



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights](#) » [2001 Country Reports on Human Rights Practices](#) » [Western Hemisphere](#) » [Bahamas](#)

## Bahamas

### Country Reports on Human Rights Practices

Bureau of Democracy, Human Rights, and Labor

2001

March 4, 2002

The Commonwealth of the Bahamas is a constitutional, parliamentary democracy and a member of the Commonwealth of Nations. Queen Elizabeth II, the nominal head of state, is represented by an appointed Governor General. Prime Minister Hubert A. Ingraham's Free National Movement (FNM) has controlled the Government and Parliament since 1992. The judiciary is generally independent.

The national police force maintains internal security, and the small Royal Bahamas Defense Force is responsible for external security and some minor domestic security functions such as guarding foreign embassies and ambassadors; both answer to civilian authority. There continued to be reports that the police occasionally committed human rights abuses.

The country's population is approximately 305,000. The country has a developing economy that depends primarily on tourism, which accounts for one-half of the gross domestic product (GDP). In September a fire that broke out in Nassau's Straw Market totally destroyed the tourist landmark along with five other buildings, including the Ministry of Tourism; the economic losses of the fire were considerable. Financial services, particularly offshore banking and trust management, are also major sources of revenue. While many citizens enjoy relatively high income levels, there is considerable underemployment and poverty. The International Monetary Fund estimated that per capita GDP in 2000 was \$16,131. The unemployment rate was estimated at 7.8 percent during the year.

The Government generally respected the human rights of its citizens; however, problems remained in several areas. There were reports that police occasionally beat and abused detainees, and prison conditions remain harsh. The police occasionally used arbitrary arrest and detention. Lengthy pretrial detention and delays in trials were problems. Violence and discrimination against women and violence against children also were problems. Discrimination against persons with disabilities and persons of Haitian descent persisted.

### RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and other cruel and degrading treatment or punishment; however, the police occasionally beat and otherwise abused suspects. Many of the charges of abuse involved beatings to extract confessions. There were no formal complaints filed involving beatings to extract confessions during the year; however, in November a cab driver alleged that he was beaten by a Road Traffic Department Officer for ignoring an order to stop. The Road Traffic Department officer was charged for this offense. Human rights monitors and members of the public continued to express concern over such instances of police abuse against criminal suspects. Police officials, while denying systematic or chronic abuses, acknowledged that police on occasion abused their authority, and pledged to address any wrongdoing by police officers. According to officials, defendants' rights were protected by trial judges (see Section 1.e.).

The Police Complaints and Corruption Branch, which reports directly to the Deputy Commissioner of Police, is responsible for investigating allegations of police brutality. This unit determines if enough evidence of abuse or misconduct exists in a particular case to warrant disciplinary action within the police system or, in some cases, criminal prosecution by the Attorney General. Local human rights observers doubt the police force's ability to investigate itself impartially in cases of alleged abuse and misconduct and believe that many incidents of improper police behavior go unreported. In September an independent civilian was appointed by a decision of the Cabinet to oversee the Complaints and Corruption Branch. This civilian reports directly to the Minister of National Security and consults with the police commissioner. Police officials insist that their investigations are fair and thorough. There were 428 complaints against the police during the year, compared with 311 in 2000. Of these 428 cases, 205 remained under investigation at year's end, 29 were dismissed as unfounded, and 86 resulted in disciplinary action. Examples of disciplinary action include suspension without pay, fines, and dismissal. No officers were dismissed during the year because of alleged human rights abuses. Police officials believe that continuing turnover in personnel is a contributing factor in disciplinary cases. There are approximately 2,200 officers.

Corporal punishment is permitted by law with some restrictions; however, it was not utilized during the year. For example, caning is permitted at police stations but only if performed by a sergeant or higher ranking official. Cat-o'-nine-tails are allowed at prisons but have not been used for several years.

Conditions at Fox Hill, the only prison, continued to improve but remain harsh. Overcrowding is a major problem. One of every 200 citizens is in jail. The men's maximum-security block, originally built in 1953 to house 400 to 600 inmates, holds over 700 of the prison's total of more than 1,400 inmates. The remaining prisoners are housed in medium- and minimum-security units that are at, or above, maximum capacity. Male prisoners are crowded into poorly ventilated cells that generally lack regular running water. Most prisoners lack beds. Many of them sleep on concrete floors and are locked in their cells 23 hours per day. There are no separate facilities for inmates being held on "remand" (detention pending trial or further court action), although some eventually are segregated in a medium-security wing after processing through maximum security. Two prisoners committed suicide at Fox Hill during the year. Prison authorities are considering ways to prevent such deaths in the future. All inmates are screened for infectious diseases, and prison officials estimate that

about 7 percent of the incoming prison population is infected with the HIV virus. There were numerous escapes from Fox Hill prison, particularly by Cuban detainees (see Section 1.d.).

