



U.S. DEPARTMENT of STATE

Bahamas

Country Reports on Human Rights Practices - [2006](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 6, 2007

The Commonwealth of the Bahamas is a constitutional, parliamentary democracy with a population of approximately 320,000, not including an estimated 30,000 undocumented Haitians. Prime Minister Perry Christie's Progressive Liberal Party (PLP) regained control of the government after 2002 elections that observers found to be generally free and fair. The civilian authorities generally maintained effective control over security forces.

The government generally respected the human rights of its citizens, but there were problems in some areas. The most significant human rights problems were arbitrary arrest and detention, complaints of abuse by prison and detention center guards, lengthy pretrial detention and delays in trials, violence against women and children, and continued discrimination against persons of Haitian descent.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, there were killings by prison guards.

On January 17, prison guard Sandy Mackey allegedly killed inmate Neil Brown in retribution for the death of a fellow officer during a prison escape. The coroner's court recommended murder charges against the guard, but criminal charges had not been filed by year's end.

In March 2005 a coroner's court found that police committed unlawful manslaughter in two killings in 2003 and 2002, and authorities brought charges against two police officers. At year's end their trials were still pending.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices, but human rights monitors and members of the public expressed concern over continued instances of police abuse of criminal suspects. Police officials, while denying systematic or chronic abuses, acknowledged that police on occasion abused their authority (see section 1.d.).

On October 6, a judge ordered that a convicted criminal be subjected to whipping with a cat-o'-nine-tails, punishment that was supported by the government and previously upheld by the Privy Council. Human rights observers alleged that flogging was inhuman and degrading punishment.

There were no further developments in the 2004 case of a 19-year-old detainee from Grand Bahama Island who claimed police stripped him, handcuffed him to a tree, and beat him with a metal pipe to extract a confession before charging him with attempted armed robbery.

Prison and Detention Center Conditions

Conditions at Fox Hill Prison, the country's only prison, improved slightly but remained harsh for the vast majority of prisoners. Overcrowding was a major problem. The men's maximum-security block, originally built in 1953 to hold 450 inmates, held more than 725 of the approximately 1,500 total inmate population. The remaining prisoners were held on remand, and in medium- and minimum-security units that were at intended capacity. The prison remand area, built to hold 300 prisoners awaiting trial, was insufficient to hold the 650 prisoners awaiting trial, leaving many pretrial detainees confined in cells with convicted prisoners in the maximum-security unit. Male prisoners placed in the maximum-security unit were crowded into poorly ventilated cells that generally lacked regular running water, toilets, and laundry facilities. Most prisoners lacked beds, slept on concrete floors, and were locked in small cells 23 hours per day, often with human waste. Maximum-security inmates were allowed outside for exercise four days a week for one hour per day. Inmates complained of inadequate medical care and treatment.

Fox Hill Prison hired a nutritionist to plan prisoner meals, increased the variety of educational courses available to prisoners, installed recreational equipment for prisoners, and refurbished two dormitories, including a dormitory formerly known for inhumane conditions. The government also increased training on use-of-force guidelines adopted in 2005, working with foreign experts on humane prisoner control techniques.

Local attorneys and human rights observers asserted that the prison's internal affairs unit, established in 2005, lacked the independent authority needed to impartially investigate allegations of abuse and misconduct. During the year the unit recommended that one officer be prosecuted following abuse of an inmate. Prosecution was pending at year's end.

There were allegations of abuse by prison guards. Guards killed one inmate and beat several others following a January 17 escape attempt that resulted in the death of a prison guard (see section 1.a.). Citing an unpublished internal investigation, prison officials maintained that, prisoner claims and photographic evidence notwithstanding, there were no unlawful beatings of the escaped inmates.

Organizations providing aid, counseling services, and religious instruction had regular access to inmates. The government continued funding improvements in prison facilities and prisoner rehabilitation programs. Prison officials continued to improve technical and vocational programs, opening the programs to women and increasing course offerings from 18 to 25. Approximately 500 of the 900 eligible prisoners participated in training and work release programs.

Although conditions for women prisoners were less severe, they did not have access to work release programs available to male prisoners.

