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2010 Human Rights Reports: The Bahamas

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

The Commonwealth of The Bahamas is a constitutional, parliamentary democracy with a population of approximately 354,000, including an estimated 30,000 undocumented Haitians. Prime Minister Hubert Ingraham's Free National Movement (FNM) regained control of the government in May 2007 elections that observers found to be generally free and fair. Security forces reported to civilian authorities.

Human rights problems reported included complaints of abuse by police and prison and detention center guards; poor detention conditions; a poorly functioning judicial system, leading to delays in trials and lengthy pretrial detention; 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, police fatally shot individuals in the performance of their duties. Police investigated such incidents and referred them to a coroner's court when necessary for further evaluation. The public expressed concerns about escalation of force after several fatal shootings during the year.

The May 4 fatal police shooting of Ricardo Knowles, who escaped from police custody, was before the coroner's court at year's end.

An investigation determined that a 13-year-old boy who died in police custody in July died of natural causes. His family claimed he was choked to death.

A patrol officer fatally shot a man on Bay Street in September after a verbal altercation allegedly resulted in the man brandishing a box cutter. Onlookers told the press that the man asked to be left alone and was walking away from the scene when the officer followed him and a scuffle ensued. Police launched an investigation into the shooting.

On November 20, police fatally shot a young man in Bain Town after he was stopped and questioned about an illegal firearm. The police commissioner told the press an investigation into the matter had been launched and an autopsy scheduled.

In March 2009 police shot a Nassau man in disputed circumstances. The victim later died, and the case was before the court at year's end.

The May 2009 case in which a 15-year-old boy allegedly hanged himself in a holding cell while in police custody was ruled a suicide, although family members alleged that the hanging was a cover-up for a beating by police.

The coroner's court received the case of the 2007 fatal shooting by police of two armed men who failed to stop when fleeing the scene of a crime. An investigation continued into another 2007 incident involving an individual killed by police at Rand Memorial Hospital on Grand Bahama.

Authorities brought manslaughter charges against two officers in connection with the 2007 fatal beating of a suspect, Desmond Key. The case was before a magistrate's court at year's end.

At year's end a magistrate's court was hearing the case against the police officer who fatally shot a man on Bimini Island in 2007.

The coroner's court faced a heavy backlog of more than 129 cases, including 10 police shootings.

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.

A government investigation was under way into a complaint filed by Deborah Bostfield alleging that police beat her son, Jermaine Storr, outside a nightclub in January.

Authorities charged police reservist Craig Hepburn with having unlawful intercourse with a 13-year-old girl in February and forcing her to cohabit with him. The matter was before the courts at year's end.

An investigation was under way into allegations made by Lynette K. Oliver, who claimed she was repeatedly punched in the face and choked by police on April 25.

In June a police reservist was convicted of sexually assaulting a woman during a traffic stop. He remained in custody pending sentencing.

Police were awaiting forensic analysis results in an investigation opened after a woman in Grand Bahama accused police of sexual assault and death threats in September.

In November police arrested Godfrey Hepburn in connection with a robbery. Hepburn's attorney told the magistrate that he was brutalized while in police custody.

An investigation was conducted into allegations made by Barry McPhee Jr., who claimed he was violently beaten and given an electric shock after being arrested for stealing a cell phone in January 2009. The investigation was completed, and the matter was referred to the Police Tribunal.

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At year's end the investigation continued in the case of police officer Dwight Williamson, accused of raping a 15-year-old girl at the police station in August 2009.

In December 2009 authorities charged police constable Daniel Paul Smith with raping a 19-year-old girl while on duty, suspended him, and placed him on half-pay. At year's end Smith's case was pending trial.

An investigation continued into allegations that Royal Bahamas Defence Force officers Vaughn Saunders and Kendrick Ferguson beat James Demeritte in November 2009.