Organizations providing aid, counseling services, and religious instruction have regular access to inmates. The Government has provided limited funds for improvements in prison facilities and prisoner rehabilitation programs. Prison officials have instituted some technical and vocational programs, and correctional officers are undergoing instruction to become certified trainers, although the process is hindered by resource constraints. Modern training facilities are equipped with new computers, and the prison also offers some educational and literacy programs for prisoners. Construction on the new 80-cell maximum-security building was completed in September, but the facility is not scheduled to open until January 2002. This building, which is to have larger cells and more extensive plumbing, should relieve some of the overcrowding in the existing block. Prison officials plan to renovate the current maximum-security unit once the new building is in service. In March the National Security Minister announced that the ministry is inviting bids to provide strategic review and improvement to Fox Hill prison. Proposals for the strategic review include a 3-month investigation into the Fox Hill jail's organization, structure, personnel resources, management supervision, staff needs and benefits, involvement with police intelligence, inspections, policies and procedures, inmate rehabilitation, and conditions of release.

Women are held separately from male prisoners. The prison's female population is around 40 inmates, considerably less than the female unit's full capacity of 200. Facilities for women are less severe and have running water.

There is no separate facility for juvenile offenders; however, prison authorities attempt to place them with less violent criminals. The new maximum security building has a separate section for juvenile offenders.

Domestic and international human rights groups were able to visit the prison during the year.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, police occasionally arbitrarily arrest and detain persons. In general the authorities conduct arrests openly and, when required, obtain judicially issued warrants. The law provides that a suspect must be charged within 72 hours of arrest. The Government respects the right to a judicial determination of the legality of arrests.

Serious cases, including those of suspected narcotics or firearms offenses, do not require warrants where probable cause exists. Arrested persons appear before a magistrate within 72 hours (or by the next business day for cases arising on weekends and holidays) to hear the charges against them. Arrested persons may hire an attorney of their choice, but the Government does not provide legal representation except to destitute suspects charged with capital crimes. Some local legal professionals and human rights observers believe that this lack of representation risks hasty convictions on the basis of unchallenged evidence, particularly in the case of poor or illiterate defendants. However, there is no statistical evidence to indicate that this is more than an occasional problem.

The Bail Act prohibits bail for repeat offenders and those accused of certain violent crimes. Judges tend not to grant bail to foreign suspects, particularly on more serious offenses, since the authorities consider foreign offenders more likely to flee if released on bail. Judges sometimes authorize cash bail for foreigners arrested on minor charges, but in practice, foreign suspects generally prefer to plead guilty and pay a fine rather than

pursue their right to defend themselves, given possible delays in court cases and harsh conditions in the prison. Attorneys and other prisoner advocates continue to complain of excessive pretrial detention (see Section 1.e.). The Constitution mandates that suspects can be held for a "reasonable period of time" before trial, giving considerable flexibility. It is not unusual for a murder suspect to be held 2 years before trial, and on occasion the period has been up to 4 years.

The authorities detain illegal immigrants, primarily Haitians and Cubans, at the detention center located off Carmichael Road until arrangements can be made for them to leave the country, or they obtain legal status. The detention center, which had been closed for repairs since suffering extensive damage from Hurricane Floyd in 1999, reopened in December 2000. In the detention center, which can hold up to 600 detainees, women and men are housed separately. In early January, the number of illegal immigrants at the detention center reached 520 until Government authorities were able to arrange the repatriation of several hundred Haitians and Cubans. Haitians usually are repatriated within 48 hours, due to increased cooperation between Bahamian and Haitian authorities and improved efficiency in processing. In addition to Haitians and Cubans, immigration authorities also housed illegal migrants from Nigeria, Jamaica, Panama, Ghana, India, Germany, and Sierra Leone. Many detainees are provided with food and other items by relatives and friends on a regular basis, and those who can arrange and finance their repatriation generally are deported much more quickly. Illegal immigrants convicted of crimes other than immigration violations are held at Fox Hill prison where they may remain for weeks or months after serving their sentences, pending deportation.

Exile is illegal and is not practiced.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

Magistrate's courts are the lowest level courts and only handle crimes with a maximum sentence of 5 years. Trial by jury is available only in the Supreme Court, which is the trial court that handles most major cases. Its decisions may be appealed to the Court of Appeal; the Privy Council in London is the final court of appeal. The Governor General appoints judges on the advice, in most cases, of the independent Judicial and Legal Services Commission.

