



## **CEDAW SHADOW REPORT**

**RE: THE BAHAMAS**

**Submitted by  
EQUALITY BAHAMAS**

**for the**

**71st Session of the Committee on the  
Convention on the Elimination of All Forms of  
Discrimination Against Women (CEDAW)**

**October, 2018**

## **Executive Summary**

The purpose of this CEDAW Shadow Report on The Bahamas is to constructively respond to the content of the report prepared by the Government of The Bahamas through the addition of context, relevant details, and challenges to incomplete or inaccurate statements. The main areas of focus for this shadow report are sexual violence, political participation, constitutional equality, (lack of) commitment to improving living conditions of women in The Bahamas, and the specific needs of LGBT+ people. All references to non-government organizations and advocates in this report refer to those working on issues of gender, sexuality, and women's rights, whether registered or unregistered.

It must first be noted that the passage of legislation does not automatically result in changes to policy, nor does it translate to systems and programs that enforce new law. An example of this is the 2014 enactment of the long-awaited Persons with Disabilities (Equal Opportunities) Act. While the legislation now exists, one simple example of the lack of enforcement and, therefore, real progress, is that there are no penalties for drivers parked in space designated for differently-abled people and private security guards are not prepared to intervene. At another level, the House of Assembly is inaccessible as proceedings take place on the second floor of the building which does not have an elevator or any way to get to the second floor without the use of the stairs.

The RISE (conditional cash transfer) program referenced in the Introduction of the Government's report was discontinued without explanation in 2017, leaving many women in worse positions, unsure of what had happened to their status as recipients of state assistance. Particular attention will be paid to such systems and actions, ensuring a more complete view and understanding of the state of affairs for women in The Bahamas.

There is also special attention paid to women's political participation. It is seen to be a norm for women to be ratified as candidates for major political parties, but after decades of majority rule, women's leadership of political parties is not widely accepted. It is also important to note that the presence of women in Parliament does not guarantee the expansion of rights, or even an attempt at the same.

The issue of nationality is a critical one, and a very recent area of focus given the referendum of 2016 which sought to give women the same rights to confer citizenship on spouses and children as men currently have. That women's citizenship is classes differently from men's is clear discrimination that must be remedied, if only through legislation until a constitutional referendum can be attempted again.

Women's healthcare is frequently overlooked, generally seen as accessible. We take this opportunity to look at the disparity in family planning options. This report highlights the juxtaposition between women being considered incapable of making decisions about their own bodies and being blamed for inaccess to the necessary resources and services. It is certainly necessary to call for more inclusive, comprehensive sexual education that does not put the onus

on women and girls to protect themselves and plan families and that sees and responds to the needs of LGBT+ people.

Marital rape is a major issue raised in this report, especially since the recent visit of the Special Rapporteur on Violence Against Women raised the national conversation for the first time since the marital rape bill was first proposed in 2009. In this section, as well as others, it is pointed out that religious fundamentalism has been a barrier to progress, putting women in danger and condoning acts of violence against them by categorizing them as property.

We have written this report to bring the perspective of people living and working in the communities most affected by what are often seen as merely “acts of Parliament.” This report uses minimal anecdotal information, leaning more to traditional media to support assertions and arguments, particularly when in direct opposition to the State report. It is our intention to use this process to engage more people in conversations about women’s rights in The Bahamas, effective use of CEDAW, and mobilization toward the transformation we need.

## **Article 1-3, 15 - Definition of discrimination, policy measures, equality before the law**

The Government of The Bahamas has included the initiation of the gender equality referendum in its report, going as far as to state the number of presentations made by the Constitutional Commission's Educational Team as of June 2016, but fails to state the results of the referendum which was held in the first week of that month. It also fails to detail the events and interactions that led to the "no" vote on of all four constitutional amendment bills. This will be addressed in detail below. Domestic legislation, specifically the Sexual Offenses Act, international agreements, and the advancement of women will also be addressed in this section.

### **Gender Equality Referendum of 2016 - Bill #4**

Article 26(3) of the Constitution of the Commonwealth of The Bahamas defines discrimination as:

“affording different treatment to different person attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, or creed whereby person of one such description are subjected to disabilities or restrictions to which person of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.”

Discrimination on the basis of sex, gender, or sexual orientation, then, are not recognized under the constitution. This allows for, among other things, the enactment of legislation that discriminates on the basis of sex, gender, or sexual orientation. This deficiency was deemed -- by the Constitutional Commission tasked with reviewing the Constitution and presenting recommendations for amendments -- one of the most urgent issues. Three other articles of the Constitution and the subsequent constitutional amendment bills, also addressed by the Constitutional Commission will be discussed later in the section on CEDAW Article 9.

Article 26 of the Constitution was one of the four to which the Constitutional Commission recommended amendments which would require two-thirds of the vote in Parliament, two-thirds of the vote in the Senate, and fifty percent plus one of the votes from the Bahamian electorate in a constitutional referendum. The referendum date was announced and postponed numerous times over a two-year period before it was finally held on June 7, 2016.

