



General Assembly

Distr.: Limited
19 January 2018

Original: English

UNEDITED VERSION

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-ninth session
Geneva, 15-26 January 2018

Draft report of the Working Group on the Universal Periodic Review*

Bahamas

* The annex is being issued without formal editing in English.

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-ninth session from 15 to 26 January 2018. The review of the Bahamas was held at the 6th meeting, on 17 January 2018. The delegation of the Bahamas was headed by Attorney General and Minister of Legal Affairs, Senator The Hon. Carl Wilshire Bethel, Q.C. At its 10th meeting, held on 19 January 2018, the Working Group adopted the report on Bahamas.
2. On 10 January 2018, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Bahamas: Chile, Qatar, and Senegal.
3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Bahamas:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/29/BHS/1);
 - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/29/BHS/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/29/BHS/3).
4. A list of questions prepared in advance by [Belgium, Brazil, Germany, Liechtenstein, Portugal, Slovenia and United Kingdom of Great Britain and Northern Ireland] was transmitted to the Bahamas through the troika. These questions are available on the extranet of the universal periodic review.

I. Summary of the proceedings of the review process

[To be completed by 2 February 2018]

- A. Presentation by the State under review
- B. Interactive dialogue and responses by the State under review

5. During the interactive dialogue, 54 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

II. Conclusions and/or recommendations

6. The following recommendations will be examined by the Bahamas, which will provide responses in due time, but no later than the thirty-eighth session of the Human Rights Council:
 - 6.1. **Building on the existing de facto moratorium on the death penalty, make this moratorium official through ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Ukraine);**
 - 6.2. **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and consider the repeal of provisions allowing for the death penalty (United Kingdom of Great Britain and Northern Ireland);**
 - 6.3. **In connection with the recommendation made in the Bahamas' Second UPR Cycle in 2013, ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Afghanistan);**

- 6.4. **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Portugal);**
- 6.5. **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Germany);**
- 6.6. **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);**
- 6.7. **Ratify the Optional Protocol to the United Nations Convention on the Elimination of All forms of Discrimination Against Women (Denmark);**
- 6.8. **Accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (Australia);**
- 6.9. **Ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Italy);**
- 6.10. **Sign the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, withdraw the reservations to the CEDAW art 2 (a) and art 9 (2) on nationality and move forward in the adoption of a comprehensive strategy to eliminate gender stereotypes (Spain);**
- 6.11. **Deposit the instrument of ratification of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as soon as possible (Denmark);**
- 6.12. **Ratify the Convention Against Torture and Other Inhuman or Degrading Treatment or Punishment and its Optional Protocol (France); (Germany);**
- 6.13. **Accelerate consultations related to CAT ratification (Georgia);**
- 6.14. **Continue taking steps towards the ratification of the UN Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);**
- 6.15. **Continue efforts regarding the ratification of international instruments, particularly the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and regarding the human rights protection mechanisms (Morocco);**
- 6.16. **Accede to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the Rome Statute, as previously recommended (Slovenia);**
- 6.17. **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Belgium);**
- 6.18. **Ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (Haiti);**
- 6.19. **Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and the use of children in the pornography (Honduras);**
- 6.20. **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras); (Sierra Leone);**
- 6.21. **Ratify the International Convention for the Protection of All Persons from Enforced Disappearances (Japan);**
- 6.22. **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and accede to the Convention against Torture**

and Other Cruel, Inhuman or Degrading Treatment or Punishment (Sierra Leone);

6.23. Ratify the International Convention for the Protection of all Persons from Enforced Disappearance (Belgium);

6.24. Ratify the ILO Convention No. 189 (Benin);

6.25. Accede to the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Côte d'Ivoire) (Haiti);

6.26. Consider accession to the Convention on the Status of Stateless Persons and the Convention to reduce cases of Statelessness (Peru);