The maximum-security building has a separate section for juvenile offenders between the ages of 16 and 18. There was occasional mixing of juveniles with adult inmates depending upon the severity of their crimes. Offenders younger than 16, along with children made wards of the court by their parents because of "uncontrollable behavior," were held at the Simpson Penn Center for Boys and the Williamae Pratt Center for Girls.

The Carmichael Road Immigrant Detention Center held up to 500 detainees (with tent space for an additional 500), and women and men were housed separately. Haitians and Cubans were the most commonly interdicted migrants. The highest occupancy during the year was approximately 850. Detainees complained that non-English speaking migrants were sometimes unable to communicate with guards regarding basic needs and detention center rules. Detainees also continued to complain of abuse by guards. Human rights groups expressed concern that complaint investigations were handled internally without independent review and oversight.

Children under the age of 14 were held in the women's dormitory. Many children arriving with both parents were not allowed contact with the father. Despite the possibility of being held for months, these children did not have access to education.

There were no developments regarding any investigation of the 2004 allegations that guards unlawfully beat and shot a detainee with rubber bullets.

On February 7, Royal Bahamas Defense Force (RBDF) guards allegedly beat Mario Vallejo, a reporter covering the condition of migrants at the detention center. The government claimed it completed an investigation, but it was not forthcoming with details.

On May 2, a detention center guard allegedly hit and beat Haitian national Jason Lionels with a gun, breaking the guard's weapon. Following the incident, there were protests by Haitian detainees. According to immigration officials, an investigation had not been completed by year's end.

Neither domestic nor international human rights groups visited the detention center or prison during the year. In response to a request for review of conditions following the January 17 jailbreak, death of an inmate, and alleged beatings, authorities denied a local human rights group access to the prison.

d. Arbitrary Arrest or Detention

Although the constitution prohibits arbitrary arrest and detention, police occasionally arrested and detained persons arbitrarily.

On April 7, police and immigration officials conducted raids of several suspected Haitian communities on Exuma, Eleuthera, and Ragged Islands. Officials arrested and detained hundreds of persons on the basis of suspected Haitian nationality. Approximately 231 persons legally residing in the country were forcibly relocated and detained in Nassau, many of whom were not permitted to provide documentation of legal residency prior to arrest and relocation. Detainees claimed that the raids were conducted illegally without warrants in the middle of the night. The government said that the arrest and detention of legal residents was lawful and necessary to confirm that documents were not fraudulent. The government did not make provisions to return the detainees to their home islands.

Role of the Police and Security Apparatus

The Royal Bahamas Police Force (RBPf) maintains internal security, and the small RBDF is responsible for external security, security at the Carmichael Road Detention Center, and some minor domestic security functions such as guarding foreign embassies and ambassadors. The Ministry of National Security oversees the RBPf and the RBDF.

On December 6, the new RBDF commander acknowledged potential corruption in the defense force by calling 25 percent of the force "bad

apples" that he would "seek to remove" from the force.

The Police Complaints and Corruption Branch, which reports directly to the deputy commissioner without any independent oversight, was 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 attorneys and human rights observers expressed concern that the complaints and corruption branch lacked the independent authority needed to impartially investigate allegations of abuse and misconduct, and that perceived lack of impartiality discouraged full reporting of complaints.

Police officials insisted that their investigations were fair and thorough. A police officer involved in shooting or killing a suspect is automatically placed under investigation. There were 283 complaints against police during the year, compared with 253 in 2005. Of these 283 cases, authorities resolved 99, 59 remained before a tribunal, and had 125 still under investigation at year's end. Of the 99 completed matters, 16 were resolved informally and the remainder were dismissed or withdrawn as unsubstantiated.

Following investigations into complaints against police during the year, including unethical conduct, assault, wrongful arrest, and excessive use of force, authorities dismissed three officers and brought criminal charges against 15 officers, all of which were pending at year's end.

During the year police underwent training in human rights issues, including in-house training for officers on use of force, human rights, internal investigations of complaints against police, and corruption. Police officials believed that additional training was necessary to address continuing problems.

Arrest and Detention

In general the authorities conducted arrests openly and, when required, obtained judicially issued warrants. Serious cases, including those of suspected narcotics or firearms offenses, do not require warrants where probable cause exists. The law provides that a suspect must be charged within 48 hours of arrest. Arrested persons appear before a magistrate within 48 hours (or by the next business day for cases arising on weekends and holidays) to hear the charges against them. Police can apply for a 48-hour extension upon simple application to the court and for longer extensions with sufficient showing of need. Some persons on remand claimed they were not brought before a magistrate within the 48-hour time frame. The government generally respected the right to a judicial determination of the legality of arrests.

