

BAHAMAS 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Commonwealth of The Bahamas is a constitutional, parliamentary democracy. Prime Minister Perry Christie's Progressive Liberal Party won control of the government in May 2012 elections that international observers found generally free and fair. Authorities maintained effective control over the security forces.

The most serious human rights problems were police abuse; mistreatment of irregular migrants (compounded by problems in processing them); and an inefficient judicial system, resulting in trial delays and an increase in retaliatory crime against both witnesses and alleged perpetrators.

Other human rights problems included substandard detention conditions; corruption; violence and discrimination against women; sexual abuse of children; and discrimination based on ethnic descent, sexual orientation, or HIV status.

The government took action against police officers and other officials accused of abuse of power.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings. There were occasional reports of fatal shootings and questionable deaths of suspects in police custody. Bystanders at some shootings claimed that police were too quick to use their firearms and, in some instances, declared that police officers acted unprofessionally.

Authorities reported five fatalities in police operations in 2013. The government did not provide updated data.

In April witnesses accused police officers of beating and kicking a 34-year-old man who later succumbed to his injuries. The Coroner's Court ruled this a wrongful death, and one officer was placed on administrative leave. The case remained pending as of October 20.

In 2011 the Coroner's Court resolved 1,278 cases and faced a backlog of 846 cases, including a few pending cases involving police shootings. The government did not provide updated data.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits torture and cruel, inhuman, or degrading treatment or punishment. At times citizens and visitors alleged instances of police abuse of criminal suspects.

In April 2013 a defense attorney accused a police officer of beating her client until he confessed to a 2010 murder. She further alleged that the only evidence linking her client to the crime was his disputed confession. The government did not provide updated data.

Prison and Detention Center Conditions

Prison and detention center conditions failed to meet international standards in some areas, and conditions at the government's only prison remained harsh due to overcrowding. During the year, however, prison sanitation improved. New correctional services legislation, which entered into force in August, renamed Her Majesty's Prison "The Bahamas Department of Correctional Services" (DCS); the new law places greater emphasis on rehabilitation of offenders.

Physical Conditions: DCS facilities include the remand center, remand court, maximum-security blocks, medium-security blocks, minimum-security/work release units, and a separate women's unit. Overcrowding, sanitation, and access to adequate medical care remained problems in the men's maximum-security block. In October authorities reported the daily population of the prison and the remand center at 1,396, compared with 1,433 in October 2013. To address overcrowding in the remand center, which stemmed from processing backlogs within the judicial system, authorities held prisoners awaiting trial in the maximum-security block. In October the commissioner of corrections (formerly the prison superintendent) reported the maximum-security wing of the prison held 753 inmates, which was twice the number of inmates it was built to hold when

constructed in 1953. Authorities generally held remanded non-Bahamian citizens in the maximum-security block if they were deemed to pose an escape risk. Authorities estimated that 47 percent of those held in maximum security were awaiting trial.

In October authorities reported confining as many as five inmates to cells intended for one or two prisoners. The majority of cells had adequate sanitary facilities, and additional improvements were underway as of October. Authorities allowed maximum-security inmates outside for exercise four days a week for one hour per day. Medium-security and minimum-security units had running water and toilets and, in some cases, a television set for prisoners to watch. Food supplies were adequate. A few cells, however, lacked running water, and in those cells inmates removed human waste by bucket. Four reverse-osmosis units installed at various prison housing units allowed each inmate to extract one gallon of potable water during exercise time each day, free of charge. In addition inmates could purchase bottled water and other beverages from the prison commissary.

Prison guards complained about the lack of a full-time dentist, failure to appoint a staff psychiatrist, and perimeter walls being incomplete for more than six years.

There were two inmate deaths through October. Authorities reported one was due to natural causes, and the second remained under investigation as of October.

Authorities held female prisoners at the DCS in a separate building located away from the retention area for male prisoners, but still within the same area surrounded by the prison wall. On October 1, there were 44 female prisoners. Conditions for women were less severe and less crowded than for men. Women had access to the same work-release programs available to men.

Authorities kept all juvenile offenders separated from adult offenders, holding remanded male juveniles in a custody block designated for juveniles only. They placed sentenced male juveniles at the medium security facility at the DCS and kept all female juveniles at the Female Housing Security Unit separated from adults.

The capacity of the Carmichael Road Immigrant Detention Center was 150 persons housed in two dormitories. The highest occupancy at the detention center through November was 498 persons; the population was 265 as of November 5. The dormitories were segregated by gender and secured using locked gates, metal fencing, and barbed wire. When the dormitories exceeded maximum capacity,

detention center staff utilized the floor of the main hall in the medical building to accommodate up to another 50 individuals with sleeping space. Any additional detainees slept outside. Following the implementation of the new immigration policy on November 1 (see Pretrial Detention below), authorities initially held accompanied children together with their mothers in the women's dormitory at the detention center, but later identified a local church facility where they housed the women with their children. They held unaccompanied minors in the Children's Emergency Hostel and the Elizabeth Estates Children's Home.

