

# Bahamas | Freedom House

## POLITICAL RIGHTS: 38 / 40

### A. ELECTORAL PROCESS 12 / 12

#### **A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The Bahamas are governed under a parliamentary system, and a mostly ceremonial governor-general is appointed by the British monarch as head of state. The prime minister is head of government, and is appointed by the governor-general; the office is usually held by the leader of the largest party in parliament or head of a parliamentary coalition. Hubert Minnis became prime minister following the victory of his party, the Free National Movement (FNM), in the May 2017 legislative elections.

#### **A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4**

Members of the lower chamber of the bicameral Parliament, the 39-member House of Assembly, are directly elected to five-year terms. The 16 members of the Senate are appointed for five-year terms by the governor-general based on recommendations made by the prime minister and the opposition leader.

In May 2017 general elections, the ruling Progressive Liberal Party (PLP) was defeated by the FNM, which won 35 out of 39 seats in the House of Assembly; Minnis, the FNM leader, was then appointed prime minister. International monitors praised the electoral process, but expressed concern about an outdated voter registration system, and the replacement of the parliamentary commissioner—a key administrative official—and the redrawing of electoral districts just before the polls.

#### **A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4**

The electoral process is regulated by the Parliamentary Elections Act and managed by the Parliamentary Registration Department. The parliamentary commissioner heads the department, and is appointed by the governor-general acting on the recommendation of the prime minister after consultation with the opposition leader.

### B. POLITICAL PLURALISM AND PARTICIPATION 16 / 16

#### **B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Political parties may organize freely, and operate unhindered. However, electoral financing is not regulated, there is no legal obligation to disclose funding sources, and there are no limits on campaign spending. Observers noted that a Fiscal Responsibility Law that took effect in October 2018 lacked provisions on campaign finance and spending.

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4**

Opposition parties operate without undue interference. Political power has alternated between the PLP and the FNM since the country achieved independence from the United Kingdom in 1973.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4**

Voters and candidates are generally able to exercise their political choices freely. However, a lack of campaign finance regulations leaves open avenues for the outsized role of money in politics.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 4 / 4**

Only citizens may vote, and protracted and obscure citizenship and naturalization proceedings make achieving citizenship difficult for those born in the Bahamas to foreign parents. Though women remain underrepresented in politics, 7 out of 16 Senators are women, including both the president and vice president of the Senate.

**C. FUNCTIONING OF GOVERNMENT 10 / 12**

**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

Freely elected officials are generally able to determine national policies in a free and unhindered manner.

**C2. Are safeguards against official corruption strong and effective? 3 / 4**

The country's anticorruption mechanisms are relatively weak, and there is no agency specifically empowered to handle allegations of government corruption. Rates of reporting corruption are low, as whistleblowers fear retaliation. Domestic transparency advocates have alleged that widespread government corruption has been a significant contributor to a recent economic downturn and increased tax rates.

Bribery cases against former labor minister Shane Gibson and former housing and environment minister Kenred Dorsett were ongoing at year's end.

**C3. Does the government operate with openness and transparency? 3 /**

## 4

Government procurement processes have lacked transparency, and political parties and campaigns are not required to disclose their finances. A long-awaited Freedom of Information Act was passed in February 2017 but lacked key provisions, including whistleblower protection. In June 2018, the government allocated \$1 million to defray the costs of bringing the law into effect.

Legislators and other high-ranking public officials are required to disclose their income and assets under the Public Disclosure Act of 1976, but in 2018, the government did not follow through on its promise to prosecute three parliamentarians—who have become known in the media as the “disclosure three”—who failed to submit the required information. Infighting at the Bahamas Power and Light (BPL) that led to the dissolution of its board, and Oban Energies’ securing of a long-term government contract without an environmental impact statement, furthered concerns about a lack of government transparency in 2018.

A Fiscal Responsibility Law that took effect in October aims to improve transparency of public-sector spending and mandates the establishment of an independent oversight and enforcement body, among other provisions. Observers noted that the law’s efficacy will depend on authorities’ willingness to enforce it.

## CIVIL LIBERTIES: 53 / 60

### D. FREEDOM OF EXPRESSION AND BELIEF 15 / 16

#### D1. Are there free and independent media? 3 / 4

Press freedom in the Bahamas is constitutionally guaranteed and generally respected in practice. Libel is a criminal offense punishable by up to two years in prison, but it is rarely invoked.

The country’s privately owned newspapers and radio broadcasters freely express a variety of views, although partisanship is common in many media outlets.