Amnesty International reported that Emmanuel McKenzie, chairman of an environmental organization, was harassed and assaulted by police and defense forces during a fundraising event in April 2008. The government responded to a UN Human Rights Committee request on this matter, denied the allegations of abuse, and stated that McKenzie was the subject of a criminal trial for possession of dangerous drugs with the intent to supply. A government investigation into McKenzie's claims that officers stole his property and abused him concluded that there was insufficient evidence to substantiate his claims.

In February a court acquitted police officer Vaughn Pratt, arrested and accused of having sex with two minors in 2007. In July a court sentenced police reservist Charles Prince to five years in prison for the rape of a teenage girl in 2007.

There were other allegations of police beatings and brutality throughout the year. The government stated that no official complaints were received in reference to many of these allegations. Victims' families and community activists claimed that many officers had their cases thrown out of court or dropped by the Attorney General's Office. In addition many officers waited years for their court date, only to return to work without having their names cleared.

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 624 of the country's 1,322 prisoners. The remaining prisoners were held in medium- and minimum-security units that were at intended capacity. Male prisoners in the maximum-security unit were crowded into poorly ventilated and poorly lit cells that generally lacked regular running water. During the year authorities installed composting toilets and acquired 100 mattresses for the maximum security unit, expanded access to medical and dental services, and expanded access to technical and vocational services. Despite these upgrades prisoners continued to report sleeping on concrete floors and inadequate access to medical care. A classroom within the maximum-security facility provided educational programs to high-risk offenders who could not attend classes within the correctional training institute. Maximum-security inmates were allowed outside for exercise four days a week for one hour per day. Inmates complained of inadequate potable water, lack of medical care, and poor treatment.

Family members of prisoners raised concerns about the lack of potable water at the prison, but the government insisted there was no shortage of potable water. Four reverse osmosis units were installed at various housing units from which each inmate was able to extract a minimum of one gallon of potable water during exercise time each day, free of charge. In addition bottled water was available for purchase from the inmate commissary.

A remand center held 602 detainees; it has a medical facility and exercise yard, as well as a well-equipped health diagnostic unit and a pharmacy. That facility had water treatment units installed and the dental unit renovated and refurbished.

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 128 investigations during the year.

Conditions for female prisoners were less severe than for men; 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 on 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 held separately. Haitians and Jamaicans were the most commonly interdicted migrants. The highest occupancy during the year was approximately 252. Observers complained of continuing abuse by guards, although immigration officials stated that no such complaints were filed during the year. 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.

The government investigated and monitored prison and detention center conditions. A team of community leaders conducted a fact-finding mission during the year, but the results were not made public. Prisoners and detainees had reasonable access to visitors and were permitted religious observance. The government asserted that there were no requests to submit complaints to judicial authorities during the year. However, officials stated that all credible allegations were investigated.

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 occasionally were accused of arresting and detaining persons arbitrarily.

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 oversees the RBPF and the RBDF.

A police officer involved in shooting or killing a suspect is automatically placed under investigation. The Police Complaints and Corruption Branch (PCCB), which reports directly to the deputy commissioner, 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. Due to concern that the PCCB lacked independence and that a perceived lack of impartiality discouraged full reporting of complaints, in August a new independent body--the Police Complaints Inspectorate Office--was established on New Providence and Grand Bahama in August to investigate complaints against police. The body was to be staffed by independent members of the public to probe complaints of police corruption and brutality.

The government reported that no official complaint was made after a police officer was accused of savagely beating his girlfriend in May 2009. The 2009 case of four police officers charged with armed robbery and extortion was pending trial at year's end. The government reported that no official complaint was made after authorities arrested two police officers for an unauthorized raid on a bar in November 2009.

There were 233 complaints against police through October, compared with 257 in 2009. Of these cases, the PCCB recommended 23 to the Police Tribunal, informally resolved 19, found 31 to be unsubstantiated, determined that 65 were unfounded, concluded that 57 had insufficient evidence, and discharged 11 officers in other cases. Complainants withdrew 25 cases, and two required no further police action. The overwhelming number of complaints involved allegations of assault, followed by unethical behavior and missing property.