In September a small group of Cuban detainees attempted to set fire to the facility, reportedly to protest living conditions. Authorities reportedly contained the protest without incident, and no persons were charged. Authorities reported only minor complaints from detainees during the year, mostly concerning type and quantity of food. An advocacy group alleged that guards occasionally assaulted detainees. Human rights organizations also reported that rats and mice infested the living quarters. Some former detainees alleged that they were not allowed to contact their respective embassies or consulates. None of the eight pay telephones were operational, but detainees commonly had access to smuggled cell phones. Migrant detainees did not have access to an ombudsman or other means of submitting uncensored complaints.

The government made progress in its case against five Royal Bahamas Defence Force (RBDF) marines who in 2013 allegedly beat five Cuban detainees with batons and pipes at the Carmichael Road Immigrant Detention Center. The closed military tribunal hearing the case heard testimony on several occasions from key witnesses, several of whom traveled from Cuba and other countries to testify. In July the tribunal temporarily suspended the case while it sought testimony from one final witness abroad.

Administration: Recordkeeping was adequate. Prisoners and detainees generally had reasonable access to visitors and could participate in religious observance. Some organizations providing aid, counseling, education services, and religious instruction had regular access to inmates. A designated ombudsman was available to inmates charged with serious offenses, and other prisoners were entitled to an audience with the commissioner or a designee upon request to lodge complaints. The commissioner was available to hear the complaints of prisoners six days per week. Authorities stated that there were 87 complaints to judicial authorities concerning situations in the prison as of October, mostly related to lack of shower time, cell temperatures, and lack of access to dental facilities. Officials stated they investigated all credible allegations. Through October 1, authorities reported 803

preliminary inquiries and investigations of staff and inmates, an increase from 22 through the same period in 2013, attributed to improved processes. Alternative sentencing for nonviolent offenders was available for juveniles and persons addicted to drugs (or substance abusers).

Independent Monitoring: Human rights organizations complained that the government did not consistently grant requests by independent human rights observers for access to the DCS, Carmichael Road Detention Center, and the two juvenile centers. The government maintained additional bureaucratic procedures for some civil society organizations to gain access to the detention center, making it difficult to visit detainees on a regular basis. These groups generally operated with independence from the government.

Improvements: Through October the DCS commissioner reported improvements to the sanitation system including the installation of toilets in the maximum security block, cell-phone jammers along with a functioning pay-phone system, perimeter fortification, additional recreational facilities, and completion of new staff quarters. The damaged roof underwent major repairs during the year. A new work-release program was initiated, and prison officers assigned to the drug rehabilitation unit were trained on treating substance use disorders.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions, although the media occasionally reported accusations of police arresting and detaining persons arbitrarily.

Civil society organizations reported incidents of arbitrary detention by immigration officers and alleged that these officers solicited bribes to secure the release of detainees.

Government officials reported that immigrant detainees who presented a security risk were held at Bahamas Correctional Services. Nongovernmental organizations (NGOs) and media sources reported that several detainees had been held for more than one year without criminal charges.

Role of the Police and Security Apparatus

The Royal Bahamas Police Force (RBPF) maintains internal security. The small RBDF is primarily responsible for external security but also provides security at

the Carmichael Road Detention Center and performs some domestic security functions such as guarding foreign embassies. The Ministry of National Security oversees both the RBPF and the RBDF. The RBDF augments the RBPF in administrative and support roles.

Authorities automatically placed police officers under investigation if they were involved in shooting or killing a suspect. Police investigated all cases of police shootings and deaths in police custody and referred them to a coroner's court for further evaluation. The Police Complaints and Corruption Branch (PCCB), which reports directly to the deputy commissioner, is responsible for investigating allegations of police brutality or other abuse. This unit determines if enough evidence of abuse or misconduct exists in a particular case to warrant disciplinary action within the police system or, in some cases, criminal prosecution by the attorney general. The PCCB had 21 staff members to process complaints against police officers.

In addition to the PCCB, the independent Police Complaints Inspectorate Office (PCIO) investigated complaints against police. The PCIO, which is composed of five citizens, meets several times per year. No information was available on the outcome of PCIO proceedings.

From January to October 2013, there were 163 complaints against officers, half of which involved assault. Other complaints included unethical behavior, property damage, unlawful arrest, stealing, missing property, causing harm, threats of harm, neglect of duty, indecent assault, and unlawful entry or search. Of these cases authorities resolved 31 and recommended court inquiries in 13 cases. The government failed to provide updated data.