#### D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is generally respected.

#### D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic institutions are generally free from political pressure and other interference.

#### D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People can freely express personal views in private and in public without fear of retribution or surveillance.

## **E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS 12 / 12**

### **E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is protected by the constitution, and the government respects this right in practice.

### **E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4**

Freedom of association is generally protected, and there is no specific legislation governing registration procedures for nongovernmental organizations (NGOs). A variety of NGOs operate in the country.

### **E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4**

Labor, business, and professional organizations are generally free from government interference. Unions have the right to strike, and collective bargaining is prevalent.

## **F. RULE OF LAW 13 / 16**

### **F1. Is there an independent judiciary? 4 / 4**

The judicial system is headed by the Supreme Court and a court of appeals, with the additional right of appeal to the Privy Council in London under certain circumstances. The Bahamian judiciary is predominantly independent, and there have been no major reports in recent years of attempts by powerful figures to use political or other influence to secure favorable rulings.

### **F2. Does due process prevail in civil and criminal matters? 3 / 4**

Due process in civil and criminal matters generally prevails. However, the government only appoints counsel to defendants in capital cases, leaving some people without legal representation. While there were some examples of migrants given hearings before a magistrate ahead of the execution of a deportation order, generally migrants do not enjoy due process before detention or deportation. In 2018, the government announced it intended to amend immigration laws to make it easier to deport migrants without due process.

### **F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4**

Homicide and violent crime rates in the Bahamas remain among the highest in the Caribbean. However, state security agents generally do not engage in the illegal use of force against civilians, and the population is not threatened by large-scale violence or insurgencies.

Prison conditions are poor, and reports of violence against prisoners by guards continue.

#### **F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4**

The Constitution does not grant equal rights between men and women in the transmission of nationality to their children and spouses, effectively denying many Bahaman-born people the rights and access to services associated with citizenship.

Despite a change in government, harsh immigration policies enacted in 2014 are still in effect, and have exacerbated stigma and discrimination against the targeted populations, mainly Haitians and Haitian-Bahamians. Police actions against migrants surged after Prime Minister Minnis announced in 2017 that all irregular migrants had until the end of that year to secure legal status, or be “aggressively pursued and deported.” Individuals born in the Bahamas to foreign parents who have a constitutional right to citizenship have been removed as part of the crackdown, with at least one such case, that of Jean-Rony Jean Charles, prompting court proceedings. In January 2018, the Bahamian Supreme Court ruled that Jean Charles, a Bahamian-born man of Haitian descent who was deported to Haiti in 2017, must be permitted to return to the Bahamas and granted legal status. A government appeal of the decision was thrown out in November.

Allegations of inhumane conditions at migrant detention centers have persisted. Civil society groups have reported that individuals held at Carmichael Road Immigration Detention Center are often unable to receive family visits, and guards have forced them to pay to receive food or other supplies brought by family members. In 2018, the government acknowledged substandard conditions at the Carmichael Road Center and said regulations for detainees’ welfare had been drafted. These had not been released at year’s end.

Discrimination based on sexual orientation or gender identity is not prohibited by law, and LGBT (lesbian, gay, bisexual, and transgender) people report discrimination in employment and housing. The government has rejected proposals to address this discrimination, citing the country’s adherence to Christian values.

### **G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS 13 / 16**

#### **G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

The freedom of movement is protected. However, the immigration policies adopted by the previous government are still enforced and have had an impact on people of Haitian descent in the exercise of their individual rights, including their ability to move freely and choose their places of employment and education.

Roadblocks have been erected as part of immigration enforcement actions.

#### **G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or non-state actors? 4 / 4**

The country has a strong private sector and the economy relies mostly on tourism and financial services. Individuals are free to establish businesses subject to legal

requirements.

The ongoing immigration crackdown has seen operations to tear down shantytowns that mainly house migrants, though the Supreme Court in August 2018 ordered that the government and utility providers halt any planned service disconnections or evictions there. The stay order was in effect at year's end, pending a review of the government's efforts to dismantle such settlements.

**G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4**

The government does not place explicit restrictions on social freedoms. Violence against women, including domestic violence and marital rape, constitutes a serious issue in the country. No law permits same-sex marriage.

**G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4**

The Bahamas is a source, destination, and transit country for men, women, and children for forced labor and sexual exploitation. The government fully complies with minimum international standards to address the problem and has made significant efforts to prosecute traffickers. Migrant workers, many of whom arrive in the Bahamas to work in the agricultural sector and in domestic services, are particularly vulnerable to exploitation.