

THE BAHAMAS 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Commonwealth of the Bahamas is a constitutional, parliamentary democracy. Prime Minister Perry Christie's Progressive Liberal Party won control of the government in May 2012 elections that international observers found generally free and fair. Civilian authorities maintained effective control over the security forces.

The most serious human rights problems were mistreatment of irregular migrants (compounded by problems in processing them); an inefficient judicial system, resulting in trial delays and an increase in retaliatory crime against both witnesses and alleged perpetrators; and the perception of impunity on the part of law enforcement and immigration officials accused of using excessive force.

Other human rights problems included substandard detention conditions; corruption; violence and discrimination against women; sexual abuse of children; and discrimination based on ethnic descent, sexual orientation, or HIV status.

The government took action in some cases against police officers and other officials accused of abuse of power.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings, although there were occasional reports of fatal shootings and questionable deaths of suspects in police custody. Bystanders at some shootings claimed that police were too quick to use their firearms and declared that, in some instances, police officers acted unprofessionally.

Authorities reported seven fatalities in police operations during the year; the government reported that in each case the suspect was armed.

In August family members and some other witnesses reported that police officers shot and killed a suspect who was lying on the ground with his hands in the air. Police officials promised a full investigation of the allegations but stated they did

not believe the allegations were credible. The case remained pending as of October 20.

A police officer accused of involvement in an April 2014 wrongful death continued on administrative leave while his case remained pending.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits torture and cruel, inhuman, or degrading treatment or punishment. At times citizens and visitors alleged instances of police abuse of criminal suspects.

Prison and Detention Center Conditions

Prison and detention center conditions failed to meet international standards in some areas, and conditions at the government's only prison remained harsh due to overcrowding.

Physical Conditions: Overcrowding, poor sanitation, and inadequate access to medical care remained problems in the men's maximum-security block. In October the commissioner of corrections reported the maximum-security wing of the prison held 625 inmates in spaces designed to hold approximately 375 inmates when constructed in 1953.

Food supplies were adequate, but meals were often served in unsanitary buckets. A few cells lacked running water, and in those cells, inmates removed human waste by bucket.

Prison guards complained about the lack of a full-time dentist and a failure to appoint a staff psychiatrist.

There were four inmate deaths through October, reportedly due to HIV infection, natural causes, an apparent suicide, and injuries resulting from fighting. Reports from the coroner's court were pending on the latter two deaths.

In January two-thirds of immigration officers working at the Carmichael Road Detention Center (CRDC) staged a sick-out to protest working conditions that included mold- and rat-infested conditions, no running water in many areas, and structurally unsound buildings. A February resolution of the Inter-American Commission on Human Rights stated that inmates at the CRDC “appear to be in a serious and urgent situation that places their lives and physical integrity at risk.”

The government made little progress in its case against five Royal Bahamas Defense Force (BDF) marines who in 2013 allegedly beat five Cuban detainees with batons and pipes at the CRDC. The government reported only that the case was still “before the courts.”

Administration: The Department of Correctional Service (DCS) stated that prisoner complaints generally related to pretrial detention duration, heat in cells, request for change in housing unit, timely medical care, food quality, and timely cleaning of bedding materials and/or clothing. Through October 1, authorities reported 717 preliminary inquiries and investigations of staff and inmates. An independent authority does not exist to investigate credible allegations of inhumane conditions.

Alternative sentencing for nonviolent offenders was available for juveniles and substance abusers.

Migrant detainees did not have access to an ombudsman or other means of submitting uncensored complaints, except through their national embassy or consulate.

Independent Monitoring: Human rights organizations complained that the government did not consistently grant requests by independent human rights observers for access to the DCS, the CRDC, and the two juvenile centers. The government maintained additional bureaucratic procedures for some civil society organizations to gain access to the detention center, making it difficult to visit detainees on a regular basis. The government denied multiple official requests for consular access to the CRDC to assess conditions. The government reported that it approved all three requests it received from nongovernmental organizations (NGOs) to visit the DCS during the year.

Improvements: Through October the DCS commissioner reported extensive renovations to the Eastern Block of Maximum Security, with the cells outfitted with flushing toilets, bedding, and televisions. Additionally, the DCS implemented

120 hours of mandatory staff training and established a Health and Safety Unit and a Compliance Unit within the prison.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions, with the exception of immigration raids.

Civil society organizations reported incidents of arbitrary detention by immigration officers and alleged that these officers solicited bribes to secure the release of detainees.

Government officials reported that immigrant detainees who presented a security risk were held at Bahamas Correctional Services. NGOs and media sources reported that at least two persons detained for immigration violations had been held for nearly two years without criminal charges. The government stated that release of the individuals posed a potential security risk and that it had been actively seeking a third country for resettlement, as their country of origin refused to accept their return.

Role of the Police and Security Apparatus

The Royal Bahamas Police Force (RBPF) maintains internal security. The small RBDF is primarily responsible for external security but also provides security at the CRDC and performs some domestic security functions such as guarding foreign embassies. The Ministry of National Security oversees both the RBPF and the RBDF. The RBDF augments the RBPF in administrative and support roles.

Authorities automatically placed police officers under investigation if they were involved in shooting or killing a suspect. Police investigated all cases of police shootings and deaths in police custody and referred them to a coroner's court for further evaluation. The Police Complaints and Corruption Branch, which reports directly to the deputy commissioner, is responsible for investigating allegations of police brutality or other abuse. 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.

In addition to the Complaints and Corruption Branch, the independent Police Complaints Inspectorate Office investigated complaints against police, but as of October it had not met.

From January to October, 157 complaints were lodged with the Complaints and Corruption Branch, with assault, damage, and unlawful arrest the most frequent categories of grievance. According to the Ministry of National Security, authorities resolved 103 of these through investigation “that may result in internal discipline; counseling with complainant and accused; compensation or advisement.” The ministry reported referring no cases to the Magistrate’s Court for prosecution.

Arrest Procedures and Treatment of Detainees

In general authorities conducted arrests openly and, when required, obtained judicially issued warrants. Serious cases, including suspected narcotics or firearms offenses, do not require warrants where probable cause exists. The law provides that authorities must charge a suspect within 48 hours of arrest. Arrested persons must 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, although some persons on remand claimed they were not brought before a magistrate within the 48-hour period. Police may apply for a 48-hour extension upon simple request to the court and for longer extensions with sufficient showing of need. 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 age 18 are provided legal assistance and have the right to communicate with a parent or guardian.

There was a functioning bail system. Individuals who could not post bail were held on remand until they faced trial. Judges sometimes authorized cash bail for foreigners arrested on minor charges; however, 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 prison.

Pretrial Detention: 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 authorities