

Universal Periodic Review (29th session, Jan-Feb 2018)
Contribution of UNESCO
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Bahamas

I. Background and framework

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Not a State Party to this Convention	Reservations to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not a State Party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	15/05/2014 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	15/05/2014 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	29/12/2014 Ratification			Right to take part in cultural life

Right to education

II. Promotion and protection of human rights on the ground

1. The **Constitution of the Commonwealth of the Bahamas** of 1973 includes human rights guarantees – including the basic principles of equality and non-discrimination – but not the right to education. On 7 June 2016, a referendum was organized on the adoption of four Constitutional amendment bills.¹ Three of the bills sought to achieve the equal treatment of both men and women in the acquisition of citizenship by their children and their spouses. The fourth bill sought to amend the constitutional provision defining the expression “discriminatory” by including the word “sex” in the definition.² The amendment bills were rejected by Bahamians.
2. The **Education Act of 1962**, last revised in 1996, provides for compulsory schooling from the age of 5 to 16 and sets out the duty of parents to secure the education of their children. The Early Childhood Care Act of 2004 provides for the regulation and management of day-care centers and pre-schools. Adopted in February 2015, the Early Childhood Care (National Standards) Regulations give further orientation on the registration and operation of day-care centers and pre-schools. The Child Protection Act of 2007 includes guarantees for education and against discrimination, violence, abuse and neglect of children. In **2014**, the Bahamas adopted the **Persons with Disabilities (Equal Opportunities) Act**,³ which provides for the integration of persons with disabilities in schools and places the responsibility upon the Ministry of Education to establish and maintain an integrated system of special education for persons with disabilities.
3. In terms of reporting to UNESCO, the Bahamas did not submit national report within the framework of the 8th (2011-2013) and 9th (2016-2017) Consultations of Member States on the measures taken to implement the UNESCO Recommendation against Discrimination in Education. Similarly, the Bahamas did not report on the measures taken to implement the UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms for the 5th (2012-2013) and 6th (2016-2017) Consultations.

Freedom of opinion and expression

- Constitutional and Legislative Framework:
4. The Constitution of the Commonwealth of the Bahamas guarantees the freedom of expression: “Except with his consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purposes of this Article the said freedom includes

¹ See the website of the Government of Bahamas : [Press Release - PM Launches “Yes” Campaign and Declares Referendum Date](#)

² See the website of the Government of Bahamas : [Speech On The Four Referendum Bills Delivered By Former Bahamas Attorney General And Chief Justice On 10 May 2016](#)

³ The Act of 2014 is accessible at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/90308/120377/F-1133270545/BHS90308.pdf>

freedom to hold opinions, to receive and impart ideas and information without interference, and freedom from interference with his correspondence”.

5. Defamation remains criminalized in the Bahamas under a restrictive two tier structure with both “negligent” and “intentional” defamation held as punishable with imprisonment under article 315 of the Penal Code⁴. Seditious libel is a criminal offense under Arts 395-397 of the Penal Code of Bahamas⁵.
6. In 2016, the Bahamas Government has officially launched the Freedom of Information Bill⁶ (FOI). Since 2012, when the bill was introduced for the first time at the House of Assembly, there have been multiple delays preventing the enactment and implementation of a viable FOI legislation in the Bahamas.

➤ Implementation of legislation:

7. The Broadcasting Act establishes the Broadcasting Corporation of the Bahamas as governed by five members appointed by the Governor-General⁷.
8. Licencing of other television operators has been assigned to the Television Regulatory Authority according to the Television Regulatory Authority Act⁸. The Authority shall consist of not less than five and not more than seven persons to be appointed by the Governor-General. According to Section 3 of the Act two of the appointments are made after consultation with the Leader of the Opposition⁹.

➤ Safety of journalists:

9. UNESCO¹⁰ did not report any killing of journalist between 2008 until present time.

III. Recommendations

10. Below are the recommendations made within the framework of the 2nd cycle of the Working Group (23rd session) on the Universal Periodic Review (March 2013)¹¹:

92.86. Implement policies to guarantee that girls and women with disabilities have equal access to education, employment and work.

⁴ http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1873/1873-0015/PenalCode_1.pdf

⁵ http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1873/1873-0015/PenalCode_1.pdf

⁶ www.bahamas.gov

⁷ http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1956/1956-0018/BroadcastingAct_1.pdf

⁸ http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1994/1994-0027/TelevisionRegulatoryAuthorityAct_1.pdf

⁹ http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1994/1994-0027/TelevisionRegulatoryAuthorityAct_1.pdf

¹⁰ <http://en.unesco.org/unesco-condemns-killing-of-journalists>

¹¹ <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BSSession15.aspx>

- 92.88.** Continue to implement its efforts to promote universal education and develop a knowledge-based society for long-term sustainable development.
- 92.89.** Strengthen efforts in the sphere of education with a view to increasing school enrolment rates at primary and secondary level and achieving the target of Education for All by 2015.
- 92.90.** Continue devoting significant resources in education, with particular consideration to human rights.
- 92.68.** Repeal all legislation providing for corporal punishment as a method of education in schools and sign the Optional Protocols to the Convention on the Rights of the Child.

