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Bahamas

Country Reports on Human Rights Practices - [2007](#)

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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 Hubert Ingraham's Free National Movement (FNM) regained control of the government in May 2 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, including complaints of abuse by police and prison and detention center guards, lengthy pretrial detention, poor detention conditions, delays in trials, violence against women and children, and 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 occasional killings by police. Police investigated all such incidents and referred them to a coroner's court when necessary for further evaluation.

On September 2, a police officer shot and killed a resident of Andros Island. Authorities placed the officer on administrative leave pending an investigation, and the case was sent to the coroner's court in November, according to police officials.

On November 9, an off-duty police officer shot at two men, reportedly while they were fleeing a Nassau crime scene, resulting in the deaths of both suspects, one due to gunshot wounds. Police also shot and killed a psychiatric patient on hospital grounds in Nassau in the course of a violent altercation on November 28. These cases were under investigation at year's end.

On December 21, police shot and killed a man on Bimini Island during an altercation, leading to civil disturbances including the burning of police cars, equipment, and premises. Authorities sent reinforcements from Nassau to quell the unrest and removed the officer involved from the island.

There were no new developments after a coroner's court recommended murder charges against prison guard Sandy Mackey, who allegedly killed inmate Neil Brown in January 2006 in retribution for the death of a fellow officer during a prison escape.

At year's end trials were pending for the police officers whom a coroner's court found committed unlawful manslaughter in two killings in 2003 and 2002.

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.

On June 17, police allegedly beat a suspect, Desmond Key, so severely that he was hospitalized with serious injuries and remained on life support at year's end. Authorities removed the two police officers involved from duty and in August brought charges against them in connection with the beating. They were released on bail; the magistrate's hearing was expected to resume on January 31.

In August supreme court judges directed jurors in three cases, including that of a man accused of murdering a nine-year-old boy, to return not guilty verdicts because police illegally coerced confessions, in two cases through beatings.

In February authorities charged seven defense force members with beating a man on the island of Inagua in November 2006. All were released on bail pending trial.

The Privy Council in the United Kingdom has upheld the government's use of flogging as a punishment, which human rights observers considered inhuman and degrading punishment.

Prison and Detention Center Conditions

Conditions at Fox Hill Prison, the country's only prison, remained harsh for many prisoners. Overcrowding was a major problem in the men's maximum-security block. Originally built in 1953 to hold 450 inmates, it held approximately 700 of the country's 1,400 prisoners. The remaining prisoners were held 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 approximately 600 prisoners awaiting trial, leaving many pretrial detainees confined in cells with convicted prisoners in the maximum-security unit. Male prisoners in the maximum-security unit were crowded into poorly ventilated cells that generally lacked regular running water and toilets. Prisoners lacked beds, slept on concrete floors, and if not participating in work programs 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 potable water, medical care, and treatment.

There continued to be allegations of abuse by prison guards. Local attorneys and human rights observers asserted that the prison's internal affairs unit lacked the independence needed to investigate impartially allegations of abuse and misconduct; it conducted no investigations during the year. In 2006 the unit recommended that one officer be prosecuted for abuse of an inmate, which was pending at year's end.

The government continued funding improvements in prison facilities and prisoner rehabilitation programs. In September the government began issuing "prison discharge certificates" to sentenced inmates being freed after serving over one year. The certificate was an assessment of the inmate's conduct intended to aid ex-convicts to secure employment after release. Prison officials continued to offer technical and vocational programs to eligible prisoners.

Conditions for women prisoners were less severe and improved following housing renovations and additions. However, women did not have access to the same work-release programs available to male prisoners.

The prison 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. Several female minors from this facility were held in the female section of the prison, but separately from adult inmates.

The Carmichael Road Immigrant Detention Center held up to 500 detainees (with tent space for an additional 500), and women and men were held separately. Haitians and Jamaicans were the most commonly interdicted migrants. The highest occupancy during the year was approximately 500. 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 except during weekly visitation. Despite the possibility of being held for months, children did not have access to education.

Neither domestic nor international human rights groups made any requests to visit the detention center or prison during the year. However, organizations providing aid, counseling services, and religious instruction had regular access to inmates.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions, although police were occasionally accused of arresting and detaining persons arbitrarily.

