



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

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**Committee on the Elimination of Discrimination
against Women**
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**Responses to the list of issues and questions with regard to
the consideration of the fifth periodic report**

Bahamas*

* The present document is being issued without formal editing.

Responses to the list of issues and questions with regard to the consideration of the fifth periodic report of Bahamas

General

1. The introduction of the State party's report describes the process of drafting the report. In this regard, please provide detailed information on the nature and extent of consultations with non-governmental organizations, particularly women organizations. Please explain whether the report was adopted by the Government and submitted to the Parliament.

Invitations were extended to relevant government agencies, women's NGOs and other stakeholders to identify a contact person to work on the Fifth CEDAW Report. Copies of the relevant Articles were also sent out along with a meeting date and venue for all the identified contact persons. The meeting was held with these persons where more detailed information was shared on the role and importance of CEDAW and deadlines were established for the requested information.

A special meeting was convened with representatives of Women Organizations and the National Women's Advisory Council at the Bureau of Women's Affairs monthly forum to discuss certain questions and garner their input. Representation included but was not limited to Zonta and Pilot Clubs, Human Rights Activists, Faith based institutions, and women's branches of the major political parties.

The report was sent to Cabinet for approval and then sent to the Ministry of Foreign Affairs for onward submission to the United Nations CEDAW Committee.

Constitutional, legislative and institutional framework

2. Given that the dualist legal system of the State party requires incorporation of the Convention to render it fully applicable in the domestic legal system, please indicate whether the State party is envisaging undertaking a comprehensive revision of its domestic law to identify, repeal and amend discriminatory provisions that discriminate against women.

No action being taken at this time to undertake a comprehensive revision of The Bahamas' domestic law to identify, repeal and amend discriminatory provisions that discriminate against women.

3. According to paragraph 32 of the report, the Constitution does not provide for the prohibition of discrimination against women. Please indicate whether the State party is considering including an explicit definition and prohibition of both direct and indirect discrimination against women in relevant legislation. Please provide information on the steps taken to withdraw its reservation to Article 2(a) of the Convention.

No consideration is being given at this time to include an explicit definition and prohibition of both direct and indirect discrimination against women in relevant legislation.

No steps have been taken to withdraw the reservation to Article (2(a) of the Convention.

National machinery for the advancement of women

4. The responses to the List of Issues (CEDAW/C/BHS/Q/4/Add.1) mention in paragraphs 12 and 13 that the budget allocated to the Bureau of Women's Affairs amounts to USD 80,000 and that the Bureau is composed of four staff members. Please indicate which percentage of the national budget is allocated to the Bureau of Women's Affairs and whether the State party is envisaging increasing the human resources of this Bureau.

Please also elaborate on the capacity of the national machinery for the advancement of women to coordinate with the different ministries and indicate whether budget allocation and the capacity of the gender national mechanism staff are adequate at all levels of government.

The budget for the Bureau of Woman's Affairs, represents less than 1% of the country's national budget. Efforts are being made to increase human resources of the Bureau.

The Bureau acknowledges that the present staffing and budget of the Bureau present challenges in adequately addressing concerns of women.

5. The report indicates in paragraph 42 that the state party is in the process of developing a National Gender Policy. Please indicate the actions taken to accelerate the development of such policy and provide a clear timeframe for its adoption and implementation. Please also indicate how the coordination, monitoring and evaluation of its implementation are envisaged. Please provide information on the mandate of the Women's Advisory Council (CEDAW/C/BHS/Q/4/Add.1, paragraph 12) and indicate how it is related to the national machinery for the advancement of women.

The Bureau of Women's Affairs was able to begin steps towards the drafting of a National Gender Policy following approval from the government and funding and technical assistance from the regional office of the United Nations Population Fund (UNFPA).

The process began in June 2011 with a consultative meeting which included representatives from government and non-government agencies to determine whether The Bahamas needed a Gender Policy and outlining the steps to be taken to achieve that goal. The meeting was chaired by a well-known regional and international consultant on gender issues.