Arrest Procedures and Treatment of Detainees

In general authorities conducted arrests openly and, when required, obtained judicially issued warrants. Serious cases, including suspected narcotics or firearms offenses, do not require warrants where probable cause exists. The law provides that authorities must charge a suspect within 48 hours of arrest. Arrested persons 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. Police can apply for a 48-hour extension upon simple request to the court and for longer extensions with sufficient showing of need. Some persons on remand claimed they were not brought before a magistrate within the 48-hour time frame. The government generally respected the right to a judicial determination of the legality

of arrests. The constitution provides the right for those arrested or detained to retain an attorney at their own expense; volunteer legal aides were sometimes available. Minors under age 18 are provided legal assistance and have the right to communicate with a parent or guardian.

There was a functioning bail system. Individuals who could not post bail were held on remand until they faced trial. Judges sometimes authorized cash bail for foreigners arrested on minor charges; however, foreign suspects generally preferred to plead guilty and pay a fine rather than pursue their right to defend themselves, in view of possible delays in court cases and harsh conditions in prison.

Pretrial Detention: Attorneys and other prisoner advocates continued to complain 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 defined as two years. As of October 20, 369 prisoners including 15 non-Bahamian citizens were awaiting trial. Authorities continued to use an electronic ankle-bracelet surveillance system in which they released selected suspects awaiting trial with an ankle bracelet on the understanding that the person would adhere to strict and person-specific guidelines defining allowable movement within the country. The chief magistrate reported that courts utilized the technical capabilities of the program appropriately, imposing curfews and geographical restrictions. In November authorities reported the monitoring of approximately 400 accused persons through the ankle-bracelet system.

Authorities detained irregular immigrants, primarily Haitians, until arrangements could be made for them to leave the country or they obtained legal status. The average length of detention varied significantly by nationality, willingness of governments to accept their nationals back in a timely manner, and availability of funds to pay for repatriation. Authorities usually repatriated Haitians within one to two weeks. In a June bilateral agreement between the governments of The Bahamas and Haiti, the Haitian government agreed to accept the return of its nationals without undue delay, and both governments agreed that Haitian migrants found on vessels illegally in Bahamian territorial waters would be subject to immediate repatriation. In return, the Bahamian government agreed to continue reviewing the status of Haitian nationals with no legal status and without criminal records who either had arrived in The Bahamas before January 1985 or had resided continuously in The Bahamas since that time. Authorities held irregular immigrants convicted of crimes other than immigration violations at the DCS

where, after serving their sentences, they often remained for weeks or months pending deportation.

On November 1, the government began enforcement of new immigration policies that clarified existing requirements for non-Bahamian citizens to carry the passport of their nationality and proof of legal status in The Bahamas. Some international organizations alleged that enforcement focused primarily on people of Haitian origin, that rights of children were not respected, and that expedited deportations did not allow time for due process. There were also reports that immigration officials physically abused persons as they were being detained and that officials solicited and accepted bribes to avoid detention or secure release. Activists for the Haitian community acknowledged that few formal complaints were filed with government authorities as a result of these allegations but attributed this to a widespread perception of impunity for police and immigration authorities and fear of reprisal among minority communities. The government denied these allegations and publicly committed to ensuring that immigration operations be carried out with due respect for internationally accepted human rights standards, including the involvement of the Ministry of Social Services, where warranted, in cases involving children, scaled enforcement based on the ability to provide adequate housing for detainees, and full investigations of any allegations of abuse.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, sitting judges are not granted tenure, and some law professionals asserted that judges were incapable of rendering completely independent decisions due to lack of job security. Procedural shortcomings and trial delays were a problem. The courts have not kept pace with the rise in criminal cases, and there was a growing backlog.

Trial Procedures

Defendants enjoy a presumption of innocence until proven guilty and are permitted to question witnesses at trial and view government evidence. Defendants have a right to appeal. Defendants can elect to use a jury in criminal cases; serious offenses, such as murder and fraud, automatically go to a jury. Defendants have the right to present their own witnesses and evidence. Although defendants generally have the right to access government-held evidence and confront adverse witnesses, in some cases the law allows witnesses to testify anonymously against accused perpetrators in order to protect themselves from intimidation or retribution. Authorities frequently dismissed serious charges because witnesses

either refused to testify or could not be located. Efforts to protect witnesses were hindered by the fact that 70 percent of citizens lived within the 80 square miles that make up New Providence Island.