In contrast to the previous year, police and immigration enforcement efforts in Haitian communities did not attract

widespread public attention.

Role of the Police and Security Apparatus

The Royal Bahamas Police Force (RBPF) maintains internal security, and the small Royal Bahamas Defense Force (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 and Immigration oversees the RBPF and the RBDF. The well-respected police training center provided training to Haitian police recruits in an exchange program.

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 Police Complaints and Corruption Branch lacked the independence needed to investigate impartially 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. Following investigations into complaints against police during the year, including assault, unethical conduct, unlawful arrest, and stealing, authorities dismissed one officer and reprimanded two. The number of criminal charges filed, if any, was not separately reported.

There were 174 complaints against police through October 17, compared with 283 in 2006. Of these 174 cases, authorities resolved 72, 52 awaited judicial determination of a complainant's pending case, and 50 were under investigation. Of the 72 completed matters, in addition to the action taken against three officers, six cases were resolved informally, and the remainder were withdrawn (six) or dismissed as unsubstantiated (34), unfounded (12), or lacking sufficient evidence (11).

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 request 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.

There is a functioning bail system. 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. The constitution provides that suspects can be held for a "reasonable period of time" before trial. Government officials stated that approximately 600 of the 1,400 prisoners at Fox Hill prison were awaiting trial. In previous years prison officials estimated that approximately 100 prisoners had been held on remand without trial for more than two years, and that assessment remained accurate, according to available government statistics. This was a major, recognized problem in the justice system, as criminals accused of serious crimes made bail, often to commit more crimes, while others languished indefinitely without trial.

In May attorneys filed a wrongful detention claim in the Supreme Court on behalf of Ronel Pierre, who was released on January 18 after having spent 21 months in detention after a judge issued an order for his release due to lack of evidence in a pending criminal case.

In September the Court of Appeal allowed Atain Takitota, a Japanese man who had been held at Fox Hill Prison without trial since 1992, to proceed with his suit before the Privy Council asking for increased damages. In March 2006 the Court of Appeal awarded him \$500,000 in damages as a result of illegal detention without provision of due process for over eight years.

The authorities detained illegal immigrants, primarily Haitians, at the Carmichael Road Immigrant Detention Center until arrangements could be made for them to leave the country, or they obtained legal status. The average length of detention varied significantly by nationality, willingness of governments to accept their nationals back in a timely manner, and availability of funds to pay for repatriation. Haitians usually were repatriated within 48 hours, while Cubans were held for much longer periods. 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.

In May the government granted work permits to five Cuban nationals, who had been held at Carmichael Road Detention Center for more than two years, for a work project on the island of Bimini. The Office of the UN High Commissioner for Refugees (UNHCR) determined that the five had a legitimate fear of persecution if repatriated to Cuba, but the government would not grant refugee protection and sought a third country willing to accept the five. Instead of awaiting the outcome of their asylum proceedings, the government released them, according to officials, due to the already inordinate delays in their cases.

e. Denial of Fair Public Trial

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

Magistrates' 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. Magistrates' 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 indefinitely.

The judicial system had a large backlog of cases, and delays reportedly lasted as long as four years. Local legal professionals attributed delays to slow police investigation and inefficient prosecution strategies, as well as a lack of judicial capacity. Systemic problems included lengthy legal procedures, large numbers of detainees, staff shortages, and judicial inefficiency compounded by financial and space constraints.

Defendants may hire an attorney of their choice, but the government provided legal representation only to destitute suspects charged with capital crimes, leaving large numbers of defendants without adequate legal representation. 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. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. The independent media were active and expressed a wide variety of views without significant restriction.

During the election campaign, however, there were allegations that state-owned electronic media favored the incumbent party by limiting coverage of opposition rallies. There were also allegations that state-owned ZNS television, the main

broadcaster, provided unbalanced coverage favorable to the incumbent Progressive Liberal Party's (PLP) election rallies.

Internet Freedom

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

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. However, the Plays and Films Control Board rates and censors entertainment.

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 2005 police raided a Rastafarian religious service and briefly detained worshippers. In 2006 the government reached out to the Rastafarian community, and there were no further incidents.

Societal Abuses and Discrimination

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

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights 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 there was reason to believe 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. The UNHCR reviewed the interview records of cases provided to it and offered recommendations on certain cases.