Arrest Procedures and Treatment While in 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. The constitution provides the right for those arrested or detained to retain an attorney at their own expense; volunteer legal aides were sometimes available. Minors under the age of 18 have the right to communicate with a parent or guardian.

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, in view of possible delays in court cases and harsh conditions in the prison.

Attorneys and other prisoner advocates continued to complain of excessive pretrial detention due to the failure of the criminal justice system to try even the most serious cases in a timely manner. The constitution provides that suspects can be held for a "reasonable period of time" before trial. Government officials stated that approximately 600 of the 1,332 prisoners at Fox Hill Prison were awaiting trial. Available government statistics suggested that approximately 100 prisoners had been held on remand without trial for more than two years. This was recognized as a major problem in the justice system, as criminals accused of serious crimes made bail, while many others were held indefinitely without trial.

The authorities detained illegal immigrants, primarily Haitians, 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 one week, 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.

e. Denial of Fair Public Trial

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

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 bail system, but individuals who could not post bail were held on remand indefinitely. Defendants can elect to use a jury in criminal cases; serious offenses such as murder and fraud automatically go to a jury.

During the year the Supreme Court reported a backlog of 450 cases, and other courts had a large and steadily expanding backlog of cases, which included hundreds of cases of the most serious violent crime. Estimates of the backlog in other courts ranged from 40,000 to 95,000 cases. Delays reportedly lasted five years or more. Local legal professionals attributed delays to a variety of longstanding systemic problems, such as slow police investigation, inefficient prosecution strategies, lack of judicial capacity, lengthy legal procedures, 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 some accused lacked the means to pursue the case toward 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.

In January the Court of Appeal affirmed the constitutionality of the Listening Devices Act, which had been challenged during an extradition hearing in 2008.

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.

Internet Freedom

The government did not impose restrictions on public access to the Internet. There were no 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. According to the International Telecommunication Union, there were 42 Internet users per 100 inhabitants in 2009.

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

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

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

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 the expulsion or return of refugees to countries where their lives or freedom would be threatened. When they occur, applications for political asylum were adjudicated on a case-by-case basis at the cabinet level. The authorities did not receive any requests nor grant asylum during the year.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The government did not systematically share its prescreening notes with the UNHCR but did seek UNHCR advice on specific cases of concern.

Local and international human rights observers criticized the government for failing to screen potential asylum applicants adequately. 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 claim asylum are interviewed and screened adequately 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 born outside the Bahamas 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. The narrow window for application, difficult documentary requirements, and long waiting times created generations of de facto stateless persons. However, the government did not consider many of these individuals stateless, because they were often eligible for the citizenship of their parents and could apply for Bahamian citizenship on their 18th birthday. Individuals born in the country to Haitian parents were not required to pay the college tuition rate for foreign students while waiting for their request for citizenship to be processed. There were no reliable estimates of the number of de facto stateless persons.

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 Progressive Liberal Party (PLP). In 2007 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 under the incumbent PLP, however, was marred by instances of violence, alleged favoritism by the influential state-owned electronic media toward government candidates, and allegations of vote-buying.

The House of Assembly had five elected female members; there were five appointed female senators, including its president, in the 14-seat Senate. There was one woman in the cabinet.

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

Section 4 Official Corruption and Government 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.

Senior public officials, such as 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, which received 11 corruption reports during the year: it sent one to the police tribunal, found that one was unsubstantiated, recommended criminal charges in one case, and had eight cases under investigation at year's end.

Police investigated two extortion cases involving the alleged corruption of police officers. One case was determined to have insufficient evidence, and one matter was under investigation at year's end. In March authorities accused several female police officers of operating an illegal male strip show. The matter was before the courts at year's end.

At year's end an investigation continued into the March allegations of conspiracy to commit fraud against police officer Eddie Florival and prison officer Freeman Basden.