Although there is a functioning bail system, the law prohibits bail for repeat offenders and those accused of certain violent crimes. Judges sometimes authorized cash bail for foreigners arrested on minor charges; however, in practice foreign suspects generally preferred 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. Many foreign suspects paid bail and fled the country to avoid prosecution and extended detention.

Attorneys and other prisoner advocates continued to complain of excessive pretrial detention (see section 1.e.). The constitution provides that suspects can be held for a "reasonable period of time" before trial. Suspects commonly were held two to four years before they received a trial. Government officials stated that 650 of the 1,500 prisoners at Fox Hill prison were awaiting trial. Prison officials estimated that approximately 100 prisoners had been held on remand without trial for over two years. Some prisoners claimed that the prospect of lengthy remand provided strong disincentive to demand a trial because a guilty plea could mean less time in prison.

On March 9, the Court of Appeal awarded damages to Atain Takitota, a Japanese man who had been held at Fox Hill Prison without trial since 1992, as a result of illegal detention without provision of due process. Local human rights observers claimed that a lack of transparency in the prison system and a lack of legal representation of Takitota allowed him to become "lost" within the prison system.

While the numbers of prisoners on remand and length of time remanded did not change, the government made efforts to improve the problem. It instituted a "Swift Justice Initiative" with the goal of bringing all matters to trial within two years. It passed legislation to ease burdens on witnesses in an attempt to lessen trial delays and instituted a new process to speed prosecution of serious cases. However, members of the judiciary criticized the initiative for failure to adequately protect defendants' rights (see section 1.e.).

The authorities detained illegal immigrants, primarily Haitians and Cubans, at the Carmichael Road Immigrant Detention Center until arrangements could be made for them to leave the country, or they obtained legal status. Haitians usually were repatriated within 48 hours, due to increased cooperation between Bahamian and Haitian authorities and improved efficiency in processing. Average length of detention varied significantly by nationality and availability of funds to pay for repatriation. Illegal immigrants convicted of crimes other than immigration violations were held at Fox Hill prison, where they often remained for weeks or months after serving their sentences, pending deportation.

Authorities held seven Cuban nationals at Carmichael Road Detention Center for more than two years, including five whom, according to the Department of Immigration, the office of the UN High Commissioner for Refugees (UNHCR) determined to have a legitimate fear of persecution if sent back to Cuba. International observers claimed that the length of detention for these and other Cuban detainees was excessive.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected this provision in practice.

However, on November 7 the Court of Appeal issued two rulings finding undue government influence on the judiciary. In one ruling, the judge asserted that the Swift Justice Initiative, by assessing judges on conviction rates and speed while creating procedural mechanisms to speed

trials, reduced judicial independence. The second ruling found that the mechanism for government control of judicial salaries also interfered with judicial independence, removing the court's ability to fairly adjudicate matters. Following the ruling, other judicial and legal officials, including the president of the Court of Appeal and the Bar Association president, echoed judicial independence concerns. The government denied the allegations, reasserted its belief in judicial independence, and appealed the determination that the Court of Appeal could not act independently. The appeal was pending at year's end.

Magistrate's courts are the lowest level courts and only handle crimes with a maximum sentence of five years. Trial by jury is available only in the Supreme Court, which handles most major cases. Magistrate's court decisions may be appealed to the Court of Appeal; the Privy Council in the United Kingdom 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.

Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence until proven guilty and are permitted to question witnesses at trial and view government evidence. Defendants have a right to appeal. There is a functioning system of bail, but individuals who could not post bail were held on remand for indefinite time periods.

The judicial system had a large backlog of cases, and delays reportedly lasted as long as four years. Local legal professionals attributed most delays to slow police investigation and prosecution rather than a lack of judicial capacity, suggesting that prosecutors had little incentive to quickly bring a matter to trial while the accused were detained for long prison terms while awaiting trial. 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.