The justice system derives from English common law. The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. However, the judicial system has a large backlog of cases, and delays reportedly can last as long as 2 years. To reduce the backlog, the Government continued the process of streamlining appeals, computerizing court records, and hiring new judges, magistrates, and court reporters. The Supreme Court established a task force to recommend further reforms in the court system and published a report in 1999 proposing modifications in the system to facilitate case flow management including the disposition of cases within 6 months of initial filing.

Despite these measures to improve efficiency, complaints persist of excessive pretrial detention, outdated record keeping, delayed justice for victims, and a failure to update new laws in the books. Some judges have been brought in from abroad; while familiar with English common law, they lack experience regarding Bahamian law and procedures. There were isolated complaints of deviations from normal, fair court proceedings--particularly in civil matters--but there were no indications that this was a widespread problem.

In 1999 the final appeals court ruled that death-row inmates appealing their sentences must be given the chance to be heard by bodies such as the U.N. Human Rights Committee and the Inter-American Commission on Human Rights.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice. The law usually requires a court order for entry into or search of a private residence, but a police inspector or more senior police official may authorize a search without a court order where probable cause to suspect a weapons violation exists. Such an official also may authorize the search of a person (that extends to the vehicle in which the person is traveling) without a court order, should probable cause exist to suspect drug possession.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press, and the Government generally respects this right in practice.

Three daily and several weekly newspapers, all privately owned, express a variety of views on issues of public interest, including varying degrees of criticism of the Government and its policies. Foreign newspapers and magazines are readily available.

There is a government-run radio station and five privately owned radio broadcasters. The country's sole television station, the state-owned Broadcasting Corporation of the Bahamas (BCB), presents a variety of views, although opposition politicians claim, with some justification, that their views do not receive as extensive coverage as those of the Government. In January the Cabinet announced a complete change in the BCB, which oversees the government-owned ZNS television station.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedoms of assembly and association, and the Government generally respects these rights in practice. Groups must obtain permits to hold public demonstrations, and the authorities generally grant such permits.

The law permits private associations.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

There is no legislation governing the processing of asylum seekers, and applications for political asylum are supposed to be adjudicated on a case-by-case basis at the cabinet level. Trained immigration officials screen asylum applicants, and the UNHCR reviews the interview records and offers advice on certain cases. Local and international human rights observers have criticized the Government for failing to screen potential asylum applicants adequately. These organizations have claimed that some Cubans and Haitians with a legitimate fear of persecution were repatriated without first having the opportunity to make a claim for asylum. Although the repatriation agreement between the Bahamas and Haiti expired at the end of 1995, the Government continued to repatriate illegal Haitian immigrants based on the terms of that agreement. The Government signed a repatriation agreement with Cuba in 1998.

The Department of Immigration reported that as of September 4,548 Haitian and 30 Cuban citizens had been repatriated, out of a total of 5,474 repatriations. A total of 23 persons requested asylum during the year, and 2 were recommended for refugee status. The two refugee cases were pending at year's end.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The country is a constitutional, parliamentary democracy with two major political parties and general elections at least every 5 years. An elected Prime Minister and Parliament govern. The political process is open to all elements of society, and citizens 18 years of age and older are eligible to register and vote. Voting is by secret ballot. The two principal political parties are the ruling Free National Movement and the opposition Progressive Liberal Party (PLP). In June Prime Minister Ingraham announced that he was declining the FNM's invitation to serve a third term. The FNM won general elections in 1992 and 1997. It holds 35 of 40 seats in the House of Assembly, and the PLP holds 4. The Coalition for Democratic Reform (a splinter party from the PLP) holds one seat. Both the ruling party and the opposition name members to the upper house, the Senate, in compliance with constitutional guidelines. Although it does pass legislation, the Senate is primarily a deliberative body that serves as a public forum to discuss national problems and policies.

There are no legal impediments to participation by women in government and politics; however, the percentage of women (or minorities) in government and politics does not correspond to their percentage in the population. The 40-seat House of Assembly has 6 elected female members, including the Speaker of the House, and 6 appointed female Senators, including the government leader in the Senate. The Minister of Foreign Affairs, Janet Bostwick, also directs the Bahamian Bureau of Women's Affairs. A woman also heads the Ministry of Public Service and Cultural Affairs.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very

cooperative and responsive to their views.

## Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Government generally respects in practice the constitutional provisions for individual rights and freedoms regardless of race, place of origin, political opinion, creed, or sex. However, the Constitution and the law contain certain provisions that discriminate against women.

