

REFERENCE: BJ/follow-up/Bahamas/79

19 July 2021

Excellency,

In my capacity as Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the sixth periodic report of the Bahamas, at the Committee's seventy-first session, held in November 2018. At the end of that session, the Committee's concluding observations ([CEDAW/C/BHS/CO/6](#)) were transmitted to your Permanent Mission. You may recall that in paragraph 54 on follow-up to the concluding observations, the Committee requested the Bahamas to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12 (a), 16 (d), 24 (b) and 26 (b) of the concluding observations.

The Committee welcomes the follow-up report received in March 2021 ([CEDAW/C/BHS/FCO/6](#)) under the CEDAW follow-up procedure. At its seventy-eighth session, held remotely due to the ongoing COVID-19 pandemic in June 2021, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 12 (a)** of the concluding observations, urging the State party to “**set a clear time frame for a constitutional reform, supported by a comprehensive educational and awareness-raising campaign and the inclusive participation of civil society organizations, to expand constitutional protection from discrimination under article 26 (1) to include at least the grounds of sex and gender**”:

The Committee regrets that the State party did not take action to initiate constitutional reform following the rejected review attempt in 2016 nor to conduct a comprehensive educational and awareness-raising campaign in this regard. The Committee takes note of the information that discussions are taking place since July 2020 between the government and academia for a comprehensive initiative to galvanize public support for constitutional reform, however, the Committee regrets the lack of information on this process and its time frame, possible outcomes or the role and participation of civil society organizations. The Committee considers that the State party has taken no action taken. It considers that the recommendation has **not been implemented**.

The Committee notes that the information provided by the State party is vague and incomplete and that it fails to address the recommendation. It thus considers that the quality of the information provided is **unsatisfactory**.

Her Excellency  
Ms. Keva L. Bain  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of the Bahamas  
to the United Nations Office at Geneva

Email: [info@bahamasmission.ch](mailto:info@bahamasmission.ch)

The Committee recommends that, in relation to **paragraph 12 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

**Initiate a constitutional reform process, with a clear time frame, to expand constitutional protection from discrimination under article 26 (1) to include at least the grounds of sex and gender**

In relation to the recommendation made in **paragraph 16 (d)** of the concluding observations, urging the State party to “**enhance the institutional architecture of the Department to make it fit for purpose in order to safeguard the continuity of its functions and its core programming in all branches and at all levels of government**”:

The Committee takes note of the participation of the staff of the Department of Gender and Family Affairs in regional trainings on the Convention to increase the capacity of staff to train others, as well as the partnership with the Caribbean Institute for Women in Leadership, under which seminars were organized on the promotion of women in leadership and decision making. On the issue of gender-based violence, the Committee notes that under its gender mainstreaming mandate, the Department organized trainings for government officials and civil society organizations, engaged the legislative branch in the activities of the 16 Days of Activism to end gender-based violence, and conducted raising awareness campaigns through social media during the pandemic. The Committee also takes note of the partnership between the Department and the United Nations Population Fund (UNFPA) for a capacity building programme on gender-based violence in emergencies through conducting trainings for frontline workers and focus group sessions for potential victims. However, the Committee remains concerned that despite the increasing the number of staff from three to eleven in 2018 and the capacity building measures, the institutional structure was not strengthened, which impacted the ability of the Department to introduce new laws and policies, or to mainstream gender of existing laws and policies. The Committee considers that the State party took some steps towards the implementation of the recommendation, but that it needs to take further action to implement all measures recommended by the Committee. It considers that the recommendation has **partially implemented**.

The Committee notes that the information provided by the State party is thorough, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 16 (d)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

**Enhance the institutional architecture of the Department and provide it with a sufficient technical and financial resources to coordinate and implement gender equality plans, policies and programmes, in cooperation with diverse civil society organizations.**

With regard to the recommendation made in **paragraph 24 (b)** of the concluding observations, urging the State party to “**accelerate the adoption of the comprehensive draft bill on gender-based violence and the draft national strategic plan to address gender-based violence, in line with the Committee’s general recommendation No. 35**”:

The Committee notes that since the adoption of the national strategic plan to address gender-based violence by the Cabinet, the State party carried out various initiatives to implement some of its elements. According to information by the State party, such measures

include the establishment of the national early intervention programme for children exposed to violence and unifying a family court system. The Committee takes note that the national strategic action plan to address gender-based violence is still being developed. However, the Committee remains concerned that the draft bill on gender-based violence is not submitted to the Parliament for adoption, despite the ongoing discussions with stakeholders since 2017. The Committee regrets the lack of information on barriers to adopt the draft bill. The Committee considers that the State party took some steps towards the implementation of the recommendation, but that it needs to take further action to implement all measures recommended by the Committee. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 24 (b)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

**Expedite the adoption of the comprehensive draft bill on gender-based violence and the action plan to address gender-based violence, and allocate adequate human, technical and financial resources to the effective implementation of the national strategic plan to address gender-based violence.**

Regarding the recommendation made in **paragraph 26 (b)** of the concluding observations, urging the State party to “**intensify the enforcement of the Trafficking in Persons (Prevention and Suppression) Act, 2008, increase the financial resources of the programmes of the Inter-Ministry Committee and Task Force aimed at combating trafficking, and accelerate the establishment of a secretariat that deals with trafficking in persons, with trained professionals to carry out the mandate of these bodies efficiently**”:

The Committee notes the information and data provided by the State party on the implementation of the Trafficking in Persons (Prevention and Suppression) Act and on the number of identification and investigation of cases of trafficking in persons between 2018–2020, despite the low number of conviction against perpetrators in 2020 and the delays in court procedures. The Committee further notes the information on the provision of psychological and social assistance to identified victims, including housing services and medical assessments, and the cooperation with civil society organizations on this aspect. The Committee takes note of the information on the budget allocation on yearly basis, which was slightly reduced in 2019 and 2020 in light of the impacts of the Hurricane Dorian and the COVID-19 pandemic. The Committee further notes the information on the establishment of the secretariat of the trafficking in persons under the National Security Ministry, which is mandated to oversee all aspects of trafficking, as well as the information on capacity building provided to it through the Prime Minister’s Delivery Unit. The Committee considers that the State party has provided evidence that it has taken substantial action towards the implementation of the recommendation, but that this action fails to respond fully to the recommendation. It considers that the recommendation has been **substantially implemented**.

The Committee notes that the information received from the State party fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.



The Committee recommends that, in relation to **paragraph 26 (b)** of the concluding observations, the State party provide, **in its next periodic report**, information on actions taken to:

**Enhance capacity-building for trafficking in person secretariat, law enforcement officials, and judicial authorities in order to increase their ability to identify and refer potential victims of trafficking and investigate and prosecute cases in a gender-sensitive manner.**

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Louiza Chalal'.

Louiza Chalal  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women