

THE BAHAMAS 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Commonwealth of The Bahamas is a constitutional parliamentary democracy. Prime Minister Philip “Brave” Davis’ Progressive Liberal Party won control of the government in September 2021. International observers found the electoral process to be free and fair.

The Royal Bahamas Police Force maintains internal security. The Royal Bahamas Defence Force is primarily responsible for external security but also provides security at the Carmichael Road Detention Centre for migrants and performs some domestic security functions, such as guarding embassies and ports. Both report to the minister of national security. Civilian authorities maintained effective control over the security forces. There were no reports of significant abuses by the security forces.

Significant human rights issues included credible reports of: cruel or degrading treatment of prisoners by prison officers.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses or engage in corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no confirmed reports that the government or its agents committed arbitrary or unlawful killings during the year. At year’s end, there were 13 police-involved shooting deaths. Most allegedly were instances in which police killed suspects during attempted arrests. For example, in August police officers shot and killed a suspect after they reportedly saw the suspect reach for a handgun. All cases were under review to determine if they were unlawful.

The Coroner’s Court determines whether security force killings are justifiable and

pursues prosecutions; however, the director of public prosecutions had yet to appoint a lawyer to marshal the cases, which had gone untouched since the start of the COVID-19 pandemic. A total of 74 police-involved shooting deaths were before the Coroner's Court. On July 4, four officers were arraigned on charges of unjustifiable force that resulted in the death of a suspect in November 2021.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution prohibits torture and cruel, inhuman, or degrading treatment or punishment. Citizens and visitors alleged instances of cruel or degrading treatment of criminal suspects and migrants by police or immigration officials.

According to the Bahamas Department of Correctional Services (BDCS) Internal Affairs Unit, there were several reported incidents of physical abuse by prison guards. The cases with sufficient evidence were forwarded to the disciplinary tribunal. Two cases were pending in the courts at year's end. The Royal Bahamas Police Force investigated cases of physical abuse by prison guards or prisoner-on-prisoner violence.

Prison and Detention Center Conditions

Prison conditions were harsh due to overcrowding, inadequate sanitation, poor nutrition, and inadequate medical care.

Abusive Physical Conditions: Overcrowding was a problem in the BDCS men's maximum-security block. The facility was designed to accommodate 1,000 prisoners but was chronically overcrowded. Maximum-security cells for men measured approximately six feet by 10 feet and held up to six persons with no mattresses or toilet facilities. Inmates removed human waste by bucket. Prisoners complained of the lack of beds and bedding. Some inmates developed bedsores from lying on bare ground.

BDCS inmates reported infrequent access to nutritious meals and long delays between daily meals. Authorities allowed family members to bring meals to prisoners but limited food sales by independent vendors. Sanitation was a general problem, and cells were infested with rats, maggots, and insects.

Inmates complained they were denied access to regular medical and psychological care. Prisoners consistently complained that prison authorities did not take their health concerns seriously. Sick male inmates and male inmates with disabilities had inadequate access to the medical center. Correctional officers and civil society representatives accused prison management of contributing to COVID-19 outbreaks by failing to quarantine COVID-positive prisoners or provide prisoners with timely access to the vaccine.

The Carmichael Road Detention Centre for migrants was consistently overcrowded and suffered from inadequate sanitation and medical care.

Juvenile pretrial detainees were held with adults at the BDCS remand center, a minimum-security section of the prison.

At the Simpson Penn Centre for Boys, designated for boys ages 12-18, officers took punitive measures against some residents, including placing them in solitary confinement in a windowless dark cell for up to several days for disciplinary transgressions. The center could not accommodate persons with mobility disabilities. Orphanages may petition the court to place children with behavioral problems in juvenile detention centers. Officials from the centers reported high rates of recidivism among orphans, who were mixed with the general population of convicted juveniles.

Corruption in the BDCS and the Carmichael Road Detention Centre for migrants was a problem, with allegations by both detainees and officials. There were widespread, credible reports that immigration officials solicited bribes to facilitate better treatment. Human rights organizations and media reporting alleged that officials demanded payment in exchange for telephone calls and sanitary napkins.

Administration: The BDCS Internal Affairs Unit and a disciplinary tribunal at the BDCS facility investigated credible allegations of abuse.