Defendants may hire an attorney of their choice. The government provided legal representation only to destitute suspects charged with capital crimes, leaving large numbers of defendants without adequate legal representation. Lack of representation contributed to excessive pretrial detention, as some accused lacked the means to pursue their cases toward trial.

A significant backlog of cases awaiting trial remained a problem. Delays reportedly lasted five years or more. Once cases go to trial, they were often further delayed due to poor case and court management. Examples of shortcomings included inaccurate handling or presentation of evidence and inaccurate scheduling of witnesses, jury members, and accused criminals for testimony. The government added four more criminal courts (for a total of 10) by the end of the year.

Local legal professionals attributed delays to a variety of longstanding systemic problems, such as slow and limited police investigations, inefficient prosecution strategies, limited forensic capacity, lengthy legal procedures, and staff shortages in the Prosecutor's Office and in the courts. Additional problems included a shortage of court reporters and extensive delays in producing transcripts. According to several legal professionals, government control of the budget and assignment of personnel remained a separation-of-powers problem.

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 there is access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations.

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

The constitution prohibits such actions, and the government generally respected these prohibitions.

While the law usually requires a court order for entry into or search of a private residence, a police inspector or more senior police official may authorize a search without a court order where probable cause to suspect a weapons violation or drug possession exists. There were no reports of government monitoring of private communications.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights. An independent press; a relatively effective--albeit extremely backlogged--judiciary; and a functioning democratic political system combined to promote freedom of speech and press. The independent media were active and expressed a wide variety of views without significant restriction.

Internet Freedom

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate legal authorization. The internet was widely available on New Providence and Grand Bahama islands, and the International Telecommunication Union estimated that 72 percent of the population used the internet in 2013.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. The Plays and Films Control Board rated and censored plays and films for public viewing.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of 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 www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The government did not systematically share its prescreening notes with the UNHCR, but it sought UNHCR advice on specific cases of concern.

Protection of Refugees

Access to Asylum: The government made some improvements to its system for providing protection to refugees and asylum seekers. Trained individuals screened applicants and referred them to the Ministry of Foreign Affairs and Immigration (MFA). If approved by the MFA, applications are forwarded to the cabinet for a final decision. Authorities did not consistently seek advisory assistance from the UNHCR, but did seek advice on specific cases during the year. Those requesting asylum screening often lacked access to legal counsel. International human rights organizations reported that the government maintains a memorandum of understanding with the Cuban government allowing for information sharing that heightened the risk of the persecution of detainees and their families. From January to October 2013, the UNHCR reported 92 requests for asylum, all but one from Cuban nationals. The government recognized 12 as refugees, with some cases still pending. The UNHCR did not have consistent access to case information during the year, and the government did not provide updated data on the number of asylum requests.

Refoulement: In 2013 the government signed an agreement with the government of Cuba to expedite removal of detainees. The announced intent of this agreement was to reduce the amount of time Cuban migrants spent in detention. In some cases, however, civil society groups claimed the agreement resulted in the repatriation of migrants to Cuba without a sufficient review of pending refugee/asylum claims. As of October 20, authorities reported that they had repatriated 3,409 irregular immigrants to their home countries. That group consisted of 2,852 Haitians, 189 Cubans, and 368 from other countries.

Stateless Persons

The government has not effectively implemented laws and policies to provide certain habitual residents the opportunity to gain nationality in a timely manner and on a nondiscriminatory basis. Children born in the country to non-Bahamian parents, to an unwed Bahamian father and a non-Bahamian mother, or outside the country to a Bahamian mother and a non-Bahamian father, do not acquire citizenship at birth. At year's end the public vote on a constitutional referendum to eliminate gender-based discrimination in the transmission of citizenship remained pending until sometime in 2015, and the process of finalizing the referendum questions stalled. Following the announcement to delay the vote, the government launched an education campaign to better explain the bills included in the referendum. Bahamian-born persons of foreign heritage must apply for citizenship during a 12-month window following their 18th birthday, sometimes waiting many years for a government response. The narrow window for application, difficult documentary requirements, and long waiting times have created generations of de facto stateless persons. Some commentators believed that these restrictions particularly targeted Haitian residents in the country. According to government figures, 167 persons were granted Bahamian citizenship as of December 1. A total of 290 and 247 persons were granted citizenship in 2012 and 2013, respectively. It was not clear how many of those approved were of Haitian descent.

There were no reliable estimates of the number of de facto stateless persons. The government asserted that a number of "stateless" individuals had a legitimate claim to Haitian citizenship but refused to pursue it out of fear of deportation or loss of future claim to Bahamian citizenship. Such persons often faced waiting periods of several years for the government to decide on their nationality applications and, as a result, lacked proper documentation to secure employment, housing, access to health services, and other public facilities during this period. In addition the government announced new policies in August that further restricted the ability of some migrants to secure authorization for employment, a strategy intended to discourage further illegal immigration.