6.27. Ratify the 1961 Convention on the Reduction of Statelessness (Sierra Leone);

6.28. Ratify the UNESCO Convention against Discrimination in Education (Benin);

6.29. Ratify and implement the International Labour Organization's 2014 Protocol to the Forced Labour Convention, 1930 (United Kingdom of Great Britain and Northern Ireland);

6.30. Continue working to implement and report on the Conventions and Treaties to which the Bahamas is already a party (Cuba);

6.31. Ratify the Convention on Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (Armenia);

6.32. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Belgium) (Chile);

6.33. With the support of the Office of the High Commissioner for Human Rights, strengthen the National Coordination, Implementation and Reporting Mechanism (NMRIF) to ensure a follow up to the recommendations received under all UN Human Rights mechanisms (Haiti);

6.34. Improve the level of regular reporting to relevant bodies on the implementation of already accepted core human rights treaties (Montenegro);

6.35. Report more regularly to the United Nations treaty bodies, specifically to the Committee on the Elimination of all forms of Discrimination against Women (Netherlands);

6.36. Issue an open standing invitation to the Human Rights Council special procedures (Ukraine);

6.37. Make an open and permanent invitation to all the Special Procedures of the Council for further progress in human rights (Spain);

6.38. Adopt an open, merit-based selection process when selecting national candidates for UN Treaty Body elections (United Kingdom of Great Britain and Northern Ireland);

6.39. Implement as soon as possible plans to establish a national human rights institution in compliance with the Paris Principles (Germany);

6.40. Step up efforts in establishing a national human rights institution in line with the Paris Principles (Indonesia);

6.41. Establish the Office of the Ombudsman with A status in accordance with the Paris Principles (Slovenia);

6.42. Implement the plans on the establishment of the Office of an Ombudsman (Ukraine);

6.43. Increase efforts to combat discrimination based on gender and sexual orientation or gender identity (Chile);

- 6.44. **Fight discrimination against LGBTI individuals (France);**
- 6.45. **Introduce laws to provide redress to people subject to discrimination based on their sexual orientation or gender identity (Australia);**
- 6.46. **Take steps to amend the definition of “discrimination” in order to include gender, sexual orientation, gender identity or expression as grounds within it (Israel);**
- 6.47. **Include same-sex couples in the Domestic Violence Act and repeal all provisions that discriminate against persons on grounds of their sexual orientation (Netherlands);**
- 6.48. **Eliminate any legal provision that justifies discrimination for any personal issue, including issues of sexual orientation or gender identity, as previously recommended (Spain);**
- 6.49. **Promote strategies for the mitigation of climate change and adaptation to these changes and disseminate this information throughout the society, especially amongst children (Haiti);**
- 6.50. **Continue to take measures to reduce the vulnerabilities that small islands states are typically susceptible to, including in terms of environmental issues and natural disasters, in collaboration with the international community (Japan);**
- 6.51. **Seek the technical and financial support needed to meet its climate change needs (Sierra Leone);**
- 6.52. **Establish a moratorium on the death penalty, as a step towards complete abolition of this practice (Australia);**
- 6.53. **Abolish the death penalty (Côte d’Ivoire);**
- 6.54. **Abolish the death penalty, as a continuation of the de facto moratorium applied by the Bahamas (France)**
- 6.55. **Impose a country-wide moratorium on the death penalty that immediately halts all sentences and executions, with a view towards complete abolition of the death penalty (Iceland);**
- 6.56. **Take formal steps to abolish the death penalty, including by declaring an official moratorium on its use and by ratifying the Second Optional Protocol to the ICCPR (Ireland);**
- 6.57. **Consider to fully abolish the death penalty (Italy);**
- 6.58. **Continue working for the full abolition of the death penalty as a measure aimed at the recognition of the protection of human rights (Mexico);**
- 6.59. **Establish a formal moratorium on executions and consider ratifying the Second Optional Protocol of the ICCPR, with the view to abolishing the death penalty (Namibia);**
- 6.60. **Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Portugal);**
- 6.61. **Carry out a broad awareness campaign, disseminating different alternatives to the death penalty, with the aim of moving towards abolition (Spain);**
- 6.62. **Improve prisoners’ detention conditions, health care and nutrition at the Bahamas Department of Corrections in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the “Mandela Rules” (Canada);**