Independent Monitoring: The BDCS facility continued to deny access to visitors, including human rights organizations, due to COVID-19 protocols. The Office of the UN High Commissioner for Refugees (UNHCR) continued to have access to detainees held at the migrant detention center and the government's safe house, although COVID-19 protocols prolonged the visitation approvals process, and access was granted only to administrative spaces, not holding cells.

Improvements: The government renovated four maximum-security wings and four medium-security housing units. The government adopted a new correctional model focused on rehabilitation and expanded the scope of prisoner and policing services through the establishment of three new units: a reentry unit, sexual offense unit, and parole unit. Inmates in the maximum-security wings received air conditioning.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these requirements. The constitution provides for the right of persons to challenge the lawfulness of their arrest or detention in court, although this process sometimes took several years.

Arrest Procedures and Treatment of Detainees

Police generally obtained judicially issued warrants for arrests, when required. Serious cases, including suspected narcotics or firearms offenses, do not require warrants where probable cause exists. By law authorities must charge a suspect within 48 hours of arrest. Arrested persons must appear before a magistrate within 48 hours (or by the next business day for cases arising on weekends and holidays) to hear the charges against them, although some persons on remand claimed they were not brought before a magistrate within the 48-hour period. Police may apply to the court for a 48-hour extension or longer by showing sufficient need.

The constitution provides the right for those arrested or detained to retain an attorney at their own expense; the Public Defender's Office and local law professors and alumni provide free legal representation to defendants on a limited basis. Access to legal representation was inconsistent, including for detainees at the detention center for migrants. Minors receive legal assistance only when

charged with offenses heard by the Supreme Court.

A functioning bail system exists. Individuals unable to post bail are held on remand until they face trial. Judges sometimes authorized cash bail for foreigners arrested on minor charges; however, foreign suspects generally preferred to plead guilty and pay a fine.

Arbitrary Arrest: Individuals held in the Carmichael Road Detention Centre for migrants filed lawsuits against the center for arbitrary detention and failure to provide access to legal representation.

In August the Supreme Court awarded an individual \$33,000 in damages plus interest, due to an unlawful arrest and subsequent 58-hour detention by police.

Pretrial Detention: Lengthy pretrial detention was a problem. Attorneys and other prisoner advocates complained of excessive pretrial detention due to the failure of the criminal justice system to try even the most serious cases in a timely manner. The constitution provides that authorities may hold suspects in pretrial detention for a “reasonable period of time,” which was interpreted as two years. Government officials acknowledged lengthy pretrial detentions contributed to overcrowding in jails and correctional facilities.

The Department of Immigration detained irregular migrants, primarily Haitians, until they were repatriated or obtained legal status. The average length of detention varied by nationality, the willingness of foreign governments to accept the return of their nationals, and the availability of funds to pay for repatriation.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality. Procedural shortcomings and trial delays were problems. This was a particular problem in the upper courts, where the chief justice estimated a case backlog of 12 to 18 months.

Trial Procedures

The law provides for the right to a fair and public trial, and the judiciary generally enforced this right.

The government provided free legal representation on a limited basis, leaving large numbers of defendants without adequate representation. Lack of representation contributed to excessive pretrial detention, as some suspects lacked the means to advance their cases toward trial.

Numerous juvenile offenders appeared in court with a social worker appointed by the court to protect the juvenile's interests. Conflicts arose when the magistrate requested the social worker to prepare a probation report and include a recommendation on the sentencing of the child. In essence, the same social worker tasked with safeguarding the welfare of the child was also tasked with recommending a punishment for the child, creating a conflict of interest.

A significant backlog of cases in the upper courts reportedly delayed trials for years. The government suspended jury trials during the height of the COVID-19 pandemic, hindering efforts to address the backlog. Once cases went to trial, they were often further delayed due to poor case and court management, inaccurate handling or presentation of evidence, and inaccurate scheduling of witnesses, jury members, and defendants for testimony.

Local legal professionals attributed delays to a variety of long-standing systemic problems, such as inadequate coordination between investigators and prosecutors, insufficient forensic capacity, outdated file management, lengthy legal procedures, and staff shortages in the Prosecutor's Office and courts.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, and individuals and organizations have access to a court to file lawsuits seeking damages for, or relief from, human rights violations.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government generally respected

these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media. Independent media were active and expressed a wide variety of views without restriction.

