

# **The Bahamas 2023 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in The Bahamas during the year.

Significant human rights issues included extensive gender-based violence.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

## **Section 1. Respect for the Integrity of the Person**

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

There were no reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

### **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 law prohibited such practices and there were no credible reports that government officials employed them. There were allegations of police brutality and reports of physical abuse of prisoners by prison guards.

### **Prison and Detention Center Conditions**

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

**Abusive Physical Conditions:** Overcrowding remained a problem in facilities of the Bahamas Department of Correctional Services (BDOCS). Prison cells were overcrowded and lacked beds, bedding, and sanitation facilities. Human waste was commonly removed in buckets. Cells were infested with rats, maggots, and insects.

Prisoners reported infrequent access to nutritious meals and long delays between daily meals.

Incidents of prisoner-on-prisoner violence increased. One incident resulted in the death of an inmate.

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

**Independent Monitoring:** The Office of the UN High Commissioner for

Refugees (UNHCR) gained access to detainees at the Carmichael Road Detention Center and the government's safe house, but access was granted only to administrative spaces, not holding cells.

**Improvements:** The government opened a juvenile detention facility at the BDOCS as a short-term residential facility for male youth offenders. The facility included an on-staff psychologist and a psychiatric nursing team. The BDOCS implemented the United Nations Standard Minimum Rules for the Treatment of Prisoners also known as the Nelson Mandela Rules as policy. The BDOCS continued standardization exercises with the Standards and Accreditation Team of the American Correctional Association to improve conditions.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

#### **Arrest Procedures and Treatment of Detainees**

Police generally obtained judicially issued warrants for arrests, when required. By law, police were required to charge or release a suspect within 48 hours but could apply for an extension of up to 72 hours. Arrested

persons were typically charged before a magistrate within 48 hours of arrest.

The constitution provided the right of those arrested or detained to retain an attorney at their own expense. The Public Defender's Unit and local law professors and alumni provided free legal representation to defendants on a limited basis. A functioning bail system existed. Individuals unable to post bail were held on remand until 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:** Migrants held at the Carmichael Road Detention Centre filed lawsuits against the center for arbitrary detention and failure to provide access to legal representation. Foreign consulates reported victims of trafficking in persons were wrongfully detained at the center.

**Pretrial Detention:** Lengthy pretrial detention was a problem. Attorneys and other prisoner advocates complained of excessive pretrial detention. The Department of Immigration detained irregular migrants, primarily Haitians and Cubans, until they were repatriated or obtained legal status.

## **e. Denial of Fair Public Trial**

The law provided for an independent judiciary, and the government generally respected judicial independence and impartiality. Procedural shortcomings and trial delays were problems.

## **Trial Procedures**

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

This right was impeded by the significant backlog of cases in the upper courts delaying trials. Trials were further delayed due to poor case management, inaccurate handling of evidence, staff shortages and the lack of court appearances by witnesses, jury members, and defendants.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **f. Transnational Repression**

Not applicable.

## **g. Property Seizure and Restitution**

Not applicable.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibited such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

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

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

**Libel/Slander Laws:** The law criminalized 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 or disrupt access to the internet or censor online content.

### **b. Freedoms of Peaceful Assembly and Association**

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

International organizations reported the government hastily coordinated some repatriations, causing separation of children from their guardians in certain cases.

### **e. Protection of Refugees**

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

**Access to Asylum:** Access to asylum was informal. There was no legal framework whereby the government could provide protections and safeguards. The lack of refugee legislation complicated UNHCR's work to

assist asylum seekers and refugees.

UNHCR reported improved relations with the government regarding asylum cases. Authorities involved UNHCR in asylum proceedings. Some international organizations complained regarding the absence of legislation addressing asylum processes and appeals.

**Refoulement:** Concerns persisted that the rapid return of Cuban migrants would suppress legitimate asylum claims and heighten the risk of oppression by the Cuban government.