Defendants may hire an attorney of their choice, but the government only provided legal representation to destitute suspects charged with capital crimes. In a 2003 report, Amnesty International (AI) estimated that 41 percent of inmates did not have legal representation at their trial, and there were no indications of improvement in recent years. Local legal professionals and human rights observers believed that this lack of representation risked hasty convictions on the basis of unchallenged evidence, particularly in the case of poor or illiterate defendants. Local legal professionals and human rights observers also reported that this lack of representation contributed to excessive pretrial detention, as the accused may lack the means to press his or her case towards trial.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, and there is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

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

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

While the law usually requires a court order for entry into or search of a private residence, a police inspector or more senior police official may authorize a search without a court order where probable cause to suspect a weapons violation or drug possession exists.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice.

The independent media were active and expressed a wide variety of views without significant restriction. However, members of independent media complained that the government restricted access to some information, providing preferential access to government media sources and denying access to certain government information. Some members of the independent media claimed to be subject to pressure from the government regarding content and tone of reporting.

On February 7, guards allegedly beat a reporter covering the condition of migrants at the detention center (see section 1.c.).

On April 25, in response to a critical article in the Tribune, the largest circulation daily newspaper, the leader of the governing party issued a "last warning" to the newspaper that its method of coverage of politics must cease. Government officials again complained of press coverage of politics in May and June. In June the Tribune reported that the government had failed to issue a work permit to John Marquis, author of the critical article. Some observers expressed concern that the failure to issue was an attempt to limit press freedoms. The government denied the allegations and subsequently issued the work permit after claiming it had completed legally required processes.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. However, there is a Plays and Films Control Board, which rates and censors entertainment. On March 31, the Control Board banned an Academy Award-winning movie on the grounds that it lacked public value.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice. The constitution explicitly calls for respect for Christian values.

The practice of Obeah, a version of voodoo, is illegal, and those caught practicing it were liable to three months' imprisonment. In August 2005 police raided a Rastafarian religious service and briefly detained worshipers.

Societal Abuses and Discrimination

There were no reports of societal violence or discrimination, including anti-Semitic acts. There was a local Jewish community of approximately 200 persons.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not use it.

Protection of Refugees

Although the country is a signatory to both the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the government has not established a consistent system for providing protection to all refugees and asylum seekers. In practice the government provided some protection against refoulement, the return of persons to a country where they feared persecution. Applications for political asylum were adjudicated on a case-by-case basis at the cabinet level. The authorities did not grant asylum during the year.

The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. Although the government asserted that all migrants who claimed asylum were interviewed by trained immigration officials, AI disputed this claim. The UNHCR reviewed the interview records of cases provided to it and offered recommendations on certain cases.

The government stated that it would not grant refugee protection to five persons whom UNHCR deemed to have a legitimate fear of persecution. The five persons remained in detention at year's end as the government sought a country willing to accept them.

Local and international human rights observers criticized the government for failing to screen potential asylum applicants adequately. These organizations claimed that some Haitians with a legitimate fear of persecution were repatriated without having the opportunity to make a claim for asylum. There were insufficient Creole-speaking immigration officers, and Haitian migrants often were unaware of their right to claim asylum, resulting in limited requests for asylum screening. In addition those requesting asylum screening often lacked access to legal counsel. Human rights observers claimed that the government detained Cuban migrants for exceedingly long periods. The government denied it inadequately screened potential asylum applicants.

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 exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

The two principal political parties are the ruling PLP and the opposition Free National Movement (FNM). In 2002 national elections generally considered free and fair, the PLP won 29 of 40 seats in the House of Assembly and formed the new government under Perry Christie. The FNM won seven seats, and independents won four.

The 40-seat House of Assembly had eight elected female members; there were seven appointed female senators, including the president of the Senate. A woman served as deputy prime minister and minister of national security. Women also headed several other ministries. Information on racial background was not collected, but it was estimated that there were four members of minorities in parliament and none in the cabinet.

Government Corruption and Transparency

There were allegations of government corruption during the year. The new RBDF commander acknowledged problems in the defense force (see section 1.d.). Citizens reported 15 matters to the complaints and corruption branch of the RBPF during the year, an increase from eight in 2005. The branch resolved five corruption matters and had 10 under investigation at year's end.

On October 24, a local religious official expressed concern regarding the influence of money on local politics and called for campaign finance restrictions. The official also criticized ethical standards in government.