During the two-year period, there was great confusion about the constitutional amendment bill (referred to as Bill #4 due to the order of articles in the Constitution) regarding the reason for its inclusion in the exercise, its purposes, and potentially “misuses” of the provision if the bill passed. The entire referendum process was compromised by a number issues including:

- The partisan politicization of a referendum on the same issues in 2002
- The unexplained change in position of the then governing Progressive Liberal Party (PLP) which strongly opposed the bill in 2002
- The potential for non-discrimination on the basis of sex to “open the door” to same-sex marriage

- The first time this appear on record is in a [comment from FNM MP Loretta Butler-Turner](#) who said, “To me if we look at the fourth Bahamas Constitutional Bill the insertion of the word “sex” presents a challenge because it creates ambiguity and opens us up to same sex marriages. During the debate in the House and during the educational campaign, I am hoping that the general public is able to learn and get a better understanding of what the change means for us. But we must clarify in order to have this Bill get the support of the electorate.”
- Conflicting interpretations of the bill and its potential effects from legal minds and other trusted groups and individuals including religious leaders
  - [Pastor Myles Munroe expressed ambiguity and confusion](#) over all of the bills in 2014, saying, “Currently I am not in support of it, neither am I against it, because I am still trying to understand it.”
  - [Reverend CB Moss said he would vote no](#) and added, “From all that I have read and all that I have heard, there is no doubt in my mind that the passage of bill number four will provide the basis for a successful legal challenge to the current marriage law.”
  - [Attorney Mikia Cooper said](#) inclusion of the word “sex” could lead to same-sex marriage. She also said, “The Bahamas over the past few years has signed on to certain conventions and treaties that in many respects, pave the way for expanded LGBT (lesbian, gay, bi-sexual and transgender) rights in the country,” and that we need to understand all the issues “the broad topic of gender equality covers.”
  - It was [reported that MP Andre Rollins](#) “suggested amending bill four to give voters the option of defining marriage in the Constitution “as being between one man and one woman.”
  - [PLP MP Greg Moss said he would vote no](#) on Bill #4. He said, “I heard that it would not lead to same sex marriages, but I respectfully disagree with that view,” he said. “That’s exactly one of the effects it would have based on my reading of the constitution therefore I wouldn’t support it.”
- The proximity of the referendum date to the general election (held in May 2017) and how one affects the other
  - [MP Andre Rollins predicted](#) that the gender equality referendum would be used as way for the electorate to express its views of the PLP-led government.
- The Government’s branding of the 2013 gaming opinion poll as a “referendum” followed by its decision to go against the “no” vote from the electorate which led the general public to believe the constitutional referendum for the four proposed constitutional amendment bills was neither necessary nor binding

In the face of these issues, a small group of individual advocates and non-government organizations mobilized to dispel widely shared myths and provide the facts on the referendum. The Government’s interaction was limited to its mandate to the Constitutional Commission to deliver educational programming. This was a poor decision as the Constitutional Commission is the same body that presented the recommendations, so did not have the Bahamian people’s trust to give full, unbiased information about the bills and their intended and unintended effects. In addition, many complained that the Constitutional Commission was selective in the

information it gave in its sessions. It was also said that presenters were dismissive of questions and talked down to members of the public. While the Educational Team tried to adjust its tactics, it was not enough to re-engage people, or earn the trust of those who had heard about previous sessions.

It must be noted that the people on the Constitutional Commission all have legal backgrounds, were employed in the field, and were read to be of a particular class, so it was not a diverse or particularly relatable body. In addition, it employed a pull strategy, expecting the people to come to its events to learn about the bills rather than meeting people where they were.

The main detraction from the clear benefits of Bill #4 for women was the assertion that the passing of the bill -- making it illegal to discriminate on the basis of sex -- could lead to same-sex marriage. The idea was that this could lead to a challenge of the Matrimonial Causes Act which says a marriage is void where “the parties are not respectively male and female.” It is either the result of willfully ignoring or having no understanding of Article 26(4)(c) of the Constitution which states that the Article does not apply to laws regarding a number of issues including taxation, burial, and marriage. Taking taxation as an example, Article 26(4)(c) is the clause that allows the law to discriminate on the basis of place of origin, taxing non-Bahamians differently from the way it taxes Bahamians. It would function in the same way regarding marriage if sex were to be added to the prohibited grounds of discrimination. This was explained, but did not override the homophobia and transphobia that led so many to vote “no.”

A similar cause for concern, then, was the unsafe environment the referendum exercise created for LGBT+ people, and the disregard for community members' lives. The words “gender” and “sex” caused fear for many who did not understand the meanings and conflated the terms with sexual orientation. This led to Bill #4 going back to Committee following consultation with at least one religious leader who pushed for the Government to include a definition of sex in the amendment itself to safeguard against same-sex marriage, particular involving transgender people. The agreed upon definition was “male or female at birth.” This, as [pointed out by Human Rights and LGBT+ Advocate Erin Greene](#), could lead to the exclusion of intersex people, particularly as medicine and technology continue to advance and catch up to the fact that more than two sexes exist. The narrow definition of sex would, in effect, define intersex people -- among the most vulnerable to sex-based discrimination -- out of the protection from discrimination on the basis of sex.