## **f. Status and Treatment of Internally Displaced Persons (IDPs)**

The country had 23 unregulated communities housing thousands of predominantly Haitian migrants and stateless persons. Migrants and stateless persons lived in structures that failed to meet the housing code. After a May 4 Supreme Court ruling ordered the demolition of “offending structures,” a multidisciplinary government task force presented eviction notices and demolished an unregulated community. The task force also announced plans to demolish the other 22 unregulated communities. Some stateless persons and migrants were entitled to government support to relocate. Activists expressed concern that residents of the demolished communities were displaced to other unregulated communities or were pressured to attempt to irregularly migrate to third countries.

## **g. Stateless Persons**

The government contributed to statelessness through discrimination against women in nationality laws.

Married Bahamian women could not confer citizenship to their children if the child was born outside of The Bahamas. Women were also unable to confer citizenship to their adopted children.

Previously, children born out of wedlock to a Bahamian father and non-Bahamian mother were not afforded citizenship. If the mother could not confer her citizenship, the children remained stateless. In May, a Privy Council ruling created a new pathway to legalization for stateless persons by granting automatic citizenship to children born out of wedlock to a Bahamian father and non-Bahamian mother. The ruling applied retroactively to 1973. There were no reliable statistics of the number of persons impacted by the ruling, but hundreds had applied for citizenship in the intervening months.

Some persons with possible claims to third country citizenship, predominantly those of Haitian descent, feared pursuing citizenship due to the threat of being deported for not having documents to reside in The Bahamas.

Individuals born in The Bahamas to non-Bahamian parents could apply for citizenship during a 12-month period following their 18th birthday, but

applicants often waited years for government response. The naturalization process featured lengthy delays, leaving stateless persons with limited access to public services. Government policy allowed individuals who missed the 12-month window to apply for legal permanent residency.

Children born in the country to non-Bahamian parents were eligible to apply for “belonger” status entitling them to reside in the country legally, attend public school, and purchase health-care insurance. Many children without “belonger” or other legal status still enjoyed access to public school and emergency health care.

### **Section 3. Freedom to Participate in the Political Process**

The law provided 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**

**Abuses or Irregularities in Recent Elections:** National elections were widely reported to be fair and free of abuses and irregularities. During the November by-election, the opposition accused the ruling administration of buying votes by awarding multi-million-dollar contracts. All political parties accused each other of buying votes. Accusations were reported to police.

## **Participation of Women and Members of Marginalized or Vulnerable**

**Groups:** Observers stated societal conceptions of traditional gender roles and gender-based character assassinations in the media were obstacles to political participation by women.

## **Section 4. Corruption in Government**

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were reports of government corruption.

**Corruption:** There were reports alleging that officials engaged in cronyism, kickbacks, and other forms of bribery. Reports of organized criminal activity led to the arrest of senior immigration officers. The officers were allegedly involved in a bribery scheme to sell passports and visas.

Detained migrants also accused immigration officers of soliciting bribes for better treatment.

The government also failed to implement contract and procurement law effectively. There was limited enforcement of conflict-of-interest clauses and anti-corruption clauses in government contracts. Nepotism was reported. In November, a member of parliament serving as chairman of a government corporation resigned over allegations that he awarded a government contract to his daughter.

The campaign finance system was unregulated, with few safeguards against quid pro quo donations.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

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

Several domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were generally responsive to the views of these groups.

**Government Human Rights Bodies:** In April, Parliament established a human rights committee to monitor and protect the enforcement of human rights. The committee did not advance an agenda or publish resolutions. The investigation of abuses directed at women, children, and persons with disabilities remained under the auspices of the Ministry of Social Services.

## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** The law criminalized rape of men and women; however, spousal rape was not a crime. The maximum penalty for an initial rape conviction was seven years in prison. The maximum sentence for subsequent rape convictions was life imprisonment. The Domestic Violence (Protection) Orders Act protected heterosexual partners against domestic and sexual violence. Similar protections were not available for lesbian, gay, bisexual, transexual, queer, or intersex (LGBTQI+) persons. The government generally enforced the law effectively, although activists suspected heterosexual and homosexual rape were underreported. In August, a sitting member of parliament was arraigned on charges of rape, assault, and threats of death. Senior government officials cited widespread gender-based violence. In response to increased reports of gender-based violence, the government passed the Protection Against Violence Bill in August. Activists viewed the legislation as inadequate to effectively protect against gender-based violence. 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.