A management committee was established and members attended a one day training in that month. Consultative meetings were held in New Providence, Grand Bahama, Abaco and Eleuthera between August and October 2011. In August, 2011, an all male consultative meeting was held in New Providence, to get their perspective on the proposed policy. A rapporteur was hired to document the proceedings of all the meetings, which were chaired by the assistant consultant. In December 2011, the final meeting was held in New Providence with the stakeholders. Representatives from the consultative groups in Grand Bahama, Abaco and Eleuthera were also in attendance along with both the chief and assistant consultants. We are awaiting the completed draft policy from UNFPA.

The draft policy report will be reviewed by the management committee along with other key stakeholders and senior officials before submission to the Government for consideration.

It is projected that the policy will be implemented over a ten year period. It is envisioned that the Bureau will play a significant role in the implementation of the policy.

The National Women's Advisory Council is appointed by the government to advise the Minister with responsibility for women's affairs on matters that affect women, with a view to addressing them. Representatives from the Council attend the bi-monthly Women's Forum. The Bureau facilitates the work of the Council.

Temporary Special Measures

6. The Replies to the List of Issues indicate in paragraph 17 that no consideration has been given to the adoption of temporary special measures. Please indicate the reason for this and the barriers to the adoption of temporary special measures, in accordance with article 4, paragraph 1 of the Convention and general recommendation No. 25 on temporary special measures (2004), either in the form of affirmative action, or otherwise, to accelerate the achievement of equality of women and men.

It is the view of the State Party that the level of participation of women in seeking elected office is of concern and consideration will be given to the means of addressing this.

Stereotypes and harmful practices

7. Please provide information on measures envisaged, including the development of a comprehensive policy, to change social and cultural patterns that lead to stereotyping, reproducing or reinforcing the traditional roles of women and men within the family and society in general and to eliminate customs and cultural practices, which discriminate against women.

Some of the measures being taken by the State Party to address these issues include the National Parenting Programme which challenges parents to move away from the traditional roles of men and women. The Health and Family Life Curriculum of the Ministry of Education is being reviewed and updated to address male and female stereotypes.

Educational and vocational opportunities now permit male and females to enter non-traditional roles.

Violence against women

8. During the Universal Periodic Review of The Bahamas, the State Party supported the recommendation to take effective measures to address the serious social problem of rape. Please provide information on the progress made in this regard. Please provide data on the prevalence and trends in violence against women and girls, including rape, sexual abuses and domestic violence cases during the last five years. Please explain whether the State Party envisages establishing a systematic and regular gathering and analysis of data and information on all forms of violence against women. Please also indicate whether the State Party envisages developing a national policy or comprehensive long-term strategy to combat violence against women, which would include measures to combat stigmatization of victims of sexual and domestic violence and to provide them with medical and psychological support.

The penalties for rape have been increased to life imprisonment. Additionally there is an ongoing campaign of public awareness through the electronic media, workshops and presentations to women, men and youth groups.

See Annex 1 for data on rape, sexual abuse and female victims of homicide.

The State Party is desirous of establishing a regular systematic collection and analysis data on all forms of violence against women. This is an area which requires technical assistance.

A National Five Year Strategic Plan to combat domestic violence has been drafted and submitted to government for consideration. A strategic plan to address sexual violence will be developed in 2012.

9. The State Party's responses to the list of Issues (CEDAW/C/BHS/Q/4/Add.1) indicates in paragraphs 31 and 32 that the draft law amending the Sexual Offences Act in order to make marital rape an offence has been pending before Parliament since 2009. Please indicate the steps taken and envisaged to further amend this draft law so that it contains a definition of marital rape on the basis of lack of consent as well as provisions criminalizing marital rape, as recommended during the Universal Periodic Review of the Bahamas in 2010. Please also provide information on the steps taken to expedite the adoption of the draft law.

The Government of The Bahamas is committed to the elimination of all forms of discrimination against women. In fulfilment of this commitment, the Government has undertaken a number of steps. In 2009, the Government introduced in Parliament an amendment to the Sexual Offences and Domestic Violence Act, 1991, to make marital rape an offence. Consultations began with civil society and the matter is still pending.