Local and international human rights observers criticized the government for failing to screen potential asylum applicants adequately and claimed that some Haitians with a legitimate fear of persecution may have been 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 excessive periods. The government asserted that all migrants who claimed

asylum were interviewed and adequately screened by trained immigration officials.

Stateless Persons

The government has not effectively implemented laws and policies to provide certain habitual residents the opportunity to gain nationality in a timely manner and on a nondiscriminatory basis. Children born to non-Bahamian parents or to a Bahamian mother and a non-Bahamian father do not automatically acquire citizenship. Bahamian-born persons of foreign heritage must apply for citizenship during the year after their 18th birthday, sometimes waiting many years for a government response. Human rights activists claimed that the short window for application, difficult documentary requirements, and long waiting times created generations of de facto stateless persons, i.e., those without citizenship in any country. Individuals born in the country to Haitian parents were required, as a consequence, to pay the tuition rate for foreign students while waiting for their request for citizenship to be processed. There were no reliable estimates of the number of stateless persons.

The Immigration Department conducted an audit of outstanding residence and citizenship claims in August but did not make known any specific results by year's end. Despite initial suspicion about the new government's intentions, Haitian community leaders and human rights activists publicly encouraged participation. Approximately 2,000 applicants, the majority reportedly Haitian, presented their cases to immigration officials in three separate public meetings.

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 governing FNM and the opposition PLP. In May national elections generally considered free and fair, the FNM won 23 of 41 seats in the House of Assembly and formed the new government under Hubert Ingraham. The election campaign, however, was marred by instances of violence, the influential state-owned electronic media's alleged favoritism toward government candidates, and allegations of vote-buying.

The opposition PLP pursued court cases challenging the election results in three constituencies. On October 15, one case went to trial, in which arguments focused on whether some voters in the constituency satisfied legally stipulated residency requirements. There was no ruling by the end of the year.

The House of Assembly had five elected female members; there were nine appointed female senators, including its president, in the 16-seat Senate. There were three women in the new 21-member cabinet.

Information on racial background was not collected, but there were several members of minorities in prominent positions in parliament and the cabinet.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year. Both hiring and procurement practices under the PLP government came under intense scrutiny in the media and in parliament since the elections and change of government, with official corruption alleged.

In October the government made public excerpts from an outside auditor's report prepared in December 2006 stating that the Ministry of Works had awarded contracts without a competitive bidding process in the vast majority of cases reviewed.

On December 7, an Organization of American States (OAS) expert committee released a report on government implementation of the Inter-American Convention against Corruption. The exhaustive report, the second of its type, noted the absence of whistleblower protections and insufficient transparency in government hiring of public servants and said that public contracting provisions "are inadequate in ensuring transparency".

The OAS report noted little progress achieved in the implementation of previous OAS recommendations in the areas of prevention of conflicts of interest, developing enforceable accountability standards, reporting of official corruption by public servants, and registration and disclosure of their assets. No progress was noted in the establishment of oversight bodies, systems of access to government information, and means for civil society and NGOs to participate in the prevention, detection, and investigation of corruption in public administration.

Senior public officials, for example, senators and members of parliament, were subject to financial disclosure under the

Public Disclosure Act. Antibribery legislation designates the attorney general responsible for combating government corruption.

The RBPF operated a complaints and corruption branch, but no data were available regarding the number of corruption complaints received or investigations undertaken during the year. The OAS report found the RBPF mechanism to be inadequate in light of the government's obligations under the convention.

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, or creed, and the government generally enforced these provisions. However, the constitution and the law contain provisions that discriminate against women.

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. According to the RBPF, there were 134 rapes reported during the year, a significant increase from 72 in 2006. Prosecutions and convictions on rape charges were common.

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 do not effectively criminalize sexual violence within a marriage. The police reported that 14 of 79 killings recorded during the year were related to domestic violence. 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 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, including hosting in September a regional conference involving representatives from Caribbean countries. The Ministry of Health and Social Development's Department of Social Services, in partnership with a private organization, operated a safe house to assist battered women.

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 than for women with foreign spouses to confer citizenship on their children. The law does not include gender as a basis for protection from discrimination. 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.

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.