Bahamas Transgender Intersex United (BTIU) made itself visible during the Vote Yes campaign in response to claims that transgender people do not exist in The Bahamas. They publicly supported the bills, before Greene's intervention, and this further convinced the general public that Bill #4 is the Government's way of sneaking same-sex marriage into law. As the environment became more dangerous, the Government and its appointed actors continued to assert that the referendum has “nothing to do with gay people” as though members of the LGBT+ community has nothing to gain from the passing of Bill #4. It was an outright refusal to address the concern with honesty and clarity, opting to go the easier route of denying any

benefits to LGBT+ people and leaving community members to fend for themselves during a particularly volatile period.

Following the confirmation that there are transgender people in The Bahamas in 2016, then MP Leslie Miller [suggested they be exiled](#) to their own island. He said he would be willing to contribute the first \$1000 to get transgender off the island. He [refused to apologize](#) for the statement, and said he was speaking “on behalf of the Bahamian people.” This is a clear indication of the commitment some people have to othering members of the LGBT+ community, and that this could be said is evidence of the lack of regard for people’s lives and the seriousness of hate speech.

When the negative sentiment around the referendum became clear in the final months before the referendum, the Government launched a Vote Yes campaign which had many of the same issues as the Constitutional Commission and its educational program. When approached by advocates and non-government organizations, the Government refused offers of assistance with strategic planning, program delivery, and brokerage of a bipartisan deal to support the bills and agree upon a date outside of the election season. Given this, the conclusion was that Government was not particularly interested in passing this bill (or any of the other bills) so much as it wanted to *appear* to be interested and putting effort into it to meet its obligation.

On referendum day, 46.66% of eligible voters participated and 78.9% of them voted against Bill #4. It was the most highly rejected of all all four constitutional amendment bills in both public discourse and the referendum exercise.

### **Domestic Legislation**

Paragraph 10 of the state report references the protection of “females” -- a term used to dehumanize women, reducing them to their sexual organs -- through amendments to allow for a Sex Offender Registry. The wording of this paragraph suggests the registry was established through or immediately following the amendment, but this is not the case. To date, there is no Sex Offender Registry in The Bahamas. In fact, on May 8, 2018, [Minister of National Security Marvin Dames promised](#) the the registry would be established by the end of the calendar year. This is reminiscent of the previous [Minister of National Security’s promises](#) of the registry coming “very soon.” He would not commit to a date, only saying that he had spoken with Attorney General Carl Bethel, that the Attorney General’s office would “have to do some things,” and the registry will be coming “soon.” At the time of submission of this report, the registry has not yet been established, and no timeline has been provided. It is important to note that this was commitment made by a previous administration as well, following the murder of an 11 year-old boy which also prompted changes to the Child Protection Act in 2011. It is not clear what is impeding progress as the previous [Minister of National Security \(the late\) Dr. Bernard Nottage said](#) in December 2014 that the sex offender registry regulations had been completed. It is imperative that Governments are held to account and called upon to set and share timelines so that citizens and residents are aware of the process and can more easily determine whether or not a priority item is being shelved, delayed, or moved forward.

## **International Agreements**

The Bahamas has, indeed, signed onto a number of international agreements, including declarations and conventions. The challenge where international standards and agreements are concerned is effective communication with the Bahamian public. It does not serve the Bahamian people for members of the Government to travel to New York City or Geneva to participate in the General Assembly or other meetings when the proceedings are not reported.

CEDAW is a perfect example of the way that international agreements are viewed. The Bahamas signed the Convention in the 1990s, but in 2014, many Bahamians were hearing about CEDAW for the first time. In fact, the only reason they were hearing about it was because of the referendum exercise. The context in which information about CEDAW was delivered led members of the public to believe that The Bahamas is being bullied into taking particular actions, these conventions are a form of colonization, and it is important to resist anything that the United Nations intends to foist upon the country and its people against their will.

Put simply, the international agreements The Bahamas signs onto do not have their desired effect because the Bahamian people are not aware of the expansion of rights, the mechanisms that support those rights, or how to utilize them in their everyday lives. It is not enough to sign agreements and quietly send reports. There needs to be a concerted effort to inform the country of its Government's commitments. It is critical that the Government engage in activities that give Bahamians the opportunity to learn about CEDAW, when and why The Bahamas signed and ratified, what it means for women in The Bahamas, and how CEDAW can be used to improve lives. It is important that CEDAW is understood to be a tool for women rather than a foreign-imposed structure of power that forces countries into process solely to meet an international agenda. The Government of The Bahamas cannot be held accountable for commitments the citizens do not know it to have made.

## **Suspension of the RISE program**

Paragraph 13 of the state report refers to the RISE conditional cash transfer program which was touted by [then Minister of Social Services and Community Development Melanie Griffin](#) as a way of "breaking the cycle of poverty." Following the general election of 2017 and the appointment of a new minister, Lanisha Rolle, the [RISE program was suspended](#). There was no announcement of the suspension, and Rolle refused to give information on the decision. The media made several attempts to determine what had happened what new program, if any, had been put in place for those in need of assistance. These critical questions were never answered. There will be further discussion on the appointment of Lanisha Rolle to the Ministry of Social Services and Community Development in the next section.