Individuals born in the country to non-Bahamian parents were eligible to apply for certificates of identity that entitled them to work and allowed access to public high school-level education and a fee-for-service healthcare insurance program. Human rights advocates criticized the health insurance program as having unrealistic payment requirements that limited widespread access. Authorities allowed individuals born in the country to non-Bahamian parents to pay the tuition rate for Bahamian students when enrolled in college and while waiting for their request for citizenship to be processed.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the ability to change their government through the right to vote in free and fair elections, and citizens exercised this right through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Prime Minister Perry Gladstone Christie took office after his opposition Progressive Liberal Party (PLP) defeated the Free National Movement (FNM) in a general election in May 2012. The PLP won 29 of the 38 parliamentary seats, with 48 percent of the popular vote. The FNM won the remaining nine seats. Election observers from the Organization of American States and foreign embassies found the elections to be generally free and fair.

Participation of Women and Minorities: Five women served in the 38-seat House of Assembly. The prime minister appointed four women to the 21-member cabinet and five women to the 16-seat Senate, one of whom was its president. Twelve of the 21 permanent secretaries were women.

Authorities did not collect information on racial background, but there were members of minorities in prominent positions in parliament and the cabinet.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. There were frequent reports of government corruption during the year.

Corruption: No government agency is specifically responsible for monitoring allegations of government corruption. Such allegations are reported to the commissioner of police. When allegations of corruption are brought to the attention of the House of Assembly, it may elect to constitute an investigative committee to inquire into the matter further. It was not known whether the House of Assembly chose to do so during the year.

Financial Disclosure: The Public Disclosure Act requires senior public officials, including senators and members of parliament, to declare their assets, income, and

liabilities on an annual basis. The declaration applies to spouses and dependent family members. The government publishes a summary of the individual declarations. There is no independent verification of the submitted data, and the rate of annual submission was weak, except in election years.

Public Access to Information: As of October the government had not issued implementing regulations or taken other steps to bring the 2012 Freedom of Information Act into force. The act provides access to government information upon request from citizens and permanent residents--unless one of several exceptions related to national security, diplomatic exchanges, or the security of a prison or cabinet papers applies--and stipulates a fine of 10,000 Bahamian dollars (B\$) (\$10,000) for anyone who contravenes the legislation.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials usually were cooperative and responsive to their views.

Government Human Rights Bodies: A governmental commissioner with ombudsman-like duties enjoyed the government's cooperation and was considered effective.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of race, place of origin, political opinion, or creed, and the law prohibits discrimination based on disability. The government did not always effectively enforce these prohibitions, and the constitution and the law contain provisions that discriminate on the basis of gender. Neither the constitution nor the law addresses discrimination based on language, sexual orientation and/or gender identity, or social status.

The country consists of 700 islands and cays, 12 of which were significantly inhabited. Information in this report reflects the situation in the highly populated areas on New Providence and Grand Bahama. Limited information was available from other less-populated islands.

Women

Rape and Domestic Violence: Rape is illegal, but the law does not protect against spousal rape, except if the couple is separating, in the process of divorce, or if there is a restraining order in place. The maximum penalty for an initial rape conviction is seven years; the maximum for subsequent rape convictions is life imprisonment. In practice, however, the maximum sentence was 14 years' imprisonment. In the first 10 months of 2013, authorities reported 83 rapes and initiated 20 prosecutions. The government failed to provide updated data.

Violence against women continued to be a serious, widespread problem. The Bahamas Crisis Center (BCC) estimated that the level of domestic violence exceeded 1,200 cases annually, and the Director of Social services concurred but stated that fewer than one case in 10 resulted in police involvement. The Department of Social Services initiated a new Domestic Violence Unit in January, but the new unit had difficulty reaching victims and had processed just seven cases as of October 1. Assailants killed nine women in 2013, and the government failed to provide updated data for the year.

The law prohibits domestic violence as a crime separate from assault and battery, and the government generally enforced the law. Women's rights groups cited some reluctance on the part of law-enforcement authorities to intervene in domestic disputes. The BCC worked with police by providing them with a counselor referral service when encountering rape victims. The BCC operated a toll-free hotline in New Providence and Grand Bahama, run by trained volunteers to respond to emergency calls 24 hours a day. Governmental and private women's organizations continued public awareness campaigns, highlighting the problems of abuse and domestic violence. The Ministry of Labor and Social Development's Department of Social Services, in partnership with a private organization, operated a safe house to assist female survivors. The ministry's Bureau of Women's Affairs is responsible for promoting and protecting women's rights.