- 6.63. Strengthen efforts to prevent and combat the trafficking in persons, protect the victims and guarantee their access to medical, social, legal and rehabilitation services, as well as to logistic support (Ecuador);
- 6.64. Adopt a national action plan based on a human rights approach and focused on victims to combat trafficking in persons, based on a baseline study documenting the scope and trends of human trafficking at the national level (Honduras);
- 6.65. Provide adequate and regular financing to service providers and organizations that deal with the prevention and combating of human trafficking, in order to provide comprehensive assistance (Honduras);
- 6.66. Provide training to security forces, migration officers, prosecutors and judges in order to improve the identification of victims of trafficking and their protection (Israel);
- 6.67. Continue to take measures to raise awareness regarding trafficking in persons and provide support for victims (Japan);
- 6.68. Continue efforts carried out in the fight against trafficking in human beings particularly regarding the identification of victims and provide support to victims (Morocco);
- 6.69. Continue to expand its trafficking in persons prevention measures, in particular by improving coordination with non-governmental organizations and other relevant government departments (Singapore);
- 6.70. Consider the possibility of carrying out a national reference study in cooperation with all stakeholders in order to evaluate the scope and trends of trafficking at the national level (Algeria);
- 6.71. Implement legal mechanisms to identify and combat the root causes for trafficking (Angola);
- 6.72. Take urgent measures to investigate and sanction all those involved in the sale and trafficking of children (Argentina);
- 6.73. Continue its efforts that would encourage an open climate for civil society that allows NGOs freedom of speech and association without fear of redress (Philippines);
- 6.74. Step up efforts to adopt legislation concerning freedom of information, in accordance with international human rights standards (Brazil);
- 6.75. Establish a system to administer juvenile justice in line with its obligations under the Convention on the Rights of the Child (Australia);
- 6.76. Create an accurate and transparent online case tracking system, in order to ensure that all criminal defendants are afforded fair trial guarantees and equality before the courts consistent with the Bahamas' international obligations, and consider release from custody and alternatives to pretrial detention (United States of America);
- 6.77. Continue to promote social and economic sustainable development to lay a solid foundation for its people to enjoy all human rights (China);
- 6.78. Include measures aimed at ensuring transparent, efficient and accountable delivery of public services into its national development strategy (Azerbaijan);
- 6.79. Initiate gender-neutral policies relating to access to education, health, and social services (India);
- 6.80. Continue advancing in the fight against poverty, through the application of its correct social policies in favour of the welfare of its people, particularly the most vulnerable sectors (Bolivarian Republic of Venezuela);