Police charged Corporal Jay Sergeant and Constable Harold Sands with aiding the escape of two inmates at the Central Police Station; the matter was before the court at year's end.

Authorities charged one person from the Department of Immigration's Passport Office with corruption in a bribery scheme; at year's end the matter was before the courts.

In September authorities accused two paramedics of extortion after they reportedly forced injured tourists to prepay for treatment and transport to the hospital. Emergency Medical Services director Avery Hanna suspended the crew pending an official investigation of the matter.

In August the RBPF discharged from the force police Constable Ricardo Kevin Bauld, arrested in 2007, after he was convicted of drug possession.

Media reports alleged that millions of dollars in government contracts were awarded inappropriately to the close friend of a senior civil servant. Both political parties were subject to corruption allegations concerning the inappropriate transfer of government-owned land. The opposition party also charged the FNM government with corruption in relation to a controversial relocation of the container port.

In January 2009 authorities charged a former PLP senator and an ambulance driver with conspiracy and abetting an alleged extortion attempt. A mistrial was declared in the first trial and the defendants faced retrial, but the complainant declined to pursue the case at year's end. At year's end an investigation continued in the July 2009 case of a former PLP treasurer who was indicted on money laundering charges in a foreign jurisdiction.

In July 2009 authorities suspended 16 customs officials over allegations that included falsifying documents, bribery, stealing, and evasion of customs duties. Later, authorities dismissed nine of the officers, retired four in the public interest, and redeployed two elsewhere in the public service. Police investigations into government contract corruption in the wake of 2004 hurricanes Frances and Jeanne continued at year's end.

The PLP accused Minister of the Environment Earl Deveaux of corruption after he submitted development plans from the same company for which he accepted free helicopter rides. The prime minister declined Deveaux's letter of resignation and told the press he did not believe the incident was a dismissible offense.

Media representatives criticized the lack of laws providing for public access to government information. Members of the local press also 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 police and prison and detention center guards, citing a lack of transparency in investigations and publication of investigative reports.

Section 5 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.

A governmental "commissioner" with ombudsman-like duties enjoyed the government's cooperation and was considered effective.

Section 6 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 prohibitions. However, the constitution and the law contain provisions that discriminate against women.

The country consists of 700 islands and cays, 30 of which are inhabited. Information reflects the situation in the highly populated areas on New Providence and Grand Bahama. Limited information was available from the lesser populated out islands.

Women

Rape is illegal, but the law does not address spousal rape, except if the couple is separating, in the process of divorce, or if there is a restraining order in place. The maximum penalty for all offenses, including a first-time offense, is life imprisonment. According to the RBPF, 72 rapes were reported by October 14, a decrease from 90 reported in 2009. Prosecutions and convictions on rape charges were common. In August the RBPF activated a Victim Support Unit on the island of Grand Bahama to assist victims of rape and other serious crimes, a new unit created in response to a sharp increase in reports of rape on that island.

Violence against women continued to be a serious, widespread problem. The law prohibits domestic violence as a crime separate from assault and battery, and the government generally enforced the law. The police reported that eight of 78 killings recorded through October 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 hotline in New Providence and Grand Bahama, with trained volunteers to respond to emergency calls 24 hours a day. Government and private women's organizations continued public awareness campaigns highlighting the problems of abuse and domestic violence. The Ministry of Labor and Social Development's Department of Social Services, in partnership with a private organization, operated a safe house to assist battered women. The ministry's Bureau of Women's Affairs was responsible for promoting and protecting women's rights.

The law prohibits criminal "quid pro quo" sexual harassment and authorizes penalties of up to B\$5,000 (\$5,000) and a maximum of two years' imprisonment. The Ministry of Labor and Social Development received 10 reports of workplace sexual harassment during the year. Civil rights advocates complained that criminal prohibitions were not enforced effectively and that civil remedies, including a prohibition on "hostile environment" sexual harassment, were needed.

