

Bahamas - United States Department of State

THE BAHAMAS: Tier 1

The Government of The Bahamas fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore The Bahamas remained on Tier 1. These efforts included significantly increased investigations of traffickers, increased identification of victims, implementing the national action plan, and continuing anti-trafficking training for 239 officials despite widespread destruction from a Category 5 hurricane hitting the islands in September 2019. Although the government meets the minimum standards, it did not convict any traffickers; court proceedings continued to face delays; authorities inconsistently applied screening procedures to vulnerable populations, in particular to hundreds of Haitians deported after the hurricane; and funding for victim services decreased.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to prosecute, convict, and sentence convicted traffickers, including officials complicit in sex or labor trafficking. • Comprehensively train officials to implement the victim identification and referral protocol to identify victims of sex trafficking and forced labor, especially among vulnerable groups including residents and migrants from Haiti, Venezuela, and other countries. • Provide a dedicated shelter for trafficking victims and continue funding comprehensive victim services. • Train judges at all levels of the judiciary in trafficking and the trafficking law and sensitize judges and prosecutors on trauma. • Reduce delays in court proceedings. • Provide vulnerable individuals with trauma-informed assistance and interpretation in their language prior to, during, and after screening for trafficking. • Take steps to eliminate recruitment fees charged to workers in The Bahamas by labor recruiters and ban employee paid recruitment fees. • Strengthen the capacity of labor inspectors to identify and refer victims of labor trafficking. • Increase grassroots outreach to potential trafficking victims among vulnerable groups in partnership with NGOs. • Develop, execute, and publish a robust monitoring and evaluation framework for anti-trafficking policies and efforts. • Engage further with officials involved in anti-trafficking activities in other countries in the region to exchange best practices in trafficking investigation and screening.

PROSECUTION

The government maintained law enforcement efforts. The Trafficking in Persons (Prevention and Suppression) Act 2008 criminalized sex trafficking and labor trafficking and prescribed penalties ranging from three years' to life imprisonment. These penalties were sufficiently stringent, and with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Authorities investigated 16 potential traffickers, 11 for sex

trafficking investigations and five for labor trafficking, compared to two new investigations in 2018 and 11 to 15 investigations annually in the preceding six years. Authorities reported initiating two prosecutions for sex trafficking during the reporting period, compared to one initiated in 2018. The government did not convict any traffickers during the reporting period, compared to one convicted trafficker in 2018 and one in 2017. The government updated three pending prosecutions; one with a Dominican defendant and another with a Jamaican defendant were originally scheduled for March 2020, but all court trials in The Bahamas were postponed due to the government's reallocation of resources as part of its response to COVID-19. The third prosecution with two Bahamian defendants was rescheduled to January 18, 2021. The lack of judges and prosecutors in the country contributed to significant backlogs in all cases, and the government did not report whether all judges, prosecutors, and other law enforcement officials received training on the Trafficking in Persons Act. Experts reported concerns about excessive pretrial detention due to criminal justice system delays preventing even the most serious criminal cases from advancing in a timely manner. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses, including reports made by Haitian migrants of being solicited by immigration officials for bribes to prevent detention. The National Trafficking in Persons Committee (TIP Committee) determined there is a need to evaluate anti-trafficking policies, staffing, and efforts in order to ascertain that investigations are appropriately targeted. The Royal Bahamas Defence Force (RBDF) delivered basic trafficking training to 100 new recruits and police detectives and training in indicators, victim medical care, and legal information to 118 RBDF candidates and government agency representatives during the reporting period. The Ministry of National Security with the Department of Labour conducted a trafficking training for 20 labor inspectors. The Department of Immigration sent 21 immigration officers overseas for training on recognizing trafficking and child abuse and trained 39 diplomats in human trafficking indicators. The government did not report whether prosecutors and judges have participated in training on the trafficking law and victim-centered prosecution, despite the national action plan mandating such training. The Trafficking In Persons Task Force (TIP Task Force) drafted two bilateral memoranda of understanding, one with Colombia and another with Mexico, to assist with human trafficking investigations and information sharing.

PROTECTION

The government maintained efforts to protect victims. Authorities continued to implement a formal victim-centered protocol to guide front-line responders in identifying both sex and labor trafficking victims and referring them to services. However, concerns remained on the thoroughness of their application, especially with vulnerable populations such as undocumented migrants and stateless children. The TIP Committee funded and trained member agencies and ministries in their roles in identifying and protecting victims and making referrals. During the reporting period, the government reported screening 965 vulnerable individuals, including 151 Haitians in addition to individuals from Brazil, China, Colombia, Ecuador, Jamaica, and Venezuela, and identified five victims of trafficking, an increase compared with two victims identified out of 28 individuals screened in 2018. All identified victims were adult females, two from Jamaica, two from The Bahamas, and one from Venezuela. The TIP committee referred a total of six victims, including a victim from a prior year, for government assistance for food, clothing, payment of utilities, stipend, living accommodations, appliances, furniture, employment, shelter, and medical care. The government initially implemented a universal policy of providing emergency humanitarian assistance and social services to all after

Hurricane Dorian, regardless of immigration status, including access to schooling for displaced children. The government did not report the results of screening eight minors of Haitian descent for trafficking. The government reported that there were no referrals from non-governmental or faith-based organizations during the reporting period, a change from the past during a time when many individuals were referred by civil society. Although the government reported it has a formal process to guide officials in transferring victims to institutions that provide short- or long-term care, experts reported authorities did not use formal protocols to screen all migrants, and continued reports of abuse of migrants by officials and widespread bias against migrants, particularly those of Haitian descent, are causes of concern. Foreign victims all chose to return home after short-term assistance by the government. Reports of inconsistent training of staff in screening for trafficking, and lack of implementation of identification protocols in migrant languages indicated that authorities did not screen all potential trafficking victims, consequently penalizing vulnerable individuals.

