



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

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**Committee on the Elimination of  
Discrimination against Women**  
Pre-session working group  
Forty-seventh session  
4-22 October 2010

## List of issues and questions with regard to the consideration of reports

### Bahamas

The pre-session working group considered the combined initial, second third and fourth periodic report of the Bahamas (CEDAW/C/BHS/1-4).

#### General

1. Please provide more information on the process of preparation of the report and indicate to what extent non governmental organizations (NGO), and especially women's rights organizations were consulted. Please also indicate whether the report was adopted by the Government and presented to the Parliament.
2. Please indicate whether the State party is considering withdrawing its reservations to the Convention, and in particular with regard to articles 2 and 16 which the Committee considers as core provisions of the Convention (see A/53/38/Rev.1, part II, paragraph 17).

#### Articles 1 and 2

##### Legal status of the Convention, legislative and institutional framework

3. Please clarify how "the Constitution of the Bahamas provides significant protections for women against virtually all forms of discrimination" as indicated in the State party's report (para. 56) while "the Constitution does not provide explicitly protection against discrimination on the basis of sex" (para. 115). Please provide updated information on the steps being taken to include a definition of discrimination against women in line with article 1 of the Convention in the Constitution or other national legislation, and on any progress made by the Constitutional Reform Commission in that regard (para. 119).
4. Please indicate whether provisions of international treaties ratified by the Bahamas take precedence over domestic laws and whether the Convention has been domesticated as part of national law.

### **Article 3**

#### **National machinery for the advancement of women**

5. Please provide further information on the measures that the Government has taken to provide the Bureau of Women's Affairs (BWA) with adequate decision-making capacity, and financial and human resources for the implementation of its activities and also explain the coordinating and monitoring mechanisms in place.

#### **Programmes and action plans**

6. According to the State party's report, the BWA has taken considerable steps to develop a National Gender Policy and consultations are expected to be completed by the end of 2009 (para. 149). Please provide information as to whether the National Gender Policy has been adopted and explain to what extent it ensures the implementation of the Convention or its specific articles.

### **Article 4**

#### **Temporary special measures**

7. Please explain whether the State party is considering adopting any temporary special measures, in accordance with article 4, paragraph 1 of the Convention and general recommendation No. 25 (2004), either in the form of affirmative action, or otherwise, to accelerate the achievement of equality of women with men. Please include information, including statistical information, on the inequalities that these measures aim at redressing, on whether they are enforced and monitored, and on results achieved.

### **Article 5**

#### **Stereotypes and cultural practices**

8. According to the State party's report, many cultural and traditional practices limit women's advancement, particularly in the area of domestic housework, parenting and caring for children, which limit the ability of women and girls to actively participate throughout the labour market (paras. 155 and 156). Please provide information on measures adopted 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.

9. Please provide further details on public information programmes to educate women about their rights (para. 171), including in the formal and informal education system, and also to what extent do the media contribute to such programmes.

#### **Violence against women**

10. Please provide data on the prevalence and trends in violence against women and girls, including rape, sexual abuses and domestic violence, as well as information on the number of prosecutions and convictions in domestic violence cases during the last five years.

11. Please provide further information on measures taken, including awareness-raising campaigns, to combat violence against women and girls, and clarify whether a national policy or comprehensive long-term strategy or action plan is in place to combat violence against women. Please also indicate what measures have been taken to address the challenges posed in establishing a network of shelters to provide temporary accommodation to women and young girls who are victims of violence (para. 193).

12. In the light of the recommendation made following the Universal Periodic Review to ensure full and effective implementation of the Domestic Violence (Protection Order) Act (A/HRC/10/70, para. 52) and which enjoyed the support of the Bahamas, please indicate what action the Government is contemplating taking?

13. Please indicate if the draft bill amending the Sexual Offences Act, which was designed to outlaw marital rape, has been further tabled in the House of Assembly.

## **Article 6**

### **Trafficking and exploitation of prostitution**

14. Please provide an assessment of the impact of the Trafficking in Persons (Prevention and Suppression) Act which entered into force in December 2008. In particular, provide information on how it has been implemented and enforced in order to prevent trafficking or prosecute perpetrators, protect and assist women and girls who are victims of trafficking.