Press guidelines released by the Prime Minister's Office in October 2021 drew criticism from local journalists, who called them "unnecessary" and "inappropriate." The guidelines limit accreditation to two journalists and two videographers per media house and require that journalists who request "specific responses to issues" communicate with the press secretary by 6 p.m. the night before the briefing. The guidelines remained in place despite the lifting of most other COVID-19 health protocols.

Libel/Slander Laws: The law criminalizes both negligent libel and intentional libel, with a penalty of six months' imprisonment for the former and two years' imprisonment for the latter. The law was not enforced during the year.

Internet Freedom

The government did not restrict access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authorization.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights.

e. Protection of Refugees

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: Access to asylum in the country was informal because there is no legal framework under which the government can provide protections and safeguards. The lack of refugee legislation, policies, and contacts in the government complicated UNHCR's work to assist asylum seekers and refugees.

Government procedure requires the Department of Immigration to forward approved applications for asylum to the cabinet for a final decision. The government met with UNHCR to discuss pending asylum cases, including asylum seekers detained at Carmichael Road Detention Centre for migrants for more than one year. Authorities did not systematically involve UNHCR in asylum proceedings but allowed UNHCR to interview detained asylum seekers.

While the law does not provide protection for asylum seekers, the government may issue special refugee cards allowing them to work.

f. Status and Treatment of Internally Displaced Persons

There were no reliable estimates of internally displaced persons. Natural disasters caused most displacements. Thousands were displaced by Hurricane Dorian, a 2019 category five hurricane that devastated the northern islands of Abaco and Grand Bahama. The government continued resettlement efforts.

The case regarding the Supreme Court's 2021 extension of a 2018 injunction preventing the government from destroying informal communities without a court order remained pending as of November. Before the injunction was issued, the government demolished 10 residential structures on the island of Abaco in April 2021. Officials made little effort to shelter the displaced residents.

Informal communities housed thousands of predominantly Haitian migrants, internally displaced citizens of Haitian descent, and stateless persons whom the government accused of constructing structures that failed to meet the housing code. In October on Abaco, immigration officers conducted multiple operations in one community, which grew from 50 to 200 acres between 2019 to year's end. Officials publicly committed to increase immigration enforcement operations.

Refoulement: The government has an agreement with the government of Cuba to expedite removal of Cuban detainees. The announced intent of the agreement was to reduce the amount of time Cuban migrants spent in detention; however, concerns persisted that the rapid return of Cuban migrants would suppress legitimate asylum claims and heighten the risk of oppression by the Cuban government.

Abuse of Migrants and Refugees: The government provided COVID-19 medical assistance to all, regardless of immigration status. The government's lack of clear guidance spread fear among migrants that presenting oneself for vaccination would result in deportation. Migrants accused police and immigration officers of soliciting bribes in exchange for better treatment. Human rights organizations alleged bias against migrants, particularly those of Haitian descent, including through eviction notices in informal settlements.

g. Stateless Persons

There were no reliable estimates of the number of persons without a confirmed nationality. The government asserted several individuals refused to pursue Haitian citizenship due to fear of deportation or loss of future claim to Bahamian citizenship. Such persons often waited several years for the government to decide on their nationality applications and, in the interim, lacked documentation to secure employment, housing, and public services. The lack of a passport also prohibited

students from pursuing higher education outside the country.

In two separate cases, persons born in the country to non-Bahamian parents were still awaiting the government's determination on their nationality more than 20 years after submitting their applications. In both situations, the individual relied on their employer to renew their work permits each year to maintain legal status.

Not all individuals born in the country are automatically afforded citizenship. For example, children born in the country to non-Bahamian parents or out-of-wedlock to a Bahamian father and non-Bahamian mother do not acquire citizenship at birth. Children born outside the country to a married Bahamian father receive citizenship, while those born to a Bahamian mother married to a non-Bahamian father are deprived citizenship. Discrimination against women in nationality laws and the ineffective implementation of laws to grant nationality to long-term residents contributed to statelessness. In one case, a foreign-born domestic abuse victim sought assistance from a safe house to register her Bahamian-born child. Without the consent of her Bahamian husband, whom she accused of abuse, the mother was unable to register the child or claim the child's Bahamian citizenship.

The government made little progress in advancing legislation to address statelessness. The Ministry of Immigration and parliamentarians, however, lengthened cabinet sessions to work through the nationality application backlogs.