Prison officials reported isolated incidents of corruption among prison guards, including corruption that played a role in a January prison break (see section 1.c.).

A May auditor's report of 2003 government spending showed irregularities, including missing funds, that did not allow the auditor to certify government accounts. Outside observers alleged the irregularities showed corruption. In addition, observers complained that the government failed to appropriately account for public spending or to share records on a timely basis with the Public Accounts Committee.

The government was also accused of corruption and lack of transparency regarding contracts to construct low-income housing from 2002-05. Following allegations of irregularities in provision of contracts, the government did not provide records in response to media requests. On November 1, media obtained the records from other sources and reported unaccounted funds resulting from the housing contracts. The government denied wrongdoing.

There were no laws providing for public access to government information. Members of the local press complained that the government failed to provide regular, open access to information, including information regarding alleged human rights violations. Specifically, press and local human rights groups complained that the government was not forthcoming about alleged human rights abuses by prison and detention center guards, citing a lack of transparency in investigations and publication of investigative reports.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials usually were cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of race, place of origin, political opinion, creed, or gender, and the government generally enforced these provisions. However, the constitution and the law contained certain provisions that discriminate against women.

Women

Violence against women continued to be a serious, widespread problem. The law prohibits domestic violence, and the government generally enforced the law. However, domestic violence laws do not provide penalties separate from other crimes of assault and battery, and the law does not criminalize sexual violence within a marriage. The RBPF reported that a majority of the 60 recorded killings were the result of domestic violence. Police received an estimated 1,000 domestic violence complaints during the year. Women's rights groups cited a general reluctance on the part of law enforcement authorities to intervene in domestic disputes. The police recognized domestic violence as a high priority, provided specialized training for all incoming officers, and offered continuing training in domestic violence. The government specifically made efforts to increase awareness of domestic violence in the Family Islands. The courts imposed various legal constraints to protect women from abusive spouses or companions. Women's rights proponents advocated the need to improve the effectiveness of enforcement of court orders and to increase legal aid for women. Women's rights advocates also called for improvements to the domestic violence law, including criminalization of spousal sexual abuse.

The government operated a toll-free hot line in New Providence and Grand Bahama, with trained volunteers to respond to emergency calls 24 hours a day. Government and private women's organizations conducted public awareness campaigns highlighting the problems of abuse and domestic violence. The Ministry of Social Services, in partnership with a private organization, operated a safe house to assist battered women.

Rape is illegal, but the law does not address spousal rape. The maximum penalty for a first-time offender is seven years' imprisonment, and in the case of a second or subsequent conviction, the penalty is 14 years' imprisonment. On occasion rapists were given life sentences. Some rape accusations brought by foreign victims did not result in formal charges. According to the RBPF, there were 72 rapes reported, an decrease from 82 in 2005. More than half of the victims knew their attacker. Prosecutions and convictions on rape charges were common,

and the maximum penalty frequently was applied.

Prostitution is illegal and was not a widespread problem. There are no laws specifically addressing sex tourism. Police officials acknowledged that sex entertainment was a developing industry but did not consider sex tourism a problem.

The law prohibits criminal "quid pro quo" sexual harassment and authorizes penalties of up to \$5,000 (B\$5,000) and a maximum of two years' imprisonment. Civil rights advocates complained that criminal prohibitions were not effectively enforced, and that civil remedies, including a prohibition on "hostile environment" sexual harassment, were needed.

The law does not provide women 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. The law does not include gender as a basis for protection from discrimination. Women continued to advocate an amendment to the constitution and revision of related laws to redress this situation. Women were generally free of economic discrimination, and the law provides for equal pay for equal work.

Children

The government claimed child welfare and education were priorities but did not allocate sufficient funding to maintain and improve standards.

Some public schools lacked basic educational materials and were overcrowded. Public education is compulsory and free for children through the age of 16, and 90.5 percent of school-age children attended school. Cultural biases often forced unwed, pregnant teenagers to leave public schools.

Both the government and civic organizations conducted public education programs aimed at child abuse and appropriate parenting behavior; however, child abuse and neglect remained serious problems. The RBPF operated a hot line regarding missing or exploited children.

During the year the Ministry of Social Services reported 618 cases of child abuse, including 19 reports of incest, 164 reports of physical abuse, 119 reports of sexual abuse, 293 reports of neglect, 15 reports of verbal abuse, and eight reports of abandonment. The ministry believed that only a minority of cases were reported.