### Women

Violence against women continues to be a serious, widespread problem. Government crime statistics do not separate domestic violence from other incidents of violence. The Government operates a nationwide toll-free hot line, with two trained volunteers on each of the inhabited islands who are on call to respond in the event of a crisis. Government and private women's organizations conduct public awareness campaigns highlighting the problems of abuse and domestic violence. In November 2000, the Department of Social Services in partnership with a private company established, for the first time, two safe houses to assist battered women. The Domestic Court, which exclusively addresses family issues such as spousal abuse, maintenance payments, and legal separation, continued to receive a high volume of cases. The court can and does impose various legal constraints to protect women from abusive spouses or companions. However, advocates for women's rights see a need to improve the effectiveness of enforcement of the court's orders. They cite a general reluctance on the part of law enforcement authorities to intervene in domestic disputes and a lack of police training and sensitivity in dealing with domestic violence. The police have recognized domestic violence as a high priority and have provided specialized training to more than 200 officers, with plans to expand this training. Women's rights activists have noted that the new training the police have received, and believe that it has been a positive development.

The Constitution discriminates against women by not providing them with the same right as men to transmit citizenship to their foreign-born spouses. The law also makes it easier for men with foreign spouses to confer citizenship on their children than for women with foreign spouses. Some inheritance laws also favor men over women. For example, when a person dies without a will, the estate passes to the oldest legitimate son, or in cases where there is no son, the closest legitimate male relative. Prominent women of all political persuasions continue to push for an amendment to the Constitution and related laws to redress this situation. Legislation to amend the Constitution and eliminate this discrimination was before the House of Assembly at year's end.

Women participate fully in society and are well represented in the business and professional sectors.

### Children

The Government places a priority on providing adequate funding for child welfare and education. Public education is compulsory for children through the age of 16, and most children attend school until this age.

Both the Government and civic organizations have conducted intensive public education programs aimed at the problem of child abuse and appropriate parenting behavior; however, child abuse and neglect remain serious problems. There were 101 reports of sexual abuse of minors, 13 reports of incest, 18 reports of physical abuse, 83 reports of child neglect, and 9 cases of child abandonment as of December.

The law requires that all persons who have contact with a child they believe to be abused sexually report their

which health care professionals believe occurs quite frequently. The police refer reported cases of sexual and physical abuse to the Department of Social Services, which investigates them and can bring criminal charges against perpetrators. The Department may remove children from abusive situations if the court deems it necessary.

### Persons with Disabilities

Although the 1973 National Building Code mandates certain accommodations for persons with physical disabilities in new public buildings, the authorities rarely enforce this requirement. There is no overarching disability act. There are housing units in Nassau designed specifically for persons with disabilities, but very few buildings and public facilities are accessible to persons with disabilities. The code also fails to mandate accommodations in new private buildings, which often lack accessibility as well. Advocates for persons with disabilities complain of widespread job discrimination and general apathy on the part of private employers and political leaders toward their need for training and equal opportunity. They note that there is no overarching legislation to implement and enforce equal opportunity policies in the workplace, educational institutions, or elsewhere.

The Disability Affairs Unit of the Ministry of Social Development and National Insurance works with the Bahamas Council for Disability, an umbrella organization of nongovernmental organizations that offer services for persons with disabilities, to provide a coordinated public and private sector approach to the needs of persons with disabilities. A mix of government and private residential and nonresidential institutions provides a range of education, training, counseling, and job placement services for both physically and mentally disabled adults and children.

### National/Racial/Ethnic Minorities

Unofficial estimates suggest that between 20 and 25 percent of the population are Haitians or citizens of Haitian descent, making them the largest and most visible ethnic minority in the islands. While 30,000 to 40,000 Haitian citizens reside in the country legally, some observers believe that similarly large numbers are in the country illegally.

Although Haitians and Bahamians of Haitian descent generally are well integrated into society, interethnic tensions and inequities persist. Some members of the Haitian community complain of discrimination in the job market, and resentment of continued Haitian immigration is widespread. However, reports of ethnic violence or blatant discrimination against legally resident Haitians are scarce. Leaders of the Haitian community approve of the Government's approach to the repatriation of illegal migrants and point to the high number of ethnic Haitians in the public service.

### Section 6 Worker Rights

#### a. The Right of Association

The Constitution provides labor unions with the right of free assembly and association, and the Government generally respects these rights in practice. Private sector and most public sector workers may form or join unions without prior approval. Members of the police force, defense force, fire brigade, and prison guards may not organize or join unions. Workers exercise the right of association extensively, with almost one-quarter of the work force (and 80 percent of the workers in the important hotel industry) belonging to unions.