Under the constitution, Bahamian-born persons of foreign heritage must apply for citizenship during a 12-month period following their 18th birthday, but applicants sometimes waited many years for a government response. The short window for application, difficulty of securing proper documentation, and long wait times left multiple generations of persons, primarily of Haitian descent, without a nationality. Government policy allows individuals who missed the 12-month window to gain legal permanent residency, but many persons of Haitian descent lacked the necessary documents.

Children born in the country to non-Bahamian parents were eligible to apply for "belonger" status that entitled them to reside in the country legally and access public education and health insurance. Belonger permits were readily available. The government does not bar children without legal status from government

schools. To facilitate online instruction during the COVID-19 pandemic, the Ministry of Education provided computer tablets to students enrolled in the government-subsidized school lunch program, including children without legal status. Community activists alleged some schools discriminated against children of Haitian descent by falsely claiming to be full (see section 2.f., Status and Treatment of Internally Displaced Persons).

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In September 2021, Prime Minister Philip “Brave” Davis won a snap general election when his Progressive Liberal Party defeated the incumbent Free National Movement. The Progressive Liberal Party won 32 of 39 parliamentary seats, with 56 percent of the popular vote. The Free National Movement won the remaining seven seats. Election observers from the Organization of American States, Caribbean Community, and Commonwealth Secretariat found the election to be generally free and fair. Critics argued, however, that the abrupt announcement of the snap election, which immediately suspended voter registration, disenfranchised youth and other unregistered voters. Furthermore, critics complained that holding the election during the COVID-19 pandemic led to historically low voter turnout (65 percent of registered voters, compared with more than 80 percent in other recent elections).

Political Parties and Political Participation: While the law prohibits prisoners from voting, persons who are detained but not convicted are permitted to vote. Individuals in the main prison who were detained but not convicted, however, were denied the ability to vote in the 2021 election.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process. Nonetheless, observers said patriarchal traditions, fear of verbal abuse or character assassinations, and inflexible attitudes regarding gender roles were obstacles to

participation.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. On October 3, the government launched an e-procurement platform to serve as a clearinghouse for government contracts. There was limited enforcement of conflicts of interest related to government contracts, and the government had not enacted a public procurement bill passed in 2021. There were reports of government corruption during the year in which officials sometimes engaged in cronyism and accepted small-scale “bribes of convenience.”

Corruption: The campaign finance system was unregulated, with few safeguards against quid pro quo donations. The procurement process was susceptible to corruption because it contained no requirement to engage in open public tenders.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Human rights organizations generally operated without government restriction. Government officials were generally responsive to their views.

Government Human Rights Bodies: A council under the Ministry of Social Services investigates abuses directed at women, children, and persons with disabilities. Legislation to establish an ombudsman was tabled in 2017 and had not yet been debated.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of men or women is illegal, but the law does not protect against spousal rape unless the couple is separated or in the process of

divorce, or unless there is a restraining order in place. The maximum penalty for an initial rape conviction is seven years in prison. The maximum sentence for subsequent rape convictions is life imprisonment; however, the usual sentence for a second offense was 14 years in prison. The government generally enforced the law effectively.

On August 31, the Supreme Court did not approve a divorce petition based on an individual's claim of marital rape. Ultimately, the marriage was dissolved based on claims of cruelty, with the presiding judge asserting the law does not recognize marital rape. The ruling dominated media headlines and generated public discussion.

Gender-based violence worsened due to the COVID-19 pandemic lockdowns and curfews that contributed to stress among families and prevented victims from seeking safe havens or other assistance. The government did not implement long-standing civil society recommendations to address gender-based violence.

The government generally enforced the law on gender-based violence, although women's rights groups cited reluctance by police to intervene in domestic disputes. The Ministry of Social Services sponsored temporary, privately owned safe houses, but there was a shortage of transitional housing. The Bahamas Crisis Centre on the main island of New Providence provided a counseling referral service, operated a toll-free hotline, and managed a WhatsApp hotline during the year.