## **Advancement of women**

The Bureau of Women's Affairs was a section operating under the Ministry of Social Services and Community Development. The Bureau held monthly meetings for 90 minutes during the work week for women's organizations and others interested to find out about what it was doing

and share their own work. These meetings tended to focus on major events -- International Women's Day in March and National Women's Week in November. They were not working sessions and often became talk shops without much follow up. It is important to come to the place where we understand that preparation for major events and going through the motions is not enough, and does not build or sustain a movement. We need stronger relationships between Government and non-government organizations to facilitate information sharing, resource development, and service delivery for community members. A major step was taken in this direction, followed by leaps back.

In November 2016, the Bureau was upgraded to the Department of Gender and Family Affairs. There was little conversation about the perceived need to join gender with family affairs, but it was generally accepted, however grudgingly, that it was the route chosen to avoid pushback. The Department was fortunate to have [Gaynel Curry](#), an expert in United Nations systems, advocacy, and policy-making, as Director. The first few meetings were encouraging for NGOs and individual advocates who were encouraged to share ideas and contribute to the calendar for the next year. Following the general election of 2017, the Department seemed to come to a complete stop. It was difficult to get information, collaborate, or move anything forward that required the approval of the Minister.

It was clear that Minister Lanisha Rolle did not have an interest in advancing women's rights, and had an aversion to all things gender-related. The [announcement of Gaynel Curry's resignation](#) was taken by the public as confirmation that the Minister was the reason for the sudden changes at the Department of Gender and Family Affairs as well as the Ministry of Social Services. In speaking about the resignation, former Minister of Social Services and Community Development Melanie Griffin said, "It's most unfortunate that the ministry itself is facing some really serious problems."

The appointment of Lanisha Rolle as Minister of Social Services and Community Development was both expected and dreaded. Women's rights organizations and advocates had paid close attention to her and the positions she took on issues such as the gender equality referendum of 2016. Still, the Ministry is considered a "soft" portfolio and tends to be assigned to a woman, and the Free National Movement (FNM) -- the leading party -- only had four women candidates. In December 2017, Lanisha Rolle proved that she was ill-suited to the portfolio when she [said marital rape is a "private" issue](#) because "marriage is sacred and marriage is private." (This issue is further discussed in the section on Article 16.) In such instances, it is made clear that intentional effort must be made to identify and prepare women -- who are interested in the advancement of women's rights -- for participation in frontline politics, and this goes beyond a simple quota.

## **Article 4, 7 - Temporary special measures, political and public life**

### **Frontline Politics**

Paragraph 25 of the State report refers to the political leadership course the Bureau developed and offered to Bahamian women. It does not note the cost of the course which was quite prohibitive, and there were no full scholarships available. In fact, when registration was low,

there was a registration fee waiver for on offer for numerous people rather a tuition waiver for some or all registrants. This, of course, limited the participation on the basis of class. There is work to be done in understanding and working toward inclusion, making opportunities accessible to all.

No steps have been taken toward instituting a political quota to work toward more equitable political representation. Women's representation at present is 12.8%. The FNM only had four women candidates out of 39, and the PLP has six of 39. In September 2018, PLP Chairman Fred Mitchell [spoke the the party's interest in recruiting candidates](#) from "all demographics, all ages, races, creeds," and added that the training offered in New Providence had a gap where women's causes are concerned, and that would be rectified in the Grand Bahama iteration of the training.

The FNM has announced that it is working on bills to introduce term limits for the Prime Minister and like issues, and the PLP is talking about its recruitment and only have five incumbents for the 2022 election, but no political party is speaking specifically to the gender gap in politics. The popular excuse from politicians for not making policy changes at the national level is the "will of the people," but they seldom take on the challenge to make change within their own systems. This is an ideal time for political parties to look at their constitutions and lead the country in the change we need to have by implementing quotas. Not only do we need women in numbers, but we need them to be politically astute, supporters of women's rights, and willing to engage as such, in Parliament, in constituency meetings, and in consultation with non-government organizations.

### **Political Party Leadership**

Both major political parties have shown resistance to women in leadership, particularly around the 2017 general election when two women contested party leadership. Loretta Butler-Turner ran for leadership of the FNM before the general election and Glenys Hanna-Martin ran for leadership of the PLP after its defeat and the resignation of former Prime Minister Perry Christie. It was reported that, at a prayer breakfast, a man said Glenys Hanna-Martin needed to [know her place](#), and it was in the kitchen. Butler-Turner's assertiveness was read as aggression, and it was spoken of as though it disqualified her. Neither of these women, both capable and experienced, won leadership of their parties. This called into question, for some, the systems by which political parties select leaders and drew criticism to the closed-door processes. Indeed, political reform in The Bahamas may depend on reform of political parties, but a quota could certainly help.

### **Right to Register to Vote**

In December 2016, it was reported that women were being turned away from voter registration for reason of dress. Parliamentary Commissioner Sherlyn Hall told the media that staff at the [Parliamentary Registration Department could turn women away](#) if they have "half their breasts out." One woman shared that she tried to register three times before she was able to register, wearing a jacket (which was not enough) and a scarf. The Department insisted that women

need cover their breasts and shoulders, or their dress would be considered “improper” and would not be photographed for the voter registration card. Politicians and members of the public expressed outrage at people being turned away, particularly when voter registration was at an all time low, about half of what it was at the same point before the 2012 general election. The Parliamentary Commissioner even ignored instruction from the Minister of National Security for some time, but under pressure, this policy was changed.