The government reported decreasing spending on trafficking victims' care and prevention activities to 95,000 Bahamian dollars (\$95,000), compared to 125,710 Bahamian dollars (\$125,710) in 2018. The government also provided 69,509 Bahamian dollars (\$69,509) to four NGOs that provide services to trafficking victims, among other vulnerable groups, compared to 240,000 Bahamian dollars (\$240,000) in 2018 and 2017; both decreases were due to emergency costs incurred by the destruction of Hurricane Dorian. Authorities continued to encourage identified trafficking victims to assist in prosecutions by providing them with lodging, food, a stipend, clothing, medical assistance and psychological counseling, immigration relief, legal and transportation assistance, support during court proceedings, and witness protection, including a constant presence of police or Royal Bahamas Defense Force as escort or protection outside shelters. The government did not provide a dedicated shelter for trafficking victims, and authorities continued to place victims in NGO-managed shelters shared with domestic violence victims. The government sent a victim care officer to work full-time with TIP Committee leadership during the reporting year, although it did not report whether this officer worked with shelter staff or whether shelter staff were trained in trauma-informed practices. Initially, the TIP Committee provided short-term lodging and, later, long-term lodging. Victims could choose to reside independently elsewhere, although the government did not report providing lodging assistance in such cases. Government assistance was not contingent upon cooperation by victims, and the Department of Immigration (DOI) could provide a certificate allowing the holder to remain in country and to work. While there were no certificates issued during the reporting year, the DOI did provide extensions to victims enabling them to remain in The Bahamas during investigative stages of trafficking cases. Three Jamaican victims identified during the reporting period voluntarily participated in investigations, and a foreign victim identified in 2018 provided evidence in an ongoing trial during the current reporting period. Bahamian law permitted victim testimony via live television links and for the reading of written statements to be included as evidence. The anti-trafficking act authorized the court to order convicted defendants to pay restitution to victims; no court has requested this since 2015, at which time it was denied.

PREVENTION

The government increased prevention efforts overall. The TIP Committee briefed the Minister of National Security

weekly on anti-trafficking developments, while the TIP Committee itself met every other week. Ministry of National Security officials led the government's overall efforts to combat trafficking and served as chair of the TIP Committee. Committee membership included a victim care officer from the Ministry of Social Services, a representative of civil society to oversee policy issues, and the TIP Task Force, which responded to individual cases. The government continued to implement the national action plan through campaigns, public events, media, and print information, although overall funding for anti-trafficking activities decreased due in part to the necessary humanitarian response to and the budgetary impact of a major hurricane. The government did not report on the status of an evidence-based research plan or a monitoring and evaluation framework for anti-trafficking efforts, although these are in the national action plan. The TIP Committee organized a World Anti-Trafficking Day commemoration in July, and the Prime Minister signed a proclamation on trafficking, which was published in the newspapers. Committee members and 100 police force cadets handed out trafficking brochures in the streets of the capital for a second consecutive year. The government screened a film on trafficking in August with the Red Cross and led a sixth grade trafficking awareness session in October, both of which were featured in local media. The Department of Gender-Based Violence hosted a one-day seminar for 24 Bahamian government officials on preventing sexual exploitation and trafficking in persons. The Ministry of National Security collaborated with civil society organizations on a variety of anti-trafficking campaigns, including three radio broadcasts, a television interview, conference presentations, speaking engagements with more than 900 summer camp participants, school awareness campaigns for 3,000 students from grades three through 12, and hosted a summer camp for 100 children. The TIP Committee also distributed more than 30,000 TIP brochures. The Bahamas Red Cross and other civil society organizations actively participated in the anti-trafficking campaign throughout the reporting period. The Department of Labour did not train labor inspectors in trafficking or report whether surprise inspections resulted in trafficking investigations. The government made efforts to reduce the demand for commercial sex acts, including by awareness campaigns directed at purchasers.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in The Bahamas, and traffickers exploit victims from The Bahamas in country and abroad. Traffickers recruit migrant workers, especially those from Haiti, Jamaica, the Dominican Republic, China, Costa Rica, Cuba, Colombia, Venezuela, the Philippines, and the United States through false offers of employment, both through advertisements in foreign newspapers and social media; upon arrival, traffickers subject them to sex trafficking and forced labor, including in domestic service and in sectors with low-skilled labor. The profile of human traffickers prosecuted for human trafficking have been primarily female in the past four years. Individuals born to a non-Bahamian father in The Bahamas, to a female citizen, or to foreign-born parents, do not automatically receive Bahamian citizenship or documentation and are at heightened risk of trafficking. Unaccompanied migrant children, individuals lured for employment, those involved in commercial sex and exotic dancing, illegal migrants, stateless persons, and migrants displaced by Hurricane Dorian have been exploited in trafficking and are particularly vulnerable to trafficking.