10. The report describes in paragraph 49 the initiatives taken to combat domestic violence, including the enactment of the Domestic Violence (Protection Orders) Act in 2007. Please indicate the measures taken to ensure and promote effective implementation of this Act and provide information on the results achieved. Please also indicate how the coordination, monitoring and evaluation of its implementation are envisaged. Please indicate the time frame to provide remedies and assistance, shelter, counselling and rehabilitation services to all victims of domestic violence.

The Ministry of Labour and Social Development has employed a consultant to ensure and promote effective implementation of the Domestic Violence (Protection Orders) Act, 2007. Meetings with stakeholders, regular liaison with the Police, Family Court Magistrates, and training for Police Officers at the Police College on Domestic Violence are on-going. Community meetings with Churches, Women's and Men's Organizations are also a major part of the programme. The Ministry of Labour and Social Development has launched a campaign "*Domestic Violence is Everyone's Business*" for 2012. It will incorporate massive media outreach, utilizing the print and electronic media, town meetings, Family Island travel, barber shop/beauty salon outreach, school speech competitions, among other things.

Opportunities for counselling and rehabilitation services for victims of domestic violence are available through the Department of Social Services, The Bahamas Crisis Centre and the Ministry of Health.

There are currently three shelters that provide housing for victims of domestic violence in New Providence only. Additional shelters are needed in New Providence and the Family Islands.

Trafficking and exploitation of prostitution

11. The report refers in paragraph 39 to the enactment of a Trafficking in Persons (Prevention and Suppression) Act in 2008. Please indicate the measures taken to ensure and promote effective implementation of this Act and the mechanisms in place for monitoring its implementation. Please provide data on the number of cases brought before the court, and the number of prosecutions and punishments since the Act came into force. Please also indicate whether the State party envisages developing policies and programmes addressing prevention, protection, assistance and legal support for victims of trafficking, including those who are exploited in forced prostitution.

No cases have been brought before the Courts. The State Party envisages an awareness campaign to heighten awareness and provide information as to where help could be obtained.

12. The Committee received reports that children, and presumably girls, engaged in certain activities related to tourism were at risk of being involved in commercial sexual exploitation. Please indicate the steps taken to eliminate commercial sexual exploitation of children and to raise awareness of the actors directly related to the tourist industry.

There have been no reported cases of the sexual exploitation of children related to the tourism industry.

The National Child Protection Council and other stakeholders in the fight to combat child abuse have an ongoing campaign to inform and educate the community especially children on child sexual abuse.

Participation in political and public life

13. The report indicates in paragraph 63 and 67 that women account for 12.2 per cent of all members in Parliament and fewer women are inclined to become involved in politics. Please indicate the steps taken to increase the number of women in decision-making bodies and to achieve equal representation of women in political and public life, including through the adoption of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 on temporary special measures (2004). Please provide, in particular, information on measures envisaged to support women candidates standing for elections, including by developing targeted training and mentoring programmes on leadership and negotiation skills for potential women candidates and women holding public office, and ensuring that in each group of three candidates, at least one candidate is a woman in political parties' electoral lists.

Through public awareness and dialogue with women and youth organizations, efforts are ongoing to increase awareness of the need for women to become involved in political office.

The Bureau of Women Affairs has received expressions of interest from current and former female representatives to conduct training and mentoring programmes for women interested in pursuing political office.

The Bahamas Hotel Catering and Allied Workers Union, the largest trade union in The Bahamas is now headed by a female as is the case with the largest trade union umbrella union.

At the executive level, females hold a number of key positions that include, the President of the Court of Appeal of the Supreme Court, Secretary to the Cabinet, President of the Bahamas Bar Association, Chief Medical Officer, Director of Legal Affairs, Governor of the Central Bank and Director of Public Prosecutions.

Nationality

14. The report confirmed in paragraph 80 the applicability of provisions in the Constitution, which prevent women from passing their nationality to their children or to their spouses of foreign nationality on the same basis as men. Please indicate whether the State party envisages repealing these provisions. Please provide information on the steps taken to withdraw reservation to article 16 (h) of the Convention.

The Bahamas continues to not see itself bound by the provisions of Article 9 paragraphs 1 and 2. As indicated in previous documents submitted, this issue was presented to civil society via a Constitutional Referendum and the amendment was voted against.