**Other Forms of Gender-based Violence or Harassment:** Sexual harassment was a serious problem and was underreported. Generally, the law prohibited sexual harassment in employment and authorized penalties of up to two years' imprisonment. The government generally enforced the law effectively.

**Discrimination:** The laws generally protected women from discrimination in marriage, divorce, child custody, labor, education, and the judicial process. The law generally prohibited discrimination based on sex.

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

In August, media alleged that a girl, age 11, was impregnated by her mother's boyfriend. The mother was charged with causing harm and abortion for allegedly providing abortion pills to her daughter. In response to the case, human rights activists argued that the lack of legal abortion options was a public health crisis and exacerbated the issue of gender-based violence.

Health-care services varied by island. Residents on all but the two most-populated islands (New Providence and Grand Bahama) faced barriers to accessing contraception, including limited access to sexual and reproductive health services. The age for receiving contraception and other sexual health services without parental consent was 18. The government provided limited

sexual and reproductive health services to survivors of sexual violence, including emergency contraception and postexposure prophylaxis.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law protected racial and ethnic minorities from violence and discrimination. The government generally enforced the law effectively.

Haitians and persons of Haitian descent were the largest ethnic minority. 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 political groups advocating for stricter citizenship and deportation laws.

Members of the Haitian community complained of discrimination and exploitation in the job market, including salaries below minimum wage and confiscation of work permits by employers. 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. There were additional reports of citizens, including a prominent political aspirant, demanding noncitizens to produce status documents. 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.

## Children

**Child Abuse:** The law stipulated severe penalties for child abuse and required all persons having contact with a suspected victim of child abuse to report their suspicions to police. Nonetheless, child abuse and neglect remained serious problems. The government effectively enforced laws regarding child abuse.

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 was 18, although minors could marry at 14 with parental permission. The Office of the Registrar General strictly enforced laws related to marriage licenses, and there were no reports of child marriages outside the law.

**Sexual Exploitation of Children:** The minimum age for consensual heterosexual sex was 16, and the minimum age for homosexual consent was 18. The law considered any exposure of a child to commercial sex as cruelty, neglect, and mistreatment. Sale or purchase of children for exploitation in commercial sex was considered human trafficking. The law did not specify "grooming" as an illegal act. The offense of having sex with a child carried a penalty of up to life imprisonment. Child pornography was illegal. A person

who produced child pornography was subject to life imprisonment.

Dissemination or possession of child pornography called for a penalty of 20 years' imprisonment. The government enforced the law.

## **Antisemitism**

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

## **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 was legal. The law defined the age of consent for same-sex sexual conduct as 18, compared with 16 for heterosexual sexual conduct.

**Violence and Harassment:** There were no reported cases of police, government agents, or nonstate actors inciting, perpetrating, condoning, or tolerating violence against LGBTQI+ individuals or those reporting such abuse. NGOs noted a lack of an alternative reporting mechanism for

LGBTQI+ persons who might be uncomfortable reporting incidents to police or government agents.

**Discrimination:** The August 2023 Protection Against Violence Act provided some antidiscrimination protections to individuals based on their sexual orientation, gender identity, gender expression, or sex characteristics. Laws against domestic violence covered only violence in heterosexual relationships. 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 authorities. There was generally low social tolerance for same-sex relationships. Same-sex marriage was not legal. Homophobic epithets were common and socially acceptable.

During Pride events held in October, local religious leaders publicly demonstrated against LGBTQI+ awareness events and condemned scheduled activities at the country's sole university.

NGOs reported self-identifying LGBTQI+ children were remanded to juvenile correctional facilities after their guardians deemed the children "uncontrollable" based on their sexual orientation, gender identity, or gender expression.

**Availability of Legal Gender Recognition:** The law did not allow individuals to change their gender identity marker on official documents.