Couples and individuals generally could decide freely and responsibly the number, spacing, and timing of their children, and were not subject to discrimination, coercion, or violence regarding these choices. Access to family planning was universally available to persons age 18 and older and to younger persons with the consent of an adult. Pregnant teens were removed from government educational institutions and placed in a special school, Providing Access to Continued Education, until after the birth of their children. The Maternal and Child Health Unit of the Ministry of Health provided information pamphlets on maternal and child health to clinics. A government Web site provided information for maternal and child healthcare services provided by various clinics throughout the country. Women had access to maternal health services. According to UN data, skilled personnel attended 99 percent of births, and 98 percent of mothers received prenatal and postpartum care. UN agencies estimated the maternal mortality rate to be 49 deaths per 100,000 live births in 2008. The Population Reference Bureau estimated the infant mortality rate at 14 per 1,000 live births. Services were available on a nondiscriminatory basis, although some illegal immigrants did not receive postpartum care because they had no fixed address.

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

Children born to non-Bahamian parents or to a Bahamian mother and a non-Bahamian father born outside of the Bahamas do not automatically acquire citizenship. Otherwise, citizenship is acquired by birth in the country. There is universal birth registration; all births must be registered within 21 days of delivery. All residents, regardless of immigration status, had free access to education and social programs.

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 hotline regarding missing or exploited children. The Child Protection Act of 2007 included increased penalties for child abuse, mandatory reporting to police of all forms of child abuse, a provision for fathers of children born out of wedlock to pursue custody of the children, and a provision for mothers of children born out of wedlock to pursue maintenance of those children up to age 18.

The Department of Social Services reported 483 cases of child abuse between January and November. They included 55 cases of physical abuse, 243 cases of neglect, eight cases of incest, and two cases of emotional abuse. All other forms of abuse accounted for less than 10 cases each. The ministry believed that only a minority of cases were reported. The Ministry of Education conducted investigations into allegations of sexual impropriety against 29 teachers during the year. The Public Service Commission terminated 18 teachers, five cases were pending before the courts, and insufficient evidence was found in the remaining six.

The law requires all persons having contact with a child they believe to have been physically or sexually abused to report their suspicions to the police. Sexual exploitation of children through incestuous relationships occurred, and anecdotal reports suggested that this was a particular problem in the out islands. 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 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 abandoned children with physical disabilities when foster homes could not be found.

The law prohibits statutory rape of persons under the age of 16; victims between the ages of 14 and 16 carry penalties of up to 14 years' imprisonment, with harsher penalties involving persons under age 14. While a victim's consent is insufficient defense against allegations of statutory rape, it is sufficient defense if an individual can demonstrate that the accused had "reasonable cause to believe that the victim was above 16 years of age," provided the accused was under age 18.

Child pornography is against the law. A person who produces it is liable to life imprisonment; dissemination or possession of it calls for a penalty of 20 years' imprisonment.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at

www.travel.state.gov/abduction/resources/congressreport/congressreport_4308.html, as well as country-specific information at www.travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

There were no reports of anti-Semitic acts. The local Jewish community numbered approximately 200 persons.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* www.state.gov/g/tip.

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. However, provisions in other legislation address the rights of persons with disabilities, including a prohibition of discrimination on the basis of disability. 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.

In its attempt to counter all forms of discrimination against persons with disabilities the government, through its Disability Affairs Division, engaged in several outreach efforts. The division collaborated with disability-related NGOs and the community of persons with disabilities in the formulation of national antidiscrimination legislation, which was in its final stages of preparation. The division also established a national registry for persons with disabilities in order to obtain statistical data that provides the kind of information needed for the creation of inclusive policies and support services necessary for equal participation in all aspects of society. Daily sign language interpretation for national evening news broadcasts was provided.

New measures were taken to provide training, education, and job placement services for adults and children with disabilities. The government provided financial assistance for computer classes and technical skills training at the Bahamas Technical Vocational Institute. A disability allowance was provided to children with disabilities under the age of 16 to assist with caring for a child with special needs. Monthly self-esteem building support groups were held for men and women with disabilities. Free Braille classes were provided for individuals with vision loss as well as free sign language interpretation for individuals with hearing loss. Adaptive technology was provided for children with multiple disabilities at the Bahamas Association for the Physically Disabled (a school for children with multiple disabilities).