## **Article 5, 6 - Sex roles and stereotyping, trafficking and prostitution**

### **Christian expectation of women’s submission**

Sex stereotyping and norms exist in The Bahamas, and are largely perpetuated by people and organizations in authority such as the church. It is frequently said that women are to submit themselves to their husbands, seemingly without any form of reciprocation or responsibility on the part of the husbands. This creates a dangerous environment in which it is easily justified when women are without choice and men have a monopoly on resources and decision-making. It also makes it difficult for women to report abuse, fearing they will be seen as unsubmitive, troublesome wives. This pervasive issue makes its way into many aspects of life and society, including the referendum. Two of the bills (discussed in more detail in the section on Article 9) sought to give women the ability to confer citizenship on their husbands and their children born outside of The Bahamas with non-Bahamian fathers. These were seen as unnecessary as the expectation is that women who marry non-Bahamian men will leave The Bahamas to live in the country of the husband’s birth and have no need for access to Bahamian citizenship for her family.

### **Health**

Paragraph 7 of the State’s report neglects to mention the widely accepted policy for married women seeking tubal ligation to have the permission of their husbands. Young, unmarried women are often turned away, told that they may change their minds. Women’s reproductive health is in need of significant reform. Other continuing issues include the inability of young people to access birth control before the age of 18 while the legal age of consent is 16 (for heterosexual sex), and lack of access to legal, safe abortion.

### **Violence**

The State report focuses on research regarding perceptions of (the appropriateness) of violence in intimate partner relationships. While details of the study it references are not given, it appears to be the [study conducted by Bahamas Crisis Centre](#) and then College of The Bahamas (now University of The Bahamas) with high school students -- not adults. Still, this is indicative of the passing down of harmful ideas about relationships and violence.

In 2014, MP Leslie Miller made a [non-joke about domestic violence](#) in Parliament. In speaking about the way governments treat fishermen, he used women as an example, saying he had a partner he physically abused so she would know he loved her. This statement was met with either silence or laughter by every person present. No one rebuked him or his behavior, even when called up by non-government organizations and advocates to do so. Rather than respond

to petitions and protests through action, the Minister of Social Services and Community Development traveled to attend CSW in New York City, ignoring the real issue being faced in The Bahamas. [Protesters demanded the Government](#) denounce Miller's comments, denounce the minimalizing response of the Speaker of the House, compel all who were present to apologize, launch an educational campaign on domestic violence, and implement mandatory sensitivity training for all Members of Parliament.

It speaks volumes that no one saw fit to rebuke Miller's statements, even in the aftermath. There was little response from politicians, regardless of their party. When such comments can be made in Parliament by elected representatives, the citizens are in danger. This has been proven more than once, and most recently with the discussion on the marital rape bill. The Government has certainly overstated its attempts to address harmful stereotypes, and must be called to account.

Anecdotal evidence continues to point to significant difficulty in reporting domestic violence to police. In some cases, police admit to not responding to calls because they do not consider them worthwhile, or they are tired of dealing with specific people. People have complained about calling the police when they witness or suspect domestic violence, and the police never coming. Women in heterosexual relationships, however, stand a better chance of receiving assistance from the police than people in same-sex relationships. Police have been known to laugh at members of the LGBT+ community who seek their help.

Lodging complaints against police is a difficult process, particularly for those who are already vulnerable. It can be difficult to attach one's name to a complaint, and terrifying to think of what may happen if confidence is broken. There needs to be a way for people to make complaints anonymously, and be able to follow up on the progress of the case.

## **Article 9 - Nationality**

In the same referendum referenced in the section on Articles 1-3, constitutional issues of citizenship were raised. As it stands, women married to non-Bahamian men cannot pass on citizenship to their children born outside of The Bahamas, women married to Bahamian men cannot pass on citizenship to them, and men cannot pass on citizenship to their children born to non-Bahamian women when the parents are not married to each other. The children may apply for citizenship during a small window after reaching the age of 18. This has various negative effects including:

- The potential for children to be stateless
- Bahamian women being effectively exiled from The Bahamas
- The class barrier to the application process
- Different rules for different people as decisions are to the Minister's discretion

Bill #1 was to allow Bahamian women married to non-Bahamian men to pass on automatically citizenship to their children, regardless of place of birth. Bill #2 was to allow Bahamian women to pass on citizenship to their non-Bahamian husbands through the right to *apply* for citizenship.

Bill #3 was to allow Bahamian men to pass on citizenship to their children born to non-Bahamian women to whom they are not married.

Public discourse about the three bills related to these issues revealed strongly-held sex-based biases. Women were painted as both cunning, deceptive jezebels and ignorant pushovers. Many in opposition to Bill #2 said it was because non-Bahamian men would find it easy to dupe unsuspecting Bahamian women. In the popular scenario, these men would trick Bahamian women into marrying them in order to get access to citizenship. They refused to acknowledge the procedures put in place by the Bahamas National Act, outlining a several-year process. Similarly many opposed to Bill #3 suggested that non-Bahamian women would use their feminine wiles to seduce Bahamian men in order to have a Bahamian baby with the purpose of securing their own status. This argument is no more sound than the previous as the system does not work that way.