- 6.81. Continue its efforts that would strengthen the effective implementation and enforcement of the country's labour laws (Philippines);
- 6.82. Increase the access to quality health care services, particularly in rural zones (Ecuador);
- 6.83. Strengthen maternal health services (Peru);
- 6.84. Accelerate the efforts in ensuring that maternal health is improved in Bahamas including access to quality care, prenatal care and reproductive health (Afghanistan);
- 6.85. Develop a new constitutional revision project and integrate relevant issues related to better promotion of human rights (Senegal);
- 6.86. Continue its positive experience of investing significant resources for education while giving particular emphasis on incorporation of international human rights standards into the national education system (Azerbaijan);
- 6.87. Keep up the legislative reform on human rights and education in accordance with international standards on education (Republic of Korea);
- 6.88. Improve its public education and awareness as well as assess all of its initiatives (Trinidad and Tobago);
- 6.89. Strengthen efforts to increase protection for domestic workers in collaboration with regional and international partners, as appropriate, including through bilateral programmes in respect of domestics originating from those countries (Jamaica);
- 6.90. Continue to actively implement gender equality policies to better protect women's rights (China);
- 6.91. Continue measures to guarantee equality between men and women, in accordance with international obligations (Ecuador);
- 6.92. Make legislation on abortion more lenient (France);
- 6.93. Continue efforts with the view to promoting gender equality and ensuring women's rights and freedoms (Georgia);
- 6.94. Continue the process of Constitutional Reform to remove gender discrimination in nationality provisions and introduce safeguards to prevent statelessness (Australia);
- 6.95. Continue efforts in strengthening gender equality and eradicate gender discriminatory practices (Portugal);
- 6.96. Ensure equal rights to women and men, in accordance with Bahamas' international obligations (Slovenia);
- 6.97. Increase efforts to promote the rights and equality of women, specifically addressing the Nationality Law that discriminates on the grounds of gender (Uruguay);
- 6.98. Take effective measures to ensure gender equality (Angola);
- 6.99. Continue steps towards fighting violence against women by amending, in particular, article 3 of the 1991 Sexual Offences and Domestic Violence Act, which does not include marital rape or a definition of rape (France);
- 6.100. Adopt effective legal actions to address discrimination and widespread violence against women and implement the Strategic Plan to address Gender-Based Violence (Germany);
- 6.101. Amend the Sexual Offences and Domestic Violence Act to criminalise marital rape (Iceland);

- 6.102. Strengthen its legislative and policy framework to ensure women's rights are promoted and protected as a national priority, and in particular urgently consider amending the Sexual Offences Act to criminalize rape (Ireland);
- 6.103. Strengthen efforts to prevent and combat all forms of discrimination and violence against women, by reinforcing the legal framework on the issue, running national awareness campaigns and ensuring comprehensive investigation and prosecution in cases of domestic violence (Italy);
- 6.104. Combat violence and discrimination against women and girls, including among other actions, through the implementation of the Action Plan to address gender-based violence and the evaluation of results (Mexico);
- 6.105. Continue the efforts to overcome the challenges regarding the criminalization of marital rape and combat gender-based violence under the government's Strategic Plan 2016 (Republic of Korea);
- 6.106. Pass legislation that would criminalize marital rape (United States of America);
- 6.107. Initiate the process for domestication of the Optional Protocol to the Convention on the Rights of the Child, Optional Protocol on the Involvement of Children in Armed Conflict and Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (India);
- 6.108. Prohibit corporal punishment for children in all settings (Namibia);
- 6.109. Consider the harmonization between the minimum age for leaving school and the minimum age for employment (Peru);
- 6.110. Implement effective measures to apply the existing legislation to protect Children from abuse and neglect (Portugal);
- 6.111. Consider adopting the Model Guidelines for Sexual Offence Cases in the Caribbean Region, which follow internationally accepted best practices for the management of sexual offence cases, and offer a rights-based approach to the treatment of complainants and vulnerable witnesses, including children, involved in sexual assault cases (Canada);
- 6.112. Explicitly prohibit, in any environment, corporal punishment of children and carry out awareness-raising campaigns in this area (Chile);
- 6.113. Bring national legislation on the rights of persons with disabilities in conformity with the Convention on the Rights of Persons with Disabilities (Armenia);
- 6.114. Continue efforts regarding the rights of persons with disabilities (France);
- 6.115. Make comprehensive and effective efforts to continue to implement legislation concerning the rights of persons with disabilities (Guyana);
- 6.116. Modify the Law on Persons with Disabilities in order to incorporate an integrating and rights-based approach to the education of persons with disabilities, recognizing their right to education and encouraging their inclusion in the ordinary education system (Honduras);
- 6.117. Explore all appropriate options to incorporate persons with disabilities into the mainstream educational system (Jamaica);
- 6.118. Continue efforts to establish an enabling environment for persons with disabilities in the mainstream education system (Maldives);
- 6.119. Develop a social protection policy for the benefit of persons with disabilities and guarantee their civil, political, economic and cultural rights (Senegal);