Sexual Harassment: Sexual harassment was a serious problem. The law prohibits sexual harassment in employment and authorizes moderate penalties and a maximum of two years' imprisonment. The government generally enforced the law effectively; however, sexual harassment was underreported. The government did not execute any permanent programs on sexual harassment but conducted educational campaigns.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Health-care services varied by island throughout The Bahamas' dispersed archipelago. Residents on all but the two most-populated islands (New Providence

and Grand Bahama) faced barriers to contraception, including limited access to sexual and reproductive health services, and stigma associated with premarital sex. The age for heterosexual consent is 16, and the age for homosexual consent is 18. The age for receiving contraception and other health services without parental consent is 18. The government provided limited access to sexual and reproductive health services for survivors of sexual violence, including the provision of emergency contraception.

Discrimination: The law does not prohibit discrimination based on sex or gender. Women with foreign-born spouses do not have the same right as men to transmit citizenship to their spouses or children (see section 2.g., Stateless Persons). In addition, a child adopted by a married Bahamian couple may acquire citizenship only through the adoptive father.

Women were generally free from economic discrimination within public service, and the law provides for equal pay for equal work. The law provides for the same economic legal status and rights for women as for men. The government generally enforced the law within the public sector; however, it did not enforce the law within the private sector.

Systemic Racial or Ethnic Violence and Discrimination

The constitution and laws protect racial and ethnic minorities from violence and discrimination. The government generally enforced these laws effectively. According to unofficial estimates, between 30,000 and 60,000 residents were Haitians or persons of Haitian descent, making them the largest ethnic minority. Many persons of Haitian origin lived in informal settlements with limited sewage and garbage services, law enforcement, and other public services. Authorities generally granted Haitian children access to education and social services, but ethnic tensions and inequities persisted. Members of the Haitian community reported widespread intimidation on social media by fringe political groups advocating for stricter citizenship and deportation laws.

Members of the Haitian community complained of discrimination in the job market, specifically that identity and work-permit documents were controlled by employers seeking advantage by threat of deportation. These practices increased

vulnerability to human trafficking.

The government enforced the law requiring noncitizens to carry their passport and proof of legal status in the country. Some international organizations alleged that the enforcement targeted individuals of Haitian origin rather than Caucasian tourists, and that expedited deportations did not allow time for due process.

During the COVID-19 pandemic, the government subsidized persons with the right to work through food assistance, housing assistance, and assistance for children in elementary schools. The government provided school lunches through community centers for families affected by job loss during the pandemic, regardless of immigration status.

Children

Birth Registration: All births must be registered within 21 days of delivery. Birth registration was not provided on a nondiscriminatory basis, and not all individuals born in the country are automatically afforded citizenship (see section 2.g, Stateless Persons). Children born in the country to married parents, one of whom is Bahamian, acquire citizenship at birth. In the case of unwed parents, the child takes the citizenship of the mother. All children born in the country who are noncitizens may apply for citizenship upon reaching their 18th birthday.

Child Abuse: The law stipulates severe penalties for child abuse and requires all persons having contact with a suspected victim of child abuse to report their suspicions to police; nonetheless, child abuse and neglect were serious problems, exacerbated by the COVID-19 pandemic.

The Ministry of Social Services provided services to abused and neglected children through a public-private center for children, the public hospital's family violence program, and The Bahamas Crisis Centre. The ministry also operated a 24-hour national abuse hotline.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18, although minors may marry at 15 with parental permission.

Sexual Exploitation of Children: The minimum age for consensual heterosexual

sex is 16. The law considers any exposure of a child to commercial sex as cruelty, neglect, mistreatment, or at times trafficking. The offense of having sex with a child carries a penalty of up to life imprisonment. Child pornography is illegal. A person who produces child pornography is subject to life imprisonment; conviction for dissemination or possession of child pornography calls for a penalty of 20 years' imprisonment. The government enforced the law.

The penalties for rape of a child are the same as those for rape of an adult. While a victim's consent is an insufficient defense against allegations of statutory rape, it is a sufficient defense if the accused had "reasonable cause" to believe the victim was older than age 16, provided the accused was younger than age 18.

Antisemitism

The local Jewish community consisted of approximately 500 persons. There were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Consensual same-sex sexual conduct between adults is legal. The law defines the age of consent for same-sex sexual conduct as 18, compared with 16 for heterosexual sexual conduct (see section 6.c.).

Violence against LGBTQI+ Persons: There were no reported cases of police or other government agents who incited, perpetrated, condoned, or tolerated violence against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) individuals or those reporting such abuse. NGOs noted a lack of an alternative reporting mechanism for LGBTQI+ persons uncomfortable reporting incidents to police or government agents.