15. According to the State party's report, prostitution is illegal and socially not acceptable in the country (paras. 185 and 188). Please indicate what measures have been taken to address the economic difficulties faced by women concerned in order to provide them with economic alternatives to prostitution, bearing in mind that article 6 of the Convention requires State parties to take all appropriate measures to suppress exploitation of prostitution of women.

## **Articles 7 and 8**

### **Participation in decision-making and representation at the international level**

16. According to the State party's report, social, economic and political barriers persist and impact negatively on women's participation in representational politics. Please provide information on measures taken or envisaged to achieve women's full and equal participation and representation at all levels of decision-making in the public sector and institutions, as well as at international level, taking into account article 4, paragraph 1, of the Convention and the Committee general recommendations Nos. 23 (1997) and 25 (2004).

## **Article 9**

### **Nationality**

17. The State party's report acknowledges that the Constitution contains discriminatory provisions which prevent women from passing their nationality to their children or to their spouses of foreign nationality on the same basis as men (paras. 231-234). Please indicate what measures has the Government taken to address this situation and clarify how and to which extent "the Government of the Bahamas has passed domestic legislation which mitigates the effects of Constitution of the Bahamas (para. 234).

## **Article 11**

### **Employment**

18. The State party's report acknowledges that "temporary special measures" are needed to change the unequal rates of labour force participation of women, lower wages and other areas of discrimination" (para. 131). Please indicate what steps are being taken to ensure equal rights for women in employment.

19. The State party's report mentions that there are limitations imposed on the granting of maternity leave, including the fact that "the employee be employed for at least one year" and that "she is only eligible for maternity leave by the same employer once every three years" (para. 310). Please inform the Committee of any measures taken or envisaged to address these restrictive limitations on family life.

## **Article 12**

### **Health**

20. The State party's report identifies heart diseases, malignant neoplasm's, AIDS, diabetes and injuries as the major causes of mortality for women (para. 339). Please provide detailed information on women's access to preventive health services, such as health education and early detection screening programmes. What specific measures are taken by the health authorities to provide adequate and free preventive services for women throughout the country, including rural areas.

21. Please provide updated information on the use of contraceptives by women, and on the rate of abortion, including unsafe abortion.

22. According to the State party's report, HIV and AIDS are major concerns in the Bahamas and AIDS ranks as the third highest cause of mortality among women (para. 365). Please provide updated information on whether existing programmes to prevent and combat HIV/AIDS integrate a gender perspective, and describe the measures taken to raise awareness about sexually transmitted infections, including HIV, with particular focus on the needs of young people, married women and women living in partnerships.

23. Please provide information on the access to mental health services for women and girls, including those in remote and rural areas. Please also describe services provided by the State party to elderly women.

## **Article 14**

### **Rural women**

24. Please provide information on the access of rural women to education, health, employment and other services. Please provide information, disaggregated by sex, age and socioeconomic status, on the situation of rural women in relation to their access to education, health, employment and other services.

25. According to the State party's report, women in rural areas have not been able to access adequate health care facilities in their respective communities. In particular, the Family Island communities have not reached a sufficient threshold that would justify the development of advanced health care facilities (para. 387). Please provide information measures taken to provide access to more comprehensive health care services.

### **Migrant women**

26. Please provide information on the situation of migrant women and girls in the Bahamas, including information about their number and profile, as well as on steps being taken to protect them from abuse, exploitation and violence.

27. The State party refers to a study conducted in 2005 by the International Organization for Migration on "Haitian Migrants in the Bahamas" and that this has been instrumental to address issues and concerns arising from the domestic socio-economic environment in the Bahamas (para. 92). Please indicate if the study has identified specific problems faced by Haitian women who have migrated to the Bahamas, many of whom are undocumented, in

particular with respect to any abusive work, living conditions, gender-based violence, limited access to health care and basic social services, and whether any comprehensive and strategy have been designed to address these issues. Please indicate whether the State party has adopted any policy of integration and inclusion.

**Natural disaster**

28. Please inform the Committee how natural disasters impact on women in the State party and whether a gender perspective has been incorporated into national disaster relief strategies and national policies aimed at combating the negative impact of climate change.

**Optional Protocol**

29. Please indicate any progress made with respect to ratification of the Optional Protocol to the Convention

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