In April a court of appeal ordered City Markets, Ltd. to allow its workers to join the union of their choice. City Markets and the union had been locked in legal battles since 1996 when City Markets disagreed with then-Minister of State for Public Service and Labor, David Thompson, who held that the union was entitled to be recognized as the bargaining agent for the nonmanagerial employees of City Market.

On November 15, the newly formed Bahamas Financial Services Union received a certificate of recognition officially acknowledging it as the bargaining union for nonmanagement bank employees of Barclays Bank PLC. Bank employees facing the pending merger of Barclays Bank PLC and the Canadian Imperial Bank of Commerce formed the union.

Three major umbrella labor organizations--the National Workers Council of Trade Unions and Associations, the Trade Union Congress, and the National Congress of Trade Unions--along with individual labor unions, all function independently of government or political party control.

The Industrial Relations Act requires that, before a strike begins, a simple majority of a union's membership must vote in favor of a motion to strike. The Department of Labor must supervise the vote. Unions threatened several work stoppages against both public and private employers during the year. In March a total of 27 air traffic controllers were placed on administrative leave and removed from the air traffic control tower at Nassau International Airport for engaging in industrial actions while negotiations were in progress, contrary to a negotiated agreement with the Government. Following the suspensions, the Bahamas Air Traffic Controllers Union received the backing of two major labor confederations. The union claimed that replacement air traffic controllers were unqualified and caused dangerous conditions at Nassau International Airport. The Air Traffic Controllers Union returned to work on June 26.

In order to resolve trade disputes more quickly, in 1996 Parliament amended the Industrial Relations Act to establish an industrial tribunal. According to the Act, labor disputes first are filed with the Ministry of Labor and then, if not resolved, are turned over to the tribunal. The tribunal follows normal court procedures for the admission of evidence, direct examination, and cross-examination. The tribunal's decision is final and can only be appealed in court on a strict question of law. Some employers complain that the industrial tribunal is biased unfairly in favor of employees.

All labor unions have the right to maintain affiliations with international trade union organizations.

#### b. The Right to Organize and Bargain Collectively

Workers freely exercise their right to organize and participate in collective bargaining, which the law protects. Unions and employers negotiate wage rates without government interference.

The Constitution and the Industrial Relations Act prohibit

antiunion discrimination by employers. The act requires employers to recognize trade unions, and it requires the reinstatement of workers fired for union activities. Employers may dismiss workers in accordance with applicable contracts, which generally require some severance pay. The Government enforces labor laws and regulations uniformly throughout the country.

Freeport is a specially designated free trade zone. Labor law and practice in this zone do not differ from those in the rest of the country. However, human rights advocates assert that the Port Authority has allowed the

hotels in Freeport, to discourage unions.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor by all persons, including children, and such labor does not exist in practice.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits the employment of children under the age of 14 for industrial work or work during school hours. Children under the age of 16 may not work at night. There is no legal minimum age for employment in other sectors, and some children work part time in light industry and service jobs. On June 14, the Government ratified the International Labor Organization's Convention 182 on the worst forms of child labor. The constitutional prohibition of forced and compulsory labor, including that by children, is respected in practice (see Section 6.c.).

#### e. Acceptable Conditions of Work

The Fair Labor Standards Act permits the creation of a Wages Council to recommend the setting of a minimum wage, but the Government never has established such a council or a general minimum wage. However, in 2000 the Government established a minimum wage of \$4.66 (B\$4.66) per hour for all hourly and temporary workers throughout the public sector. There is no minimum wage in the private sector. In view of the high cost of living, this wage alone does not provide more than a subsistence living for a worker and family. The Act limits the regular workweek to 48 hours, provides for one 24-hour rest period, and requires overtime payment (time and a half) for hours beyond the standard.

The Ministry of Labor is responsible for enforcing labor laws and has a team of inspectors who conduct on-site visits to enforce occupational health and safety standards and investigate employee concerns and complaints; however, inspections occur infrequently. The Ministry normally announces inspection visits in advance, and employers generally cooperate with inspectors to implement safety standards.

The national insurance program compensates workers for work-related injuries. The Fair Labor Standards Act requires employers to find suitable alternative employment for employees injured on the job but still able to work. The law does not provide a right for workers to remove themselves from dangerous work situations without jeopardy to continued employment.

#### f. Trafficking in Persons

There are no laws that specifically address trafficking in persons; however, the Penal code bans prostitution and prohibits the detention of persons against their will and for immoral purposes. There were no reports that persons were trafficked to, from, within, or through the country, and the Government has not prosecuted any cases against traffickers.

External links to other Internet sites should not be construed as an endorsement of the views or privacy policies contained therein.