Female Genital Mutilation/Cutting (FGM/C): The law does not explicitly prohibit FGM/C, but there were no reports that it occurred.

Sexual Harassment: The law prohibits criminal "quid pro quo" sexual harassment and authorizes penalties of up to B\$5,000 (\$5,000) and a maximum of two years' imprisonment. There were no official reports of workplace sexual harassment during the year. Civil rights advocates complained that criminal prohibitions were not enforced effectively and asserted that civil remedies, including a prohibition on "hostile environment" sexual harassment, were needed.

Reproductive Rights: Couples and individuals generally could decide freely and responsibly the number, spacing, and timing of their children, had the information and means to do so, and had the right to attain the highest standard of reproductive health, free from discrimination, coercion, or violence. Access to family planning was universally available to persons age 18 and older and to younger persons with the consent of a parent or guardian. A government website provided information for maternal and child health-care services provided by various clinics throughout the country. Women had access to maternal health services and modern contraception. According to the most recent UN data, in 2010 skilled personnel attended 99 percent of births, and 98 percent of mothers received prenatal and postpartum care. Services were available on a nondiscriminatory basis, although some immigrants did not receive postpartum care because they had no fixed address. Individuals have access to emergency health care, including services for the management of abortion complications, although abortion is not legally permitted.

Discrimination: The law does not prohibit discrimination based on gender, and discrimination against women occurred. Women were generally free of economic discrimination, however, and the law provides for equal pay for equal work. The law does not provide women with the same right as men to transmit citizenship to their foreign-born spouses. The law also makes it easier for men with foreign spouses than for women with foreign spouses to transmit citizenship to their children. The government has proposed a constitutional referendum to correct these biases, but the process appeared stalled during the year.

Children

Birth Registration: Children born in the Bahamas to married parents, one of whom is Bahamian, acquire citizenship at birth. Those born to non-Bahamian parents, to an unwed Bahamian father and a non-Bahamian mother, or outside the country to a Bahamian mother and a non-Bahamian father do not automatically acquire citizenship. In the case of unwed parents, the child takes the citizenship of the mother. All children born in the Bahamas may make application for citizenship upon reaching their 18th birthday. There is universal birth registration, and all births must be registered within 21 days of delivery. All residents, regardless of immigration status, had free access to education and social programs.

Child Abuse: Both the government and civic organizations conducted public education programs aimed at child abuse and appropriate parenting behavior;

however, child abuse and neglect remained serious problems. The RBPF operated a hotline regarding missing or exploited children. The law provides severe penalties for child abuse and requires all persons having contact with a child they believe to have been physically or sexually abused to report their suspicions to the police.

The Ministry of Social Services reported 302 cases of child abuse through June. In addition the RBPF hotline reported 131 cases through September, including 15 reports of sexual abuse. Authorities acknowledged that the system of tracking these statistics was not reliable, and the actual number of cases was likely much higher.

The penalties for rape of a minor are the same as those for rape of an adult. While a victim's consent is insufficient defense against allegations of statutory rape, it is sufficient defense if an individual can demonstrate that the accused had "reasonable cause to believe that the victim was above 16 years of age," provided the accused was under age 18. In 2012 Social Services reported 112 of cases of adults having unlawful sexual intercourse with children age 15 and younger. The government failed to provide updated data.

Sexual exploitation of children through incestuous relationships occasionally occurred, and anecdotal reports continued to suggest that this was a particular problem outside Nassau. The Ministry of Social Services may remove children from abusive situations if a court deems it necessary. The ministry provided services to abused and neglected children through a public-private center for children, the public hospital family-violence program, and the Bahamas Crisis Center.

Early and Forced Marriage: The legal minimum age for marriage is 18, although minors may marry at 15 with parental permission. Data on rates of early marriage were not available.

Female Genital Mutilation/Cutting (FGM/C): The law does not explicitly prohibit FGM/C, but there were no reports it occurred.

Sexual Exploitation of Children: The minimum age for consensual sex is 16 years. The law considers any association or exposure of a child to prostitution or a prostitution house as cruelty, neglect, or mistreatment of a child. Additionally, the offense of having sex with a minor carries a penalty of life imprisonment. Child pornography is against the law. A person who produces it is liable to life

imprisonment; dissemination or possession of it calls for a penalty of 20 years' imprisonment.

Institutionalized Children: The Department of Social Services is responsible for abandoned children up to age 18 but had very limited resources at its disposal. There is an extensive screening process for prospective foster parents, including relatives. The government found foster homes for some children, and the government hospital or Nazareth Center housed children with physical disabilities when authorities could not find foster homes or the children needed care beyond their parents' resources. Independent human rights observers reported that the government did not consistently approve access requests to the various foster care facilities. Many of these facilities were privately run with government support.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at <http://travel.state.gov/content/childabduction/english/legal/compliance.html> and country-specific information at travel.state.gov/content/childabduction/english/country/bahamas.html.