The Bahamas acknowledges that the above mentioned is the only discriminatory provision that the Constitution contains towards women (*one which prevents women from passing their nationality to their children or to their spouses of foreign nationality*).

The reservation to Article 16 (h) was withdrawn on 18 February 2011.

Education

15. The report refers in paragraph 88 to cultural barriers on women's education. Please indicate the actions taken or envisaged to overcome these barriers. The report also indicates in paragraph 90 that a Support Programme for Transforming Development Education and Training has been recently re-launched. Please indicate whether this programme is gender-sensitive and ensures that women are not directed at typically female occupations.

There are no cultural barriers to women's education in The Bahamas.

The Ministry of Education's former Support Programme for Transforming Development Education and Training (SPTET), now called Investing in Students and Programmes for the Innovative Reform of Education (INSPIRE) does not direct young women to typically female occupations.

Employment

16. The report refers in paragraph 19 to the on-going review of the Labour Code. In this regard, please indicate whether the State party envisages repealing the limitations imposed on the granting of maternity leave (CEDAW/C/BHS/1-4, paragraph 310). The Committee received reports that

section 6 (b) of the Employment Act of 2001 is narrower than what is required under ILO Convention No. 100. Please indicate the steps taken to put the Employment Act in line with ILO Convention No. 100.

The Committee also received reports on the existence of occupational segregation of men and women, including in the higher occupational category of senior officials and managers, and concentration of women in so-called typically female occupations. Please provide information on steps taken to address these issues. Please also indicate whether the State party envisages adopting temporary special measures to change the unequal rates of Labour forces, participation of women, lower wages and other areas of discrimination (CEDAW/C/BHS/1-4, paragraph 310).

The State Party does not envisage repealing the limitation imposed on the granting of maternity leave.

The State Party undertakes to examine Section 6 (b) of the Employment Act 2001 as it relates to ILO Convention No. 100.

The Government agency responsible for Labour relations has not received reports of occupational segregation.

In The Bahamas women are afforded the right to work in every area of the economy once they are interested and capable of meeting the initial requirements that are set for all persons regardless of gender.

Health

17. The report indicates in paragraph 150 that, in practice, women need the authorization of their husband to have tubal ligation or sterilization. Please indicate the measures envisaged to eliminate such discrimination. Please also provide data on unmet need for contraception.

No legal provisions exist which require women to have the authorization of their husbands to have tubal ligation or sterilization.

Data on unmet need for contraception is unavailable.

18. The report indicates in paragraph 159 60 162 that abortion is illegal except when pregnancy is harmful to the mother's life and/or health as well as in cases of incest, rape and other exceptions. Please provide information on the rate of abortion, including the prevalence of unsafe abortion among women given in the low contraceptive use and provide accurate data on mortality among women due to unsafe abortions.

Data is not available.

Asylum seekers

19. According to reports submitted to the Committee, conditions of detention of asylum seekers are particularly inadequate for women and children. Please provide information on the steps taken to address this issue.

The authorities have not had the opportunity to review the reports made to the committee regarding conditions of asylum seekers. We can report generally that the conditions at the Detention Centre are under regular review.

Optional Protocol and amendment to article 20, paragraph 1

20. Please indicate any progress made with respect to ratification of the Optional Protocol to the Convention and acceptance of the amendment to Article 20, paragraph 1, of the Convention.

This matter is still under consideration.

ANNEX 1

<i>Sexual assault (Entire Bahamas)</i>									
	2003	2004	2005	2006	2007	2008	2009	2010	2011
Rape	114	89	87	72	135	118	108	78	107
Attempted Rape	36	31	23	23	35	43	33	26	28
Unlawful Sexual Intercourse	166	196	189	208	255	241	234	203	171

Source: Research & Planning Unit Police Headquarters.

Female Victims of Homicide

<i>Year</i>	<i>Total of Murder Victims</i>	<i># of Female Victims</i>	<i># of Female Victims</i>
2006	61	5	8%
2007	78	8	10%
2008	73	7	10%
2009	86	10	12%
2010	94	16	17%

Source: The Crime Analysis Section, Strategic Policy & Planning Branch, Police Headquarters.