The Constitutional Commission's Educational Team attempted to give information on the application process, who is eligible to apply, and the limited changes that Bills 1 to 3 would bring. It did not, however, address the underlying issue -- that it was so easy to believe women to be both incapable of thinking for themselves and about the long-term *and* manipulative in executing long-term plans for their own benefit. Likewise, the Government did not rebuke, or even challenge, this way of thinking, opting to argue the points rather than expose the root of it.

## **Article 10,11,13 - Equal rights in education, employment, economic and social benefits**

### **Education**

Where education is concerned, there are misconceptions that lead to failure to address critical issues. As evidenced by the data shared in the State's report, emphasis is often put on the sex-disaggregated data which shows more girls in schools, including college, and the same practice is used in looking at gender parity in employment. As previously mentioned, mere numbers are not enough. The intentional use of these statistics is evidence of the belief that more girls in educational institutions means women and girls are doing well, and/or men and boys are in trouble.

There is a need for attention to other aspects of education. We need to look at how girls are performing in school, and what may lead to absences, poor performance, or behavioral issues. Possible causes include the burden of domestic labor, caring for younger family members, and suffering abuse. In addition, there must be attention to the streaming of students in different subject areas. We know that girls need to be exposed to STEM, expanding their options. For students deemed "not academically inclined," we see them being encouraged to attend a technical and vocational school to learn hairdressing and esthetics, but not the trades deemed "masculine" such as carpentry and plumbing which lead to higher paying jobs and the ability to work anywhere in any economic climate.

### **Employment**

The State report refers to legislation to protect against sex-based wage discrimination and recruitment practices. This is solely theoretical, and no systems have been in place to ensure these laws are kept. Employees themselves rarely have access to such information, particularly when workplace culture dictates that is not appropriate to discuss compensation packages among employees. It is possible, however, for the Government to review and respond to wage discrimination through the National Insurance Board which receives information on employee rates of pay as it is necessary to calculate deductions. Similarly, a look at the Classified section of any newspaper shows continued discrimination in recruitment. Wanted ads frequently call for “strong men” for construction jobs, “young women” for receptionist positions, and the like. Surely there is a Government department that can monitor and respond to these issues.

Employment is always a difficult area to discuss on a national level, largely because it is the default category of focus for those who believe “women already have enough rights.” It is widely believed that women are in a better position than men in The Bahamas because they are seen to be dominating in the banking and tourism industries. Women, however, are in feminized roles which make them visible such as front desk clerks in hotels, tellers in banks, and receptionists in financial institutions. While the numbers may be high, it is important to consider compensation, especially in comparison to that of the less visible men behind closed doors, in offices that match their lofty titles.

### **Economic and Social Benefits**

In 2014, it was [reported that 40,000 people](#) -- 12.8% of the population -- in The Bahamas were living in poverty. Fifty-two percent of them were women, and women-led households had a higher rate of poverty. The Government has not made plans to investigate and intervene in women’s experiences of poverty.

Value Added Tax (VAT) was first introduced by the PLP-led government in January 2015 at a rate of 7.5%. The FNM (Opposition party) opposed VAT, yet in 2018, the FNM-led government [increased VAT to 12%](#). This came as a surprise during the 2018 Budget Debate, and without much time to prepare. Exemptions are few, and there has been significant pushback on the items considered to be in the VAT-free bread basket. There has been no acknowledgment of the disproportionate effect on women, especially women living in poverty. The Government has given no response to non-government organizations or advocates who called for menstrual hygiene products to be VAT-exempt. There is literally a tax on menstruation.

### **Article 12 - Healthcare and family planning**

As previously mentioned, there are major issues with women’s access to health care. Married women are generally not able to have tubal ligation with their husband’s consent. It should be noted that married men do not need their wives’ consent for vasectomies.

There is a need for greater access to contraceptives. While male condoms are readily available, they are usually in a locked display, forcing people to ask a store employee for them. Female condoms, on the other hand, are not available in stores. They can be collected from the

HIV/AIDS Secretariat, but this is not highly publicized. Dental dams are not made available anywhere, even through Government clinics. This is evidence of the lack of concern for LGBT+ people and their sexual rights.

In January 2016, during the FNM's party convention, then MP Richard Lightbourn said unwed women with more than two children should be sterilized. He said:

“The state should not have the burden of paying for the upbringing of children. By adopting such measures, there will be less classrooms needed in the future, less out of school every year seeking employment and would also result in the mother of these children being able to live a better life, not having to bring up so many children.”

He went on to say that many fathers are not involved in their children's lives, leaving mothers to struggle, but he did not suggest sterilization for the men. He shared troubling views that are shared by many who see fit to put the burden of contraception and family planning solely on women and seek to control women's bodies as a means of addressing poverty. Non-government organizations and advocates called for the immediate resignation of Lightbourn which did not come, but he was not ratified as a candidate for the 2017 general election.

Lightbourn was [defended by Pastor Cedric Moss](#), and surprisingly rebuked by Archdeacon James Palacios in a [problematic statement](#) that referred to the “madness” of having multiple children, the need for people living in poverty to exercise “responsibility,” and creating a parallel between cycles of poverty and mediocrity.

One year later, [Archdeacon Palacios spoke](#) at the 50th anniversary of Majority Rule Day and said, “Black people breed too much.” There, he said he agreed with the “principle” of what Lightbourn said the year before.

