragraph 17 of the list of issues

40. Since the last report there has been no movement in this matter.

Article 11 Employment

Reply to the issues raised in paragraph 18 of the list of issues

41. In 2000, the Employment Act was passed which, among other things, stipulates that there should be equal pay for equal work. The Bureau of Women's Affairs and other related agencies will continue to educate the public of these provisions in an effort to encourage compliance with the law.

Reply to the issues raised in paragraph 19 of the list of issues

42. There are currently no plans to amend existing legislation as the Bahamas does not view the existing provisions as restrictive. While the section limits the ability of a female to receive pay from her employer once every three years, it does not restrict her access to leave. It should be noted that there is a difference between Maternity Leave and Maternity Pay (Section 17 subsection (1) of the Employment Act 2001).

Article 12 Health

Reply to the issues raised in paragraph 20 of the list of issues

43. The Government of the Bahamas realizes the importance of health care to all residents throughout all islands of the archipelago. Studies have shown that health promotion and prevention strategies were the most effective methods to achieve optimal health status for the population.

44. Adequate free preventive services are accessible for all women in the Bahamas. The Ministry of Health has health-care facilities in New Providence and the family islands providing comprehensive services that are affordable and accessible. Reproductive Health and Family Planning is one of several priority national health programmes providing care.

45. An essential component in maintaining the health of a community is early detection of disease; all women have opportunities to obtain annual standard and specific screenings. A national Healthy Lifestyle Initiative augments this process. Additionally, the national HIV/AIDS national programme provides volunteer counselling, testing and prevention of mother to child transmission for all, at no cost.

46. Available ambulatory services facilitate identification of major threats to women's health. Appropriate allocation of health-care providers and satellite facilities ensures all rural areas have adequate free preventive health services.

47. Health education interventions are implemented in partnership with communities and other health care providers, utilizing a variety of resources to meet the needs of the whole person in all of the Bahamas.

Reply to the issues raised in paragraph 21 of the list of issues

48. Oral contraceptives are accessible to all females in the Bahamas over the age of 17 years through a network of public health clinics throughout the islands of the Bahamas. Parental consent is required for adolescents under the age of 18 years to obtain contraceptives. All contraceptives as well as disease screening and counselling services are provided free of charge in the public sector. Additionally, women are also able to access contraceptives from private sector facilities for a fee.

49. The Bahamas Living Conditions Survey of 2001 showed a contraceptive use prevalence rate of 46.6 per cent in women 15–44 years. The injectable contraceptives accounted for 62 percent of total contraceptives requested in the public sector in 2008, followed by the oral contraceptive at 30 per cent.

50. Abortions are illegal in the Bahamas except under specific conditions as outlined in the Penal Code. The rate of abortions therefore is not available as there is gross underreporting of abortions. While anecdotal reports by healthcare providers suggest that a significant number of medically induced abortions are performed with some regularity, this is not supported by empirical evidence. Abortions when they do occur are generally carried out by medical practitioners under safe conditions.

Reply to the issues raised in paragraph 22 of the list of issues

51. In the Bahamas, existing programmes to prevent and combat HIV/AIDS integrate a gender perspective as it concerns Prevention of Mother to Child Transmission. This public health strategy targets and screens all pregnant women presenting for antenatal care in the public and private sector, offering pre- and post-test counselling and subsequent treatment to all positive women, their spouses/significant others and offspring. Built into this approach is a counselling component that stimulates the realization of personal risk and commitment for risk reduction (VCT/PITC) and in so doing it attempts to keep HIV negative women, HIV negative. As regards the pregnant positive woman, this strategy provides a comprehensive component that targets the woman, the unborn foetus and her family by encompassing a family-centered approach recognizing the care needs not only of the woman but also her infant(s), older children, partner and other family members.

52. Other gender specific measures currently available locally are screening initiatives that target MARPS groups such as Men who have Sex with Men (MSM): These initiatives are culturally sensitive HIV/STI prevention testing parties with special emphasis on men's health offering HIV, Syphilis, Hepatitis B, Glucose and Cholesterol screening.

