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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Bahamas

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

The Bahamas welcomes the recommendations made in the course of its Universal Periodic Review of 23rd January, 2013. After broad consultation and careful evaluation of the recommendations, The Bahamas is pleased to provide the following responses.

<i>Recommendations</i>	<i>Response</i>	<i>Comment</i>
92.1.	Consider	In progress and on-going.
92.2.	Not accepted	
92.3.	Support	
92.4.	Consider	
92.5.	Consider	
92.6.	Consider	
92.7.	Consider	
92.8.	Not accepted	
92.9.	Consider	
92.10.	Support	Ratification anticipated by latter part of 2013.
92.11.	Support	
92.12.	Consider	
92.13.	Not accepted	
92.14.	Not accepted	
92.15.	Not accepted	
92.16.	Not accepted	
92.17.	Not accepted	
92.18.	Support	In progress and on-going.
92.19.	Support	
92.20.	Support	
92.21.	Support	The Bahamas is 1 of 3 pilot countries for an OHCHR Case Study on National Reporting and Coordination.
92.22.	Support	
92.23.	Support	The Government of The Bahamas has extended an invitation to the UN Special Rapporteur for Trafficking in Persons.
92.24.	Support	
92.25.	Support	
92.26.	Support	

<i>Recommendations</i>	<i>Response</i>	<i>Comment</i>
92.27.	Support	In progress and on-going.
92.28.	Support	In progress and on-going.
92.29.	Support	In progress and on-going.
92.30.	Support	In progress and on-going.
92.31.	Support	In progress and on-going.
92.32.	Support	In progress and on-going.
92.33.	Support	A draft National Gender Policy is in progress; the Policy aims to address concerns identified through CEDAW and the UPR.
92.34.	Support	Same as 92.33.
92.35.	Consider	
92.36.	Consider	Same as 92.33. and 92.35.
92.37.	Consider	Same as 92.35.
92.38.	Support	On-going.
92.39.	Consider	Presently before the Constitutional Reform Commission.
92.40.	Consider	Presently being dealt with before the Constitutional Reform Commission.
92.41.	Consider	Same as 92.40.
92.42.	Consider	Same as 92.40.
92.43.	Support	Same as 92.40., on-going.
92.44.	Support	On-going.
92.45.	Not accepted	<i>De facto</i> moratorium exists; The Bahamas' current position on the death penalty continues to recognize its lawfulness, on a discretionary basis and subject to the conditions laid down in the case law, as a punishment for the crimes of murder and treason. The Bahamas has consistently maintained this view and has been an active participant in the retentionist group of countries ("Like-minded Group") at the United Nations, which has maintained the position that the issue of the death penalty is a criminal one within the domestic jurisdiction of the state. This group has repeatedly reaffirmed that there is no international consensus on the issue of the death penalty and that every state has an inalienable right to choose its political, economic, social and cultural systems without interference in any form from another state.

<i>Recommendations</i>	<i>Response</i>	<i>Comment</i>
		The majority of our population, guided by strong Judaeo Christian principles, also support its availability to punish crimes of cold-blooded murder in cases in which any other form of punishment would be inadequate and therefore unjust. However, in addition, as has been indicated, this is one of the issues that will be considered by the Constitutional Commission and we look forward to their recommendations. Additionally, it is worth mentioning that the last mandated execution took place twelve years ago, even in the absence of a formal moratorium.
92.46.	Not accepted	Same as 92.45.
92.47.	Not accepted	Same as 92.45.
92.48.	Not accepted	Same as 92.45.
92.49.	Not accepted	Same as 92.45.
92.50.	Not accepted	Same as 92.45.
92.51.	Not accepted	Same as 92.45.
92.52.	Not accepted	Same as 92.45.
92.53.	Not accepted	Same as 92.45.
92.54.	Support	Consideration by the relevant Government Agency is already in progress.
92.55.	Support	In progress and on-going.
92.56.	Support	In progress and on-going.
92.57.	Consider	
92.58.	Support	In progress and on-going.
92.59.	Support	A National Strategic Plan for the Management, Prevention and Elimination of Family Violence is under consultation.
92.60.	Support	Same as 92.33. and 92.59.
92.61.	Consider	
92.62.	Support	The Bahamas has adopted relevant legislation through Domestic Violence (Protection Orders) Act, 2007 and the Sexual Offence (Amendment), 2008; Strategy for implementation is ongoing.
92.63.	Consider	While corporal punishment is remains legalized, the Government is actively reviewing the merit of its domestic use; the Government, through the Department of Social Services and relevant NGOs