These ideas and beliefs are not short in supply. Many believe that women -- specially black women -- are at fault for their experiences of poverty, and should be left to find their own ways out. The Government must intervene in this dangerous speech and bring about an understanding of poverty and unequal wealth distribution, and use the taxes it collects to bring balance. When irresponsible statements are made, it is left to civil society to respond as the Government either watches from a distance or ignores.

HIV/AIDS continues to be a major health issue in The Bahamas with [2% of the population](#) being diagnosed with HIV/AIDS. There are a number of organizations with programs aimed at prevention as well as treatment and support. This comes as a result not only of need, but the direction of and requirements for funding from outsiders of the country. This also means these services are aimed at “key populations” which generally include men who have sex with men and sex workers (which tends to include transgender people). Left out are lesbian and bisexual women. They are deemed to be lower risk and are effectively excluded from HIV/AIDS prevention programming. It is critical that the Government address this through its own programs and funding as international organizations have their own agendas.

Sexual education is still not mainstream, widely understood, and supported, though it is delivered in some schools. The programs, however, are abstinence-heavy and can be unrealistic for students. Course content also depends on the person delivering, their own experiences and biases, and what they deem appropriate for the students. Paragraph 120 of the State report refers to the Focus on Youth program which has been delivered to a few schools by Bahamas Sexual Health and Rights Association (BaSHRA) through volunteers. This program was designed for African American youth, and we can certainly benefit from a program designed for young Bahamians. The program is also heteronormative, and it is up to the volunteers to ensure that the lessons are inclusive and beneficial for students of all sexual orientations. It is quite a difficult balance to strike, particularly when schools are concerned about parents' reactions to learning their children are receiving sexual education.

Paragraph 121 of the State report focuses on breast cancer. It does not note that research has shown Bahamian women have the second highest rate of BRCA gene mutations in the world. The Women with a BRCA gene mutation are at higher risk of getting breast or ovarian cancer. The Bahamas Breast Cancer Initiative Foundation was, indeed, offering free testing -- valued up to \$4000 -- to Bahamian women, but the organization has since closed down.

#### **Article 14 - Rural women**

Rural women continue to be disadvantaged due to location. The Bahamas, from Government operations to industry -- is very centralized, and this has forced people to move to Nassau for education, work, health care, and the like for generations. Some progress has been made, but it must continue. As noted in the previous section, breast cancer is a serious issue in The Bahamas. Women from the Family Islands (outside of Nassau and Grand Bahama) have to travel to Nassau to have mammograms done. There are not mammogram machines on all of the islands. A roundtrip ticket from a Family Island to Nassau is \$200, plus the person would need to find transportation, a place to stay for at least one night, and pay for meals. This is just one example of the inaccessibility to services and the additional expense rural women -- Family Island women in the case of The Bahamas -- experience.

The University of The Bahamas is based in Nassau and has a campus in Grand Bahama, but that campus does not offer every major. Grand Bahama students eventually have to move to Nassau to complete their degrees at University of The Bahamas. This is an additional barrier to education for women living on the Family Islands. It is important for the Government to work with University of The Bahamas to use technology to enable Family Island students to engage in distance learning. It is at least possible for students to study for their first year online, especially since many graduate high school before the age of 18, and many families are reluctant to send minors to "the big city."

Rural women are often left out of "national" initiatives. Even when the Government and non-government organizations plan events from trainings to commemorations of important historical events, Family Island women are rarely involved. There is, of course, a cost barrier. Non-government organizations already face funding challenges, so it is difficult to reach even one Family Island with programs, or bring groups to Nassau to participate. This continues to be

an issue, and presents a challenge as we seek to build a sustainable women's movement that is national -- not Nassau-centric.

## **Article 16 - Marriage and family**

In December 2017, Special Rapporteur on Violence Against Women Dubravka Šimonović visited The Bahamas and met with members of civil society to assess conditions in The Bahamas for women. She found marital rape to be [the most pressing issue](#) in The Bahamas, and said it is “a sign that something is deeply wrong.” She made mention of other issues already covered in this report, including the disparity between the age of the consent and the age at which a person can access contraceptives and issues of conferring citizenship. The media's coverage of her report and the emphasis on marital rape sparked the conversation that had been paused since it was last raised in [2009](#).

The Government has drafted a bill to make marital rape illegal, but non-government organizations and advocates have found issues with the way it is proposed. The main issue is that it does not call it rape, and an attempt was made to use the term “aggravated sexual assault.” As it stands, the Sexual Offenses Act defines rape as “the act of any person not under fourteen years of age having sexual intercourse with another person who is not his spouse [...]” non-government organizations and advocates have been calling for “who is not his spouse” to be removed, and are not in favor of the creation of a new category specifically for married rapists as a way protect them or marriage itself from the word “rape.”

The [Attorney General has stated](#) that the current priority is financial service industry laws, and marital rape will be dealt with in 2019. Religious leaders have inserted themselves in the process, claiming that they are protecting the “sanctity” of marriage. Again, Ephesians 5 is quoted as a way of subjecting women to the demands of men to whom they are married.