Review and specific recommendations

11. Since the last UPR session, the Bahamas has been engaged in a process of legislation reform touching upon human rights and education. Such efforts are welcome and should be pursued, in line with international standards on education and with the objective of ensuring “inclusive and equitable quality education and lifelong learning for all” set by Sustainable Development Goal 4 on Education (SDG 4).
12. Major legal reforms regarding education are under way. The country has informed UNESCO of its intention to revise the Education Act with a view to bring it into line with the needs of the country¹² and the new 2030 priorities, and UNESCO has been requested to provide assistance during the process. Given that the Education Act of 1962 has not been revised since the last amendment of 1996, such a positive step forward should be highly encouraged. Besides it could be recommended that the Bahamas take additional steps towards aligning the compulsory education age (16 years) and the minimum age for admission to employment (14 years). This issue was already raised by the UN Committee on the Rights of the Child in 2005¹³ and has been discussed by the ILO Committee of Experts on the Application of Conventions and Recommendations since 2013.¹⁴ Both Committees recommended to raise the minimum age for admission to employment to 16 in order to harmonize it with the age at which compulsory education ends. The ongoing legislative reforms, notably the revision of the Education Act, could provide a valuable opportunity to address this issue. Furthermore, making the necessary legal amendments to the Employment Act will be essential to harmonize the national legislation and create a supportive legal environment for achieving SDG 4.

¹² Detailed in the 10-year Education Plan (2008-2018) and the Shared Vision for 2030 (adopted in 2015)

¹³ Concluding Observations of the Committee on the Rights of the Child, 2005, CRC/C/15/Add.253, para. 26-27, accessible

at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f15%2fAdd.253&Lang=en (Last consulted on 24 February 2017)

¹⁴ Observation of the ILO Committee of Experts on the Application of Conventions and Recommendations, 2017, accessible at:

http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3280310,103215,Bahamas,2016 (Last consulted on 24 February 2017)

13. Despite these positive developments, it should be mentioned that recent legislative measures may raise some concern. In 2014, the Bahamas adopted the Persons with Disabilities (Equal Opportunities) Act,¹⁵ which provides for the integration of persons with disabilities in schools and places the responsibility upon the Ministry of Education to establish and maintain an integrated system of special education for persons with disabilities. Legal and policy provisions should instead promote an inclusive environment for the education of persons with disabilities and provide them with educational opportunities in the mainstream education system, as far as possible, as required by Article 24 of the Convention on the Rights of Persons with Disabilities, ratified by the Bahamas in 2015. A comparative reading of the Bill of 2011 and the Act as adopted in 2014 shows a considerable discrepancy. While the Bill of 2011 set out detailed provisions regarding the right to education for persons with disabilities, the final Act has not included such provisions and shifted away from a rights-based and inclusive approach. Education is now addressed in a different chapter than the one dedicated to the “Rights of persons with disabilities” and is nowhere referred to as a right. The Bahamas should be invited to address this issue and to consider adopting stronger legal provisions guaranteeing the right to education of persons with disabilities without discrimination and promoting inclusive education.
14. In its response to the recommendations formulated during the interactive dialogue of the UPR session in 2013, Bahamas provided information and mentioned the “draft Bill on Inclusion in education”.¹⁶ To the extent of our knowledge, this Bill has not been adopted yet. The Bahamas could be encouraged to accelerate the adoption of this law in line with international standards on education.

➤ **Specific recommendations:**

1. The Bahamas should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education.
2. The Bahamas could be encouraged to engage in the process of revision of the Education Act, and to amend as appropriate the Employment Act, in order to harmonize the legislation by better aligning further the compulsory education age with the minimum age of work, and to meet international standards on the right to education.
3. The Bahamas could be recommended to consider amending the 2014 Persons with Disabilities (Equal Opportunities) Act, adopting an inclusive and rights-based

¹⁵ The Act of 2014 is accessible at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/90308/120377/F-1133270545/BHS90308.pdf> (Last consulted on 24 February 2017)

¹⁶ Comment from the Bahamas on Recommendation 92.91. Accessible in the Report on « Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review » of the Working Group on the Universal Periodic Review, Addendum (A/HRC/23/8/Add.1), 30 May 2013, pp. 4-5, accessible at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BSSession15.aspx> (Last consulted on 24 February 2017)

- approach for the education of persons with disabilities, recognizing their *right* to education and encouraging their inclusion in the mainstream education system.
4. The Bahamas should be strongly encouraged to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
 5. The Bahamas should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Database on the Right to Education¹⁷.

Freedom of expression

15. Bahamas is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.
16. Bahamas is recommended to continue to pursue drafting and adopting the freedom of information legislation in line with international standards.
17. Bahamas is recommended to consider strengthening the independence of broadcast licensing in line with international standards.

Cultural Rights

18. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)¹⁸, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)¹⁹ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)²⁰, the Bahamas is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, the Bahamas is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

¹⁷ <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

¹⁸ Periodic Report available at: <http://whc.unesco.org/document/123037>

¹⁹ Periodic Report not available

²⁰ Periodic Report not available

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

19. Bahamas has not submitted its National Report on the implementation of the **Recommendation on the Status of Scientific Researchers** (1974) for the **Second Consultation** covering the period from 2013 to 2016 (<http://on.unesco.org/2hL0xGz>). Therefore **Bahamas** is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument in line with the online monitoring questionnaire (<http://unesdoc.unesco.org/images/0024/002468/246830E.pdf>). When replying to the 2013-2016 monitoring questionnaire, **Bahamas** is kindly invited to pay particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation. The issues under consideration are: autonomy and freedom of research and expression; academic freedom to openly communicate on research results; participation of scientific researchers in the definition of the aims and objectives of research; compliance of research methods with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; freedom of movement of researchers and respect for their economic, social and cultural rights.