Anti-Semitism

The local Jewish community numbered approximately 200 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

In July the government passed the Persons with Disabilities Act, which provides for the fundamental human rights of persons with disabilities as defined in the UN Convention on Persons with Disabilities. The new law addresses issues of employment, education, and access. Under the new law, businesses and public buildings have two years to make improvements to access once implementing regulations are approved. Provisions in other legislation address the rights of persons with disabilities, including a prohibition of discrimination on the basis of disability. Although the previous law mandated access for persons with physical

disabilities in new public buildings, authorities rarely enforced this requirement, and very few buildings and public facilities were accessible to persons with disabilities. The Education Act affords equal access for students, but only as resources permit, with this decision made by individual schools. On less-populated islands, children with learning disabilities often sat disengaged in the back of classrooms because resources were not available.

The Disability Division within the Ministry of Labor and Social Development reported providing the following services during the year: disability allowances to persons with disabilities; financial assistance to procure prosthetics, wheelchairs, hearing aids, and other assistive devices; regular meetings for the prosthetic committee; annual government grants to NGOs serving the community of persons with disabilities; crisis intervention counseling; and Braille classes.

A mix of government and private residential and nonresidential institutions provided education, training, counseling, and job placement services for adults and children with physical or mental disabilities.

National/Racial/Ethnic Minorities

The country's racial and ethnic groups generally coexisted peacefully, but anti-Haitian prejudice and resentment regarding Haitian immigration was widespread. According to unofficial estimates, between 40,000 and 80,000 residents were Haitians or persons of Haitian descent, making them the largest ethnic minority. Many persons of Haitian origin lived in shantytowns with limited sewage and garbage services, law enforcement, or other infrastructure. The conditions of the shantytowns varied greatly. For example, a shantytown in Abaco referred to as "the Mud" consisted of several hundred numbered houses with limited electricity, water, gas, and sewage connections. In contrast, a number of shantytowns on New Providence and other islands consisted of houses built from trash and leftover building materials, with few organizational, infrastructure, or sanitation measures in place. The government occasionally evicted residents and demolished some settlements due to health and safety concerns. Fires frequently broke out in Haitian shantytowns in Nassau, and a large fire destroyed more than 800 homes in Abaco in December 2013. Authorities generally granted Haitian children access to education and social services, but interethnic tensions and inequities persisted. The Haitian community was characterized by high poverty, high unemployment, and poor health conditions. Haitians generally had difficulty in securing citizenship, residence, or work permits.

Members of the Haitian community complained of discrimination in the job market, specifically that identity and work-permit documents were controlled by employers seeking leverage by threat of deportation. Some also complained of tactics used by immigration officials in raids of Haitian or suspected Haitian communities. Government actions to address these communities often met political resistance, as many Bahamians employed Haitians as cheap labor.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals occurred, with some persons reporting job and housing discrimination based upon sexual orientation. According to NGOs, LGBT persons also faced discrimination in employment, for which victims had no legal recourse. The government does not keep statistics on such incidents. Although sexual activity between same-sex consenting adults is legal, the law defines the age of consent for same-sex couples as 18, compared with 16 for heterosexual couples. No domestic legislation addresses the human rights concerns of LGBT persons. LGBT NGOs could operate openly in the country, although a Pride weekend in August in Grand Bahama was nearly abandoned after organizers of the events reported receiving threats; only five persons participated. The 2006 Constitutional Review Commission found that sexual orientation did not deserve protection against discrimination.

HIV and AIDS Social Stigma

Stigma and employment discrimination against persons with HIV/AIDS were high, but there were no reports of violence against persons with HIV/AIDS. The law prohibits discrimination in employment based on HIV/AIDS status. Children with HIV/AIDS also faced discrimination, and authorities often did not tell teachers that a child was HIV positive for fear of verbal abuse from both educators and peers. The government maintained a home for orphaned children infected with HIV/AIDS.

An independent facility known as the All Saints Camp operated as a hospice for approximately 60 HIV-infected individuals, using the individuals' government and family proceeds to fund its expenses. Those in contact with the camp alleged extreme neglect of the HIV-infected individuals living at the camp, including non-nutritious and irregular meals and improper or inadequate basic medical care. The administrator of the camp reported that it did not employ nurses or other medical

staff and that sick individuals living there took care of themselves or employed their own visiting nurses. During the year several religious organizations provided physical improvements to the facility, but living conditions remained generally unsanitary.

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. Under law, employers can 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.