Discrimination: The law does not provide antidiscrimination protections to LGBTQI+ individuals based on their sexual orientation, gender identity, gender expression, or sex characteristics. Laws against domestic violence cover only violence in a heterosexual relationship. Societal discrimination existed against members of the LGBTQI+ community, with some persons reporting job and housing discrimination based on sexual orientation.

NGOs reported LGBTQI+ individuals faced social stigma and discrimination and did not believe they were adequately protected by law enforcement authorities. There was generally low social tolerance for same-sex relationships, and same-sex marriage is not legal. Homophobic epithets were both common and socially acceptable.

NGOs received reports of courts remanding LGBTQI+ minors to juvenile correctional facilities after their guardians deemed the minors “uncontrollable” based on their sexual orientation, gender identity, gender expression, or sex characteristics.

Availability of Legal Gender Recognition: The law does not allow legal gender recognition that would allow individuals to change their gender identity marker on official documents to bring them into alignment with their gender identity.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There is no law protecting LGBTQI+ persons from so-called conversion therapy practices, including medically unnecessary genital surgeries on children born with intersex traits.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: The law does not restrict freedom of expression, association, or peaceful assembly based on LGBTQI+ issues.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, including their access to education, employment, health services, information, communications, public buildings, transportation, the judicial system, and other public services. The government did not enforce these provisions effectively.

On December 7, the government launched an accessibility cell phone application for persons with disabilities to provide access to emergency services, affordable transportation, National Emergency Management Agency alerts, national news, and sign-language interpretation. The government provided all policy documents and legislation to persons with disabilities in braille, large print, and audible formats.

The law affords equal access for students, but only as decided by individual schools. There were several specialized schools for children with disabilities in Nassau; however, on less-populated islands, children with learning disabilities often lacked adequate access. The government tried to facilitate distance learning for students with disabilities during the COVID-19 pandemic but faced obstacles. A mix of government and private institutions provided education, training, counseling, and job placement services for adults and children with disabilities.

Several persons with disabilities submitted complaints that persons without disabilities routinely occupied disabled-designated spaces with impunity. The government was unable to enforce the Equal Opportunities Act due to a lack of inspectors to monitor parking availability and verify that new buildings met accessibility requirements.

Lack of accessible transportation for persons with disabilities was a long-standing problem, particularly on public buses. As a result, persons with disabilities had to spend more money on unregulated private transportation. Additionally, concerned citizens reported seeing children with disabilities forced to beg by their parents or guardians.

Other Societal Violence or Discrimination

The law prohibits discrimination in employment based on HIV and AIDS status. While societal attitudes about HIV and AIDS improved, there were episodes of discrimination and abandonment of children who were HIV positive.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, participate in collective bargaining, and conduct legal strikes. The law prohibits antiunion discrimination. To be recognized, trade unions must register with the Ministry of Labour and Immigration (hereafter Ministry of Labour); the registrar has authority to refuse registration. Union representatives said the registration process caused delays but was otherwise not a barrier to union formation. By law, employers may be compelled to reinstate workers illegally fired for union activity. Members of the police force, defense force, fire brigade, and prison guards may not organize or join unions, although police used professional associations to advocate on their behalf. To be recognized by the government, a union must represent at least 50 percent plus one of the affected workers.

By law, labor disputes must first be filed with the Ministry of Labour. If not resolved there, disputes are transferred to an industrial tribunal, which determines penalties up to a maximum of 26 weeks of an employee's pay. The tribunal's decision is final and may be appealed in court only on a question of law.

There are significant restrictions on the right to strike. Prior to an anticipated strike, the law first requires negotiations between the employer and union leaders. If there is a stalemate, the union must notify the minister of labor at least two days before a vote to strike. The employer and union leaders sometimes negotiated for months before the minister became involved. The minister of labor may supervise a secret strike ballot. The government has the authority to intervene in a strike action to ensure the delivery of essential services and uphold the "national interest." Workers who engage in illegal strikes may be subject to imprisonment for up to two years.

The government generally respected freedom of association and the right to collective bargaining, and so did most private-sector employers. The government did not restrict union activity or use targeted layoffs during the COVID-19 pandemic for union busting. Union leaders, however, complained the government did not consult them on policy decisions that affected layoffs, furlough, and

nonpayment to staff.