53. Cognizant of the need to include a more comprehensive HIV education program (that would address the needs of preadolescent and adolescent females), the Bahamas introduced the Focus on Youth (FOY) Intervention to females within selected schools, STI clinic, Student Mother Programme and Ministry of Education Special Services Clinic for High-Risk females (2000). Focus on Youth (FOY) activities processed accurate knowledge on HIV transmission and prevention as well as skills building for effective communication, negotiating and decision-making. As parents and males are significant others for females, FOY was extended to male students and a parenting component was added (2004 to 2009). A revised version of FOY was later introduced to senior high students; this version included females, males and parents. With regards to community-based programs, the Centre partnered with the Girl Guides Association and trained the Leaders in FOY as a part of the Bahamas component for the World Association for Girl Guides and Girl Scouts (WAGGGS) AIDS Badge.

Key STI/HIV prevention initiatives practiced in the Bahamas targeting the general population

54. A number of key STI/HIV prevention initiatives are practiced in the Bahamas targeting the general population. These initiatives include:

- Introduction of HIV and AIDS education in all schools as family life education.
- Seminars and workshops for health care providers, morticians, barbers and, cosmetologists.

- Youth activities and events, athletic teams and coaches (awareness presentations to sporting clubs, out of school youth, church-based youth organizations, community-based groups (boy's scouts, urban renewal and girls brigade).
- Cultural events, regattas, family island homecomings.
- School competitions – poetry, essays, slogan (based on World AIDS Day theme).
- Media messages (Public Service Announcements, special programming), Media out-reach programme reaching a wide range of audience, (primary female-based on informal feedback), throughout the archipelago of the Bahamas who often rely on the national broadcasting radio station for information) PSAs in both English and Creole aired on the radio and television at prime time on a regular basis.
- “HIV & AIDS What Now” is a 30 minute radio show that is aired twice per week throughout the Bahamas. It provides accurate knowledge on HIV transmission and prevention, promotes “Know your Status”, encourages correct and consistent condom use as well as updates the general public on current activities in HIV and AIDS.
- Youth Ambassadors for Positive living (YAPL) Initiative; Peer leadership training coordinated by Youth Ambassadors for Positive Living for junior and senior high students as well as post secondary school students. Know Your Status (KYS) campaigns on tertiary level campus (pre- and post-test counselling, HIV testing, condom demonstration and distribution).
- YAPL (youth arm of the HIV Centre) has subgroups in various senior high schools as well as at the college level that meet on a weekly basis to address youth related issues to HIV and AIDS.
- Female and male condom marketing.
- Extensive billboard messages in urban communities and high traffic areas.
- Displays in public and private institutions (banks, post offices, clinics and hospitals) to raise awareness.
- Alliances with the electronic and printed media.
- Routine screening of donor blood has been ongoing since the first confirmed case in 1985.
- Structured Prevention Education for staff working in the hospitality industry.
- HIV/STI ongoing workshops, trainings and awareness campaigns are held for employers and employees.

55. Generally, selected Human Resource staff is trained who liaise with the HIV Centre and are members on the HIV and AIDS Resource Committee. They collect and disseminate material, information and condoms for work site. There is ongoing HIV and AIDS training for health care providers from auxiliary staff to physicians to improve service delivery to Public Hospital Authorities (PHAs) and minimize stigma and discrimination.

56. Faith-Based Partnerships (tend to involve a preponderance of married women); ongoing training of church leaders about HIV and AIDS. Regular awareness sessions are held for various ministries (prayer groups, men's fellowship, women's group, etc.) within the church.

57. The Bahamas National HIV/AIDS Programme is currently developing a strategy focused on prevention of HIV/AIDS to the most at-risk populations in the Bahamas, which

includes the migrant Creole-speaking community. Efforts are being stratified by gender and age.

Reply to the issues raised in paragraph 23 of the list of issues

58. There are a number of facilities that provide access to mental health services for women and girls. These include:

(a) Sandilands Rehabilitation Centre (SRC) that has four clinics (male, female, children and adolescents) at the Princess Margaret Hospital (PMH);

(b) SRC also offers a large community based outpatient facility – the Community Counselling and Assessment Centre (CCAC);

(c) Adolescent Health, Department of Public Health;

(d) The Diah Ward (based at the Rand Memorial Hospital) and community health clinics in Grand Bahama. Mobile psychiatric teams visit Abaco and Bimini;

(e) In rural areas access is through community clinics, where persons are seen and treated by resident physician/nurse and referred to CCAC or SRC if necessary. Psychiatric teams from SRC also make regular visits to Long Island and Exuma.