The law requires that all persons having contact with a child they believe to have been physically or sexually abused report their suspicions to the police. The Ministry of Social Services tracks reports of child abuse, but statistics were not available by year's end. The police routinely referred cases of sexual and physical abuse to the ministry, which investigates them and can bring criminal charges against perpetrators. The ministry may remove children from abusive situations if the court deems it necessary. The ministry provided services to approximately 150 abused and neglected children through a public-private center for children, through the public hospital family violence program, and through a nonprofit crisis center.

The Ministry of Social Services is responsible for abandoned children up to 18 years of age but had very limited resources at its disposal. The government found foster homes for some children, and the government hospital housed eight abandoned children (all of whom had physical disabilities) during the year when foster homes could not be found. During the year the government also opened a home to house orphaned children infected with HIV/AIDS.

Trafficking in Persons

There are no laws that specifically address trafficking in persons, but the law prohibits prostitution and the procurement of persons for purposes of prostitution either in or outside the country by force, threats, intimidation, or the administering of drugs. The maximum penalty for prostitution is five years' imprisonment; procurement for the purpose of prostitution carries a penalty of eight years' imprisonment. Local observers complained that the law does not protect trafficking victims, who might be fearful of pressing complaints due to local emphasis on immigration enforcement.

There were reports that persons were trafficked within, to, or from the country, but the full nature and extent of the problem was undetermined. A 2002 report by the International Labor Organization estimated that 35 children were involved in commercial sexual activities (see section 6.d.), and the government acknowledged the estimate as generally reflective of current levels of exploitation.

The lack of a legal prohibition rendered it difficult to assess accurately the extent of trafficking within the vulnerable illegal migrant communities, especially Haitian communities. In 2005 the International Organization of Migration issued a report on human trafficking suggesting a link between irregular migration and forced labor for domestic servitude, agriculture, and construction.

Persons with Disabilities

There is no specific law protecting persons with physical or mental disabilities from discrimination in employment, education, access to health care, or in the provision of other state services. Although the law mandates access for persons with physical disabilities in new public buildings, the authorities rarely enforced this requirement, and very few buildings and public facilities were accessible to persons with disabilities. Advocates for persons with disabilities complained of widespread job discrimination and general apathy on the part of private employers and political leaders toward the need for training and equal opportunity.

The Disability Affairs Unit of the Ministry of Social Development and National Insurance worked with the Bahamas Council for Disability, an

umbrella organization of nongovernmental organizations that offered 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 provided limited education, training, counseling, and job placement services for adults and children with both physical and mental disabilities.

Former residents of the Cheshire Home, who alleged government disability discrimination in their June 2005 eviction from the home, were relocated to new housing at government expense. However, the residents claimed that the new housing did not meet disability access requirements.

In September employees at Sandilands Rehabilitation Center protested inhumane conditions at the government center, which provides assistance to the mentally disabled. The employees claimed the center lacked sanitary conditions and regular power, creating respiratory problems for residents. The government stated that it was addressing the concerns through improved maintenance of the facility.

National/Racial/Ethnic Minorities

According to unofficial estimates, between 10 and 25 percent of the population are Haitians or persons of Haitian descent, making them the largest and most visible ethnic minority. Many persons of Haitian origin lived in shantytowns with limited sewage, garbage, law enforcement, or other infrastructure. Haitian children generally were granted access to education and social services, but some Haitians complained of discriminatory treatment in education.

Children born to non-Bahamian parents or to a Bahamian mother and a non-Bahamian father do not automatically acquire citizenship. Locally born persons of foreign heritage must apply for citizenship during the year after their 18th birthday, sometimes waiting many years for a government response. Some persons claimed that the short window for application, difficult documentary requirements, and the long waiting times created generations of persons without citizenship in any nation.

Anti-Haitian prejudice and resentment regarding continued Haitian immigration was common. Observers reported that efforts by the authorities to stem the influx of illegal Haitian immigrants, and efforts by politicians to appear tough on immigration, fueled anti-Haitian attitudes. Interethnic tensions and inequities persisted. Human rights observers criticized the April raids by police and immigration officials who arrested and detained hundreds of persons on the basis of suspected Haitian nationality (see section 1.d.).