Enforcement of labor laws was weak. There was no information on the adequacy of enforcement resources. Fines varied widely by case and were not sufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays and appeals. On October 22, the Ministry of Labor and National Insurance reported 712 labor violation complaints since January and stated that it had 16 officers who resolved the majority of these cases in a timely manner. By law labor disputes must first be filed with the ministry and if not resolved, they are transferred to an industrial tribunal, which determines penalties (fines) and remedies, up to a maximum of 26 weeks of an employee's pay. The tribunal's decision is final and can be appealed in court only on a strict question of law. Authorities reported a case backlog of up to three years at the tribunal.

Freedom of association and the right to collective bargaining were generally respected. There were reports that some employers utilized individual contracts instead of collective bargaining. An experienced trade unionist assists the ministry to streamline the collective bargaining process. Workers occasionally filed disputes with the authorities involving "union-busting" charges, specifically in the financial services sector.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, although there were reports that forced labor occurred.

The government did not always effectively enforce applicable law. Although the Ministry of Labor and National Insurance received no reports of forced labor during the year, local NGOs noted that exploited workers often did not report their circumstances to government officials for fear of deportation and lack of education about available resources. There was no information on the adequacy of resources, inspections, and remediation. Penalties for forced labor ranged from three to 10 years and were sufficiently stringent to deter violations.

Undocumented migrants were vulnerable to forced labor, especially in domestic servitude and in the agriculture sector. There were reports that noncitizen laborers, often of Haitian origin, were vulnerable to forced labor and suffered abuses at the hands of their employers, who were responsible for endorsing their work permits on an annual basis. Specifically, local sources indicated that employers reportedly obtained B\$1,000 (\$1,000) work permits for noncitizen employees and then required them to “work off” the permit fee over the course of their employment or otherwise risk losing the permit and their ability to work legally within the country.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under age 14 for industrial work or work during school hours. Children under age 16 may not work at night. Children between ages 14 and 18 may work outside of school hours under the following conditions: (a) in a school day, for not more than three hours; (b) in a school week, for not more than 24 hours; (c) in a nonschool day, for not more than eight hours; (d) in a nonschool week, for not more than 40 hours. An exception exists for “packaging boys” at grocery stores, who were as young as age 12 and may work no more than three hours after school. The law prohibits persons younger than age 18 from engaging in dangerous work including construction, mining, and road building. There was no legal minimum age for employment in other sectors. Occupational health and safety restrictions apply to all younger workers.

The government made efforts to enforce the law, with labor inspectors proactively sent to stores and businesses on a regular basis, but resource constraints limited their effectiveness. The Ministry of Labor reported no severe violations of child labor laws, although inspectors reported several instances of children working in small merchant businesses or excess hours in grocery stores. The penalty for

violations of child labor law is a fine between B\$1,000 (\$1,000) and B\$1,500 (\$1,500). This punitive action was sufficient to deter violations.

d. Discrimination with Respect to Employment or Occupation

The law prohibits discrimination in employment based on race, creed, sex, marital status, political opinion, age, HIV status, or disability, but not in regard to language, sexual orientation and/or gender identity, or social status. The government did not effectively enforce the law.

Discrimination in employment and occupation occurred with respect to persons living with HIV/AIDS (see section 6). Foreign migrant workers were not consistently afforded legal protections.

e. Acceptable Conditions of Work

Minimum wage rates exist for hourly, daily, and weekly work, but the Ministry of Labor enforces the higher minimum wage of B\$4.00 (\$4.00) per hour. In 2013 the official poverty level was adjusted to B\$4,247 (\$4,247) a year.

The law provides for a 40-hour workweek, a 24-hour rest period, and time-and-a-half payment for hours worked beyond the standard workweek. The law stipulates paid annual holidays and prohibits compulsory overtime. The law does not place a cap on overtime. The government set health and safety standards appropriate to the industries. According to the Ministry of Labor and National Insurance, the law protects all workers, including migrant workers, in areas including wages, working hours, working conditions, and occupational and safety standards. Workers did not have the right to refuse to work under hazardous conditions, and legal standards did not cover undocumented and informal economy workers.

The ministry was responsible for enforcing labor laws, including the minimum wage, and had a team of 10 inspectors that conducted on-site visits to enforce occupational health and safety standards and investigate employee concerns and complaints, although inspections occurred infrequently. The ministry generally announced inspection visits in advance, and employers generally cooperated with inspectors to implement safety standards. It was uncertain whether these inspections were effective in enforcing health and safety standards. The government did not levy fines for noncompliance, but occasionally forced a work stoppage. Such penalties were not sufficiently stringent to deter violations.

Working conditions varied, and mold was a problem in schools and government facilities.

Authorities reported no workplace fatalities from January through October.