The government generally enforced the law, although the Ministry of Labour stated the government, in coordination with labor unions, relaxed labor laws and standards due to the COVID-19 pandemic. Penalties for violating labor laws varied by case but were generally commensurate with penalties for similar violations. Penalties were sometimes applied against violators. Administrative and judicial procedures were subject to lengthy delays and appeals.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government took no significant action to combat forced labor and did not enforce the law across all sectors. Penalties for forced labor were commensurate with those for analogous crimes, such as kidnapping.

Isolated incidents of forced labor occurred. Local NGOs noted that exploited workers often did not report their circumstances to government officials due to fear of deportation and ignorance of available resources. Irregular migrants, especially domestic employees and agricultural workers, were vulnerable to forced labor, particularly on outlying islands. There were reports that migrant laborers, often of Haitian origin, were vulnerable to compulsory labor and suffered abuse at the hands of employers. Migrant fears of losing their annual work permit were reportedly exploited by employers.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The law prohibits the employment of children younger than age 14 for industrial work and any work during school hours or between the hours of 8 p.m. and 6 a.m. Children ages 14-17 may work between the hours of 8 p.m. and 6 a.m. but only in hotels, restaurants, food stores, general merchandise stores, and gas stations. Children ages 14-17 may work outside school hours for not more than three hours on a school day, eight hours on a nonschool day, or 40 hours in a week. The government did not publish

a list of jobs considered dangerous, although it intervened when children worked in dangerous environments, such as selling peanuts at an intersection. The government did not publish a list of light work activities permitted for children ages 12 and older.

The government generally enforced the law. The penalties for violating child labor laws on forced labor were commensurate with those for analogous crimes. Penalties were regularly applied against violators.

Incidents of child labor occurred in the informal sector. Children worked on family farms and as street vendors. The Ministry of Labour lacked sufficient inspectors to follow up on reports of child labor.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment based on race, skin color, national origin, creed, sex, marital status, political opinion, age, HIV status, and disability. The law does not prohibit discrimination based on language, sexual orientation, gender identity, religion, or social status. The government did not effectively enforce the law, and penalties were not commensurate with laws related to civil rights. Penalties were rarely applied against violators. There was a significant backlog of cases, with delays reportedly lasting years.

Women's pay lagged that of men in the private sector. Persons with disabilities faced discrimination in hiring and access to the workspace. While the law allows victims to sue for damages, most lacked the financial resources to counter wealthy defendants in court.

e. Acceptable Conditions of Work

Wage and Hour Laws: The minimum wage was above the established poverty income level.

The law provides for a 40-hour workweek, a 24-hour rest period, and time-and-a-half for hours worked beyond the standard workweek. The law stipulates paid annual holidays and prohibits compulsory overtime. The law does not place a limit on overtime.

Occupational Safety and Health: The government set occupational safety and health (OSH) standards appropriate for the main industries. According to the Ministry of Labour, the law protects all workers, including migrant workers, with respect to wages, working hours, working conditions, and OSH standards. Workers cannot remove themselves from situations that endanger health or safety without jeopardizing their employment.

Wage, Hour, and OSH Enforcement: The Ministry of Labour is responsible for enforcing labor laws, including minimum wage, work hours, and OSH standards. The ministry enforced the law inconsistently, especially in the informal sector. Ministry inspectors conducted random site visits to enforce OSH standards and to investigate employee concerns and complaints. Inspections occurred infrequently. Penalties for violations of OSH, wage, and work hour laws were commensurate with those for crimes such as negligence.

Inspectors have the right to conduct unannounced visits and levy fines, but the ministry sometimes announced inspection visits in advance. Employers generally cooperated with inspectors to implement safety standards. Some workers in the construction, agriculture, hospitality, engineering, and informal sectors endured hazardous conditions.

Informal Sector: The law protects all workers and calls for “decent” work standards for all, even outside legal employment structures. The government enforced the law in the informal sector, which accounted for an estimated 25 percent of the country’s GDP. The informal sector mainly consisted of home-based workers, such as hair braiders, street vendors, domestic workers, beauticians, and tailors. Persons in the informal sector were typically self-employed or worked more than one job. Many irregular migrants worked in landscaping and agriculture.