The Department of Social Services reported 149 cases of child abuse during the year, including 10 reports of incest, 23 reports of physical abuse, 26 reports of sexual abuse, 44 reports of neglect, and three 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. Sexual exploitation of children through incestuous relationships occurred, and observers generally acknowledged that a small number of children were involved in illicit or unlawful activities. The ministry may remove children from abusive situations if the court deems it necessary. The ministry provided services to approximately 250 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 Department 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 from six to eight abandoned children (all of whom had physical disabilities) during the year when foster homes could not be found. The government maintained a home for 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.

There were reports that persons were trafficked within, to, or from the country, but the full nature and extent of the problem was undetermined. 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.

According to limited reports, men, women, and children may be trafficked for the purpose of labor exploitation. Local sources indicated that labor exploitation of undocumented Haitians could be widespread, and some immigrants may be subjected to conditions of involuntary servitude. Employers could coerce migrants to work long hours for no pay or below the minimum wage by withholding documents or threatening arrest and deportation. Migrant workers usually do not have access to labor protections under local law.

A 2005 International Organization of Migration report on human trafficking suggested a link between irregular migration and forced labor for domestic servitude, agriculture, and construction. Some commercial sexual exploitation of women and minors has been identified. 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. Victim protection efforts were extremely limited. The government had no formal procedures for identifying trafficking victims among vulnerable populations.

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 social development ministry's Disability Affairs Unit worked with the Bahamas National 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 such persons. A mix of government and private residential and nonresidential institutions provided education, training, counseling, and job placement services for adults and children with both physical and mental disabilities.

In June former residents of the Cheshire Home, who alleged government disability discrimination in their 2005 eviction

from the home, appealed to the new government to be allowed to return to the now disused location or be granted more suitable housing. They were relocated to new housing at government expense in 2006 but claimed that the new housing did not meet disability access requirements.

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.

Anti-Haitian prejudice and resentment regarding continued Haitian immigration was common, flaring especially in smaller communities in outlying islands proportionally more affected by labor migration flows. Interethnic tensions and inequities persisted.

On May 4, an RBDF officer shot and wounded an illegal Haitian resident in Nassau. Authorities detained the Haitian and charged him with resisting arrest. On December 7, however, a magistrate ruled that there was no case, as the prosecution had not shown evidence that the defense force officer had acted in concert with immigration officials, as required by law. Lawyers for the Haitian, in turn, filed a civil suit seeking damages against the officer, the commander of the RBDF, and the attorney general for false arrest, false imprisonment, assault and battery, and malicious prosecution. Lawyers for the accused, including a leading human rights activist, feared the man could be deported before his next hearing on a remaining charge of "illegal landing."

There were no repeats of the controversial April 2006 raids by police and immigration officials, when hundreds of persons were arrested and detained, nor were there disturbances or protests in the Haitian community.

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.

Other Societal Abuses and Discrimination

Societal discrimination against homosexuals occurred, with some persons reporting job and housing discrimination based upon sexual orientation. 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 2006 the Constitutional Review Commission found that sexual orientation did not deserve protection against discrimination.

Religious organizations and individual activists opposed a September request by a gay rights group for the cable monopoly to add a gay and lesbian channel to its programming. In the ensuing media controversy, opponents called for recriminalizing homosexual acts, and religious leaders criticized a major newspaper for giving what they considered undue coverage to the gay rights group. Media reports, in turn, referred to a "campaign" against the "gay agenda" or lifestyle by opponents of the proposal. The organizer of a gay and lesbian cruise accused authorities of harassment in shutting down a party at a downtown club on October 7, due to alleged lewd behavior and immigration violations. Police officials denied inappropriate conduct.

Sensationalistic media reporting of reputed gay links in two high-profile murders in Nassau in November, under police investigation at year's end, reflected the atmosphere of societal intolerance.

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. Almost one-quarter of the work force (and 80 percent of the workers in the important hotel industry) belonged to unions. Members of the police force, defense force, fire brigade, and prison guards may not organize or join unions.

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 more than a year, after which the employer may call for the union's recognition to be revoked.

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 can be appealed in court only 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 law 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 Maritime Affairs 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. There are no export processing zones.

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.

d. Prohibition of Child Labor 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 labor ministry is responsible for enforcing these laws and did so adequately.

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 did not 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 labor ministry 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, although 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.