In June media reports indicated a patient died, possibly due to neglect, at the Sandilands Psychiatric Hospital. The government conducted a comprehensive investigation which included detailed accounts from medical and support personnel, as well as the submission of closed circuit television footage. The government found that there was no evidence of negligence on the part of staff in this matter.

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.

National/Racial/Ethnic Minorities

The country's racial and ethnic groups generally coexisted in a climate of peace and mutual respect without overt racial or other tensions. However, anti-Haitian prejudice and resentment regarding Haitian immigration was common. According to unofficial estimates, between 10 and 25 percent of the population were Haitians or persons of Haitian descent, making them the largest ethnic minority. Many persons of Haitian origin lived in shantytowns with limited sewage and garbage services, law enforcement, or other infrastructure. Haitian children generally were granted access to education and social services, but interethnic tensions and inequities persisted. The Haitian community was characterized by high poverty, high unemployment, poor educational achievement, and poor health conditions. Haitians generally had difficulty in securing citizenship, residence, or work permits.

Lawyers for an illegal Haitian resident in Nassau, whom an RBDF officer shot and injured in 2007, continued their civil suit seeking damages against the officer, the commander of the RBDF, and the attorney general, even though the man was subsequently deported. The case was scheduled to be heard in June 2011.

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. Some also complained of tactics used by immigration officials in raids of Haitian or suspected Haitian communities. The economic recession led to an increase in resentment against the Haitian population and a tendency to blame Haitians for rising crime rates.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Societal discrimination against gay men and lesbians occurred, with some persons reporting job and housing discrimination based upon sexual orientation. Although homosexual activities between consenting adults are legal, no legislation addresses the human rights concerns of gay, lesbian, bisexual, or transgender persons. The 2006 Constitutional Review Commission found that sexual orientation did not deserve protection against discrimination.

A jury acquitted Troyniko McNeil, accused of the 2008 killing of a reportedly gay person, handbag designer Harl Taylor. At year's end the Public Service Commission was still investigating two other 2008 killings of reportedly gay individuals.

Other Societal Violence or Discrimination

Stigma and discrimination against persons with HIV/AIDS was high, but there were no reports of violence against persons with HIV/AIDS. Children with HIV/AIDS also faced discrimination, and teachers often were not told that a child was HIV positive for fear of verbal abuse from both educators and peers. The government maintained a home for orphaned children infected with HIV/AIDS.

Section 7 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 workforce (and 80 percent of the workers in the hospitality industry) belonged to unions. Members of the police force, defense force, fire brigade, and prison guards may not organize or join unions.

The law provides for the right to strike, and workers exercised this right in practice.

b. The Right to Organize and Bargain Collectively

Workers freely exercised their right to organize and participate in collective bargaining, which the law protects. Employers can apply to have union recognition revoked if a collective agreement is not reached after 12 months. Unions and employers negotiated wage rates without government interference.

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 the industrial tribunal was biased unfairly in favor of employees. After a massive "sick out" by the Bahamas Nurses Union in 2009 over a health insurance dispute, the government announced it would prosecute doctors who falsified sick notes. The nurses returned to work and secured health coverage during the year.

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.

There were reports that Haitian laborers suffered abuses at the hands of their employers. 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 did not have access to labor protections under local law.

Smuggling rings continued to take advantage of the demand for labor by bringing in irregular migrants from Haiti. See also the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

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 was \$4 per hour for hourly workers, B\$30 (\$30) per day for daily workers and B\$150 (\$150) per week for weekly-paid workers. 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 enforced effectively.

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, although the ministry actively sought international assistance to improve performance. The law does not provide a right for workers to remove themselves from dangerous work situations without jeopardy to continued employment.

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