<i>Recommendations</i>	<i>Response</i>	<i>Comment</i>
		promotes awareness of abuses of corporal punishment and encourages alternative methods of discipline.
92.64.	Not accepted	
92.65.	Not accepted	
92.66.	Not accepted	
92.67.	Not accepted	
92.68.	Not accepted	
92.69.	Support	The matter is currently under active review within The Department of Social Services and The Office of the Attorney General and Ministry of Legal Affairs.
92.70.	Support	On-going, additional training on first response, identification, interview and victim care of trafficked persons is anticipated; Additional public awareness campaigns are in progress. A suspect of Trafficking in Persons (TIP) has been charged with 2 counts of Trafficking in Persons, 2 counts of Unlawful Withholding of Identification, and 2 counts of Transporting Persons for the Purpose of Prostitution. The TIP Committee, Taskforce and Protocol and Guidelines remain operational. The Government actively pursues technical assistance and training, having recently participated in Seminars on Mixed Migration flows through the UNHCR and the IOM (April and May 2013).
92.71.	Support	Same as 92.70.
92.72.	Support	Same as 92.70.
92.73.	Support	Same as 92.70.
92.74.	Support	In progress and on-going.
92.75.	Support	A fully independent oversight body was established in 2010, through the Police Act of 2009, to review complaints against law police officers. Consideration is being given to reviewing the “body” to identify possible weaknesses or challenges relative to its mandate.
92.76.	Not accepted	There is no formal or positive legal discrimination against persons in The Bahamas based on sexual orientation or gender identity, although it is not included as a prohibited ground of discrimination in the Constitution, or legislation which prohibits discrimination in specific areas. Neither have there been any reported cases where anyone has alleged

<i>Recommendations</i>	<i>Response</i>	<i>Comment</i>
		discrimination the basis of sexual orientation. It should be noted that The Bahamas is generally supportive of efforts to combat all forms of discrimination against persons and to promote tolerance. This matter will be considered by the Constitutional Reform Commission. The Government awaits its report.
92.77.	Not accepted	Same as 92.76.
92.78.	Not accepted	Same as 92.76.
92.79.	Not accepted	Same as 92.76.
92.80.	Not accepted	Same as 92.76.
92.81.	Not accepted	Same as 92.76.
92.82.	Not accepted	Same as 92.76.
92.83.	Not accepted	There are no provisions in the Sexual Offences and Domestic Violence Act which in any way might be perceived as discriminatory against persons on the basis of sexual orientation. It should be observed that persons who are in a same sex relationships are able to avail themselves of the regular protection and remedies available under the law in respect to violence or assault of property rights.
92.84.	Consider	Same as 92.76.
92.85.	Support	Technical assistance is regularly sought from several agencies, particularly as they relate to migration, gender affairs, trafficking in persons, and security.
92.86.	Support	In progress and on-going.
92.87.	Support	In progress and on-going.
92.88.	Support	The Bahamas is now employing 'Open Schooling', complemented by Distance Education.
92.89.	Support	Same as 92.88.
92.90.	Support	Training sessions were specifically held with Curriculum Instruction Officers to expose and educate on international obligations of The Bahamas as it relates to human rights.
92.91.	Support	A draft Bill on Disability is expected to be submitted to Cabinet for approval in late June, 2013; a draft Bill on Inclusion in education is under review.

<i>Recommendations</i>	<i>Response</i>	<i>Comment</i>
92.92.	Consider	Immigration and Detention Policies are under review; drafts 2013 Regulations for the Detention Centre have been submitted to the Attorney General for further consideration. UPR recommendations to be considered for relevant incorporation.
92.93.	Consider	The Bahamas, insofar as it is capable, treats asylum seekers in accordance with international human rights standards and in compliance with the principle of non-refoulement.
92.94.	Support	Persons who do not qualify for Bahamian citizenship, and, who, for whatever reason, cannot obtain citizenship through their country of origin, can apply for a certificate of identify, which serves as an official, state authorisation identification document.
92.95.	Not accepted	The Bahamas 2008 Trafficking in Persons (Prevention & Suppression) Act provides for non-custodial measures for trafficked migrants; Renovations to the current detention centre are underway; finances have been allocated to address several recommendations for improvement of the detention centre.
92.96.	Support	Same as 92.92.
92.97.	Support	Same as 92.92.
92.98.	Support	Same as 92.93.