59. Services are also provided for elderly women, who are able to access the same services, in most cases, like the general population. There are no specific services for elderly females.

60. Sandilands Rehabilitation Centre (SRC) conducts a Gerontology clinic every Thursday morning at an inner city (Ann's Town Clinic), once per week and once per month at the Eastern District of New Providence (Fox Hill Clinic).

61. If there is any mental health issue, appropriate referral is made to the psychiatric team at one of their outpatient clinics. The same is the method for Family Islands; contact is made with the community clinics and appropriate referrals made.

62. The Government also operates a day-care centre and residential care centres for the elderly. Private day care and residential care centres are also available for a fee.

Article 14

Rural Women

Reply to the issues raised in paragraphs 24 and 25 of the list of issues

63. Efforts are ongoing to provide adequate health care facilities to women in rural areas. In 2008, The Government implemented a Pilot Telemedicine Programme in Marsh Harbour, Abaco which provides for real time consultation between physicians in the Family Islands and Emergency Medicine Specialists at the Accident and Emergency Department.

64. The scope of the programme addresses acute and non-acute emergencies, inclusive of obstetric and gynaecological conditions. The Government is committed to upgrading infrastructure to facilitate the implementation of telemedicine in other islands including rural/remote communities.

65. The Government through the Bahamas Primary Health Care Centre, ensures that all newly employed physicians are exposed to the scope, policies and protocols of maternal and child health service management.

66. Provisions have been made for nurses and physician chronic non-communicable disease specialists, to travel to rural communities to provide education and training in the

prevention and control of chronic non-communicable diseases, to health care workers and community members.

Migrant women

Reply to the issues raised in paragraph 26 of the list of issues

67. Migrant women and girls desirous of residing legally in the Bahamas, are processed by the Department of Immigration, and as long as they abide by the Immigration laws of the country, seldom come to the attention of the Department.

68. However, undocumented migrant women and girls oftentimes come into the country, evade the authorities, and assimilate themselves into established communities of their respective nationalities. In many instances, these persons are the spouses, parents and or siblings of persons residing legally in the Bahamas.

69. If or when these migrants are apprehended by staff of the Immigration Department (and/or the police), they are detained at the Government's Detention Centre, while awaiting repatriation. While in the custody of the Department they are protected from abuse, exploitation and violence. Any claims are investigated and dealt with in accordance with Departmental procedure.

Reply to the issues raised in paragraph 27 of the list of issues

70. It is unlikely that the issues and concerns faced by Haitian women who have migrated to the Bahamas are any different from issues faced by other nationals. The only exception may be that, in the majority of instances, these women remain unemployed while residing in the Bahamas. Further, there is a difficulty for the Department of Immigration to respond to situations of undocumented Haitian women (unless in the custody of the Department).

71. Haitian women are not denied access to health care, educational opportunities or basic social services. The Department's general policy of integration and inclusion provides that where legitimate claims are made to employ these persons, applications are favourably considered.

Natural disasters

Reply to the issues raised in paragraph 28 of the list of issues

72. In the Bahamas, in excess of 65 per cent of the households are managed by women. In the aftermath of a disaster, such as a major hurricane or storm, an assessment is carried out and priority assistance is given as follows:

- (a) Elderly;
- (b) Disabled and Indigent;
- (c) Single parents with children.

73. In the reconstruction phase of disastrous events, consideration is given to the composition of a household and if there are situations where teen boys and girls may have been sleeping in the same bedroom, consideration is often given to constructing an additional room to the replacement home to separate the teens of different sexes.

74. As the concept of climate change and its possible impact become more apparent, existing policies will be further enforced to mitigate sea level rises, home construction along the coast, storm surges and hurricanes.

Optional Protocol

Reply to the issues raised in paragraph 29 of the list of issues

75. This matter is still under review.