## **Conclusion**

This is, by no means, an exhaustive report on the state of affairs for women in The Bahamas. We have responded to the key issues in the State report and highlighted some of our priority issues which include non-discrimination, conduct of the State during reform processes, issues of women's poverty and access to services, barriers to women's political participation, sexual health and rights (particularly of women, girls, and LGBT+ people), and creating a safer environment for LGBT+ people.

There are many areas that need improvement, and it is not expected that the State will undertake or remedy them on their own. We recognize our role, as a non-government organization focused specifically on women's rights, as critical to the transformation needed in The Bahamas. We welcome the opportunity to work with the Government of The Bahamas and have extended offers in the past. We remain focused on the mission to improve conditions for women living in The Bahamas through advocacy, public education, and programming. Participation in this process is a part of that, and we look forward to fruitful conversations, interventions, and collaboration springing from it.

## Recommendations

Recommendations have been made throughout this report, and they are synthesized below.

- A constitutional referendum must be properly planned, a timeline shared with non-government organizations and advocates who are needed to participate in the national education process. It is imperative that referenda are not held in the two years before a general election.
- LGBT+ people are not to be scapegoated during reform exercises or at any other time. It is unacceptable for members of the community to be dehumanized, for governments and advocates to lie to the public about the benefits they can gain, and for those in favor of women's rights to expect LGBT+ people to get in line behind them, much like black women were expected to do when white women in the U.S. were pushing for the right to vote.
- The Government of The Bahamas must address the fear-mongering that takes place during national discussions about law and policy. It is not acceptable to ignore it, not sufficient to counter the claims made, and imperative that such behavior is publicly rebuked, humanity of the most vulnerable affirmed, and the conversation focused on the gains for everyone.
- It must be recognized that women are not a homogenous group and representation import. Any committee or team that is sent into communities, especially to provide education, needs to be as diverse as the communities they are entering. Material should be free of jargon, easily accessible in multiple ways, and communicated by individuals who are seen as trustworthy and approachable, willing and able to answer questions, however challenging, simple, or "damaging" to the process.
- International agreements such as CEDAW must not be mysterious, and should not come as a surprise to the Bahamian people. The Government needs to be in communication with the public about its intentions to join organizations, sign treaties, etc. so that there is an understanding of the purpose and obligations, and buy-in can be built. Given that this does not exist, it is necessary for the Government to embark on a national exercise to inform the Bahamian public about CEDAW, from its origin to the benefits it can have for Bahamian women.
- There must be a policy and guidelines for communicating with the Bahamian public about activities and changes within Ministries, Departments, and especially programs they access. Women need to be informed of changes to Government services and be given the opportunity to ask questions and receive advice on making adjustments.
- A concerted effort needs to be made to recruit and engage, over the long-term, potential women candidates to participate in frontline politics, and they need to be prepared for the portfolios that may be assigned to them. This is especially necessary for the Ministry of Social Services and Community Development which is responsible for so many programs and services women and girls need for survival.
- Women's leadership programs need to be accessible to *all* women. This means they must not be cost-prohibitive, should consider women's lives including work and the need for childcare, and are best run within communities to reduce the cost and time spent on transportation.

- The Church and State relationship must not be seen as the most important. The Government must recognize its responsibility to the people who elected it, and actively work against attempts to control the general public using one group's religion.
- There must be a committee formed to look at violence against women as a systemic issue that is not limited to physical assault, but includes the policing of bodies through shaming and refusal of service at voter registration and suggestions of forced sterilization. These suggestions, in and of themselves, are violence and must be treated as such. This requires a competent team that understands issues of misogyny, homophobia, and transphobia, and how they are amplified by religious fundamentalism and antiquated laws and policies.
- Nationality laws must be changed to improve the situation for women married to non-Bahamian men, giving access to citizenship to their children. It must be recognized that this is not the same and does not have the same effect as enshrining the right into the constitution, but is a step toward the transformation we need to see.
- There is a need for STEM programs for girls, whether it is mainstreamed in the high school system or an afterschool program that exposes girls to the field through education, skill-building, and exposure to career paths they may not have otherwise considered.
- A Bahamian comprehensive sexual education curriculum needs to be adopted and taught in every school in The Bahamas. The program should begin in elementary school by teaching the concept and practice of consent in nonsexual circumstance. It should be deliberately inclusive and attentive to differences in sexual orientation.
- Men must be seen as responsible for their actions and, in particular, their role in family planning. The onus has long been on women and girls, and this is unacceptable.
- The Government must pay specific attention to the particular needs of rural women and work with non-government organizations who are offering services to women and girls, but unable to raise funds to reach the Family Islands.
- The marital rape must be brought immediately. The amendments should be widely shared, and there must be consultation with non-government organizations and advocates as well as the general public. It is unacceptable to keep the consultation process closed to religious bodies and for the Government to, as it has done in the past, acquiesce to the wishes of religious leaders instead of and in opposition to community members.

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## **About Equality Bahamas**

Equality Bahamas is a volunteer-run organization focused on the advancement of women's rights through advocacy, public education, and community engagement. It was formed in 2014 in response to an MP's non-joke about domestic violence and has since grown to address issues of violence and discrimination at the macro and micro levels. Equality Bahamas runs the Hollaback! Bahamas project (focused on ending street harassment) and host Women's Wednesdays -- a monthly community event bringing women together to discuss issues of national, regional, and international concern.

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