Members of the Haitian community complained of discrimination in the job market, specifically that identity and work permit documents were controlled by employers seeking leverage by threat of deportation. Those persons also complained of tactics used by immigration officials in raids of Haitian or suspected Haitian communities. Individuals born in the country to Haitian parents were required to pay the tuition rate for foreign students while waiting for their request for citizenship to be processed.

In January 2005 a dispute over police handling of a traffic accident led to complaints of police bias against Haitians, including two days of violence in a Nassau Haitian neighborhood. Following the incident several persons with Haitian surnames were prosecuted, and two officers were investigated for alleged improper use of force. Investigation of one officer determined that he acted in self defense, while investigation of the second officer continued.

Other Societal Abuses and Discrimination

Societal discrimination against homosexuals occurred, with some persons reporting job and housing discrimination based upon sexuality. Although homosexual relations between consenting adults are legal, there was no legislation to address the human rights concerns of homosexuals, lesbians, bisexuals, or transgendered persons. In March the Constitutional Review Commission found that sexual orientation did not deserve protection against discrimination. The government banned a film containing homosexual content, sponsored an antihomosexual rally, and included antihomosexual content in public schools.

On February 22, a private security guard allegedly beat Loxsley Bastian as a result of his sexual orientation. Bastian alleged that in response to the incident, police hit him, used slurs against him, and failed to take appropriate action against the security guard. Police denied wrongdoing, claiming Bastian was abusive and disruptive.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join unions without previous authorization or excessive requirements, and those laws were applied in practice. However, there were instances in past years of the government frustrating unions, most commonly by not honoring industrial agreements. Trade unions believed that some employers deliberately dragged out negotiations for over a year, after which the employer may call for the union's recognition to be revoked. Members of the police force, defense force, fire brigade, and prison guards may not organize or join unions. Almost one-quarter of the work force (and 80 percent of the workers in the important hotel industry) belonged to unions.

The law prohibits antiunion discrimination, and employers can be compelled to reinstate workers illegally fired for union activity. This law was generally enforced. Under the law labor disputes first are filed with the labor ministry and then, if not resolved, are transferred to an industrial tribunal. The tribunal's decision is final and only can be appealed in court on a strict question of law. Some employers complained that the industrial tribunal was biased unfairly in favor of employees.

b. The Right to Organize and Bargain Collectively

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

The law provides for the right to strike, and while workers exercised this right in practice, the government has the right to intervene in the national interest to assure delivery of essential services. 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 Ministry of Labor and Immigration must approve a strike ballot.

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.

c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, including by children, there were reports that such practices occurred (see section 6.d.).

d. Child Labor Practices and Minimum Age for Employment

Although the law prohibits the employment of children under the age of 14 for industrial work or work during school hours, some children worked part-time in light industry and service jobs. Children under the age of 16 may not work at night. There was no legal minimum age for employment in other sectors. The Ministry of Labor and Immigration is responsible for enforcing these laws and does so adequately.

Although no current data existed, observers generally acknowledged that a small number of children were involved in the worst forms of child labor, including slavery/bondage, sexual exploitation of children through incestuous relationships, illicit or unlawful activities, hazardous activities, and commercial sexual activities (see section 5).

e. Acceptable Conditions of Work

The minimum wage for government employees, set in 2000, was \$4.45 (B\$4.45) per hour. A minimum wage for the private sector was established in 2002 at \$4.00 (B\$4.00) per hour. The labor ministry was responsible for enforcing the minimum wage but was unable to do so effectively. Undocumented migrant workers often earned less than the minimum wage. The minimum wage did not provide a decent standard of living for a worker and family.

The law provides for a 40-hour workweek, a 24-hour rest period, and time-and-a-half payment for hours worked beyond the standard workweek. These standards were effectively enforced.

The Ministry of Labor and Immigration is responsible for enforcing labor laws and had a team of inspectors that conducted on-site visits to enforce occupational health and safety standards and investigate employee concerns and complaints; however, inspections occurred infrequently. The ministry normally announced inspection visits in advance, and employers generally cooperated with inspectors to implement safety standards. It was uncertain whether these inspections effectively enforced health and safety standards. The law does not provide a right for workers to remove themselves from dangerous work situations without jeopardy to continued employment.