- 6.120. **Adopt the necessary measures to ensure the effective socialisation and implementation of the provisions of the Persons with Disabilities (Equal Opportunities) Act (Singapore);**
- 6.121. **Advance the promise of drafting a law on inclusion in education for people with disabilities based on rights (Spain);**
- 6.122. **Pass comprehensive anti-discrimination legislation that would protect the human rights of all, including LGBTI persons and members of ethnic minority groups (United States of America);**
- 6.123. **Strengthen measures aimed at the protection of minorities and indigenous peoples (Benin);**
- 6.124. **Concrete efforts continue to be made to protect migrants seeking employment from exploitation and trafficking (Guyana);**
- 6.125. **Review its national legislation in order to apply alternative measures to the deprivation of freedom to manage migration (Honduras);**
- 6.126. **Ensure that rights of migrants and refugees are guaranteed (Italy);**
- 6.127. **Strengthen the framework for the protection of processing of migrants, refugees, asylum seekers and suspected trafficking victims, building on existing platforms and with appropriate assistance from the international community (Jamaica);**
- 6.128. **Establish legislation to regulate the care of migrants and asylum seekers, in accordance with international human rights standards in the matter (Mexico);**
- 6.129. **Engage in data collection and sharing as it relates to migration (Trinidad and Tobago);**
- 6.130. **Take necessary measures to ensure the welcoming in dignity of migrants in irregular situation intercepted at sea as well as asylum seekers (Algeria);**
- 6.131. **Ensure that its detention and treatment of migrants conform with its obligations under international human rights law and the Refugee Convention (Canada);**
- 6.132. **Develop alternatives to detention for asylum seekers and refugees, as well as ensure that any restriction on their freedom of movement is applied under circumstances in which it is necessary, reasonable and proportionate (Portugal);**
- 6.133. **Enact asylum and refugee legislation that enables the implementation of obligations under the 1951 Convention relating to the Status of Refugees (Republic of Korea);**
- 6.134. **Apply a human rights based approach to its immigration policy and abstain from criminalizing irregular migration (Brazil);**
- 6.135. **Put in place, in cooperation with UNHCR, simplified naturalisation procedures to ensure Bahamian born children of foreign nationality application for Bahamian citizenship within a reasonable period of time (Haiti);**
- 6.136. **Ensure that women are able to pass their nationality to their children on equal footing with men, including by withdrawing the reservation on Article 9(2) of CEDAW (Iceland);**
- 6.137. **Continue enhancing protection of the rights of the child, in particular to ensure every child's right to nationality and citizenship (Indonesia);**
- 6.138. **Intensify efforts aimed at addressing the discriminatory provisions in nationality laws (Namibia);**

6.139. **Modify national laws to ensure equal nationality rights and that nationality can be passed on to Bahamian children regardless of whether or not their parent was born in the Bahamas post 1973 (Sierra Leone);**

6.140. **Continue efforts to ensure that national legislation adequately guarantees gender equality as it pertains to the conferring of nationality (Trinidad and Tobago);**

6.141. **Take the necessary measures to modify all legislation that denies or restricts the right of national women to transmit their nationality (Argentina).**

7. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of the Bahamas was headed by Senator, The Hon. Carl Wilshire Bethel, Q.C. and composed of the following members:

- Senator The Hon. Carl Wilshire Bethel, Q.C., Attorney General and Minister of Legal Affairs;
 - Mr. Frank Davis, Charge d'affaires a.i/ Deputy Permanent Representative, Permanent Mission of The Bahamas;
 - Ms. Bernadette Butler, Minister-Counsellor, Permanent Mission of The Bahamas;
 - Ms. Jewel Major, Chief Counsel, Office of the Attorney General & Ministry of Legal Affairs;
 - Ms. Alicia Gibson, Assistant Counsel, Office of the Attorney General & Ministry of Legal Affairs;
 - Ms. DeAndra V. Cartwright, Foreign Service Officer, Ministry of Foreign Affairs.
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