**Involuntary or Coercive Medical or Psychological Practices:** There was no law protecting LGBTQI+ persons from “conversion therapy” practices. There were no reports of the practice of conversion therapy or forced therapies in the country. There was no law prohibiting medically unnecessary genital surgeries on children born with intersex traits.

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

## **Persons with Disabilities**

Persons with disabilities generally had access to education, employment, and health services. The law prohibited 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.

Several persons with disabilities submitted complaints that persons without disabilities enjoyed impunity when occupying parking spaces designated for persons with disabilities. The government was unable to enforce the law on parking availability or to verify that new buildings met accessibility

requirements.

Lack of accessible transportation for person with disabilities was a long-standing problem, particularly on public buses.

Several specialized schools for children with disabilities operated in Nassau; however, on less-populated islands, children with learning disabilities often lacked adequate access.

## **Other Societal Violence or Discrimination**

The law prohibited discrimination in employment based on HIV and AIDS status. While societal attitudes regarding HIV and AIDS improved, there were episodes of discrimination and abandonment of children with HIV.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law facilitated the right of workers to form and join independent unions, participate in collective bargaining, and conduct legal strikes. The law prohibited antiunion discrimination. To be recognized, trade unions had to register with the Ministry of Labour and Public Service. Union representatives stated the registration process caused delays but was otherwise not a barrier to union formation. By law, employers could be

compelled to reinstate workers illegally fired for union activity. Members of the police, defense force, fire brigade, and prison guards were prohibited from joining unions. To be recognized by the government, a union was required to represent at least 50 percent plus one of the affected workers.

By law, labor disputes had to first be filed with the Ministry of Labour. If not resolved there, disputes were transferred to an industrial tribunal. The tribunal's decision was final and could be appealed only on a question of law.

There were significant restrictions on the right to strike. Prior to an anticipated strike, the law first required negotiations between the employer and union leaders. If there was a stalemate, the union had to 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 could supervise a secret strike ballot. The government had the authority to intervene in a strike to ensure the delivery of essential services and uphold the "national interest." Workers who engaged in illegal strikes were subject to imprisonment for up to two years.

The government and private sector generally respected freedom of association and the right to collective bargaining.

The government generally enforced laws protecting freedom of association, collective bargaining, and the right to strike for workers. Penalties for

violations of freedom of association, collective bargaining, and the right to strike were commensurate with penalties for similar violations. Penalties were sometimes applied against violators.

## **b. Prohibition of Forced or Compulsory Labor**

See the Department of State's annual *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 prohibited the worst forms of child labor. The law prohibited the employment of children younger than 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 could 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 could work outside school hours for not more than three hours on a school day, eight hours on a non-school 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.

There were no confirmed reports during the year of the worst forms of child labor. 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 (see section 6)**

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provided for minimum wage for all sectors. The minimum wage was above the established poverty income level. The laws provided for a 40-hour workweek.

**Occupational Safety and Health:** The government set occupational safety and health (OSH) standards appropriate to the main industries. Some workers in construction, agriculture, informal tourist operators, engineering, and informal sectors endured hazardous conditions. Typically, persons who were unable to work because of hazardous conditions were protected from dismissal; however, there were no statutory provisions that guarantee paid leave.

**Wage, Hour, and OSH Enforcement:** The Ministry of Labour was responsible for enforcing labor laws, including standards for minimum wage, work hours, and OSH. Ministry inspectors infrequently conducted random site visits. Inspectors levied fines to enforce OSH standards and to

investigate employee concerns and complaints. Penalties for violations of OSH, wage, and work hour laws were commensurate with those for crimes such as negligence. The government did not effectively enforce minimum wage, overtime, and OSH laws. Penalties were rarely applied against violators. The number of labor inspectors was not sufficient to enforce compliance. Inspectors had the authority to make unannounced inspections and initiate sanctions.

Employers generally cooperated with inspectors to implement safety standards.

The informal economy was estimated to represent 10-12 percent of the economy, primarily in the landscaping, construction, and hotel industries. There was limited enforcement of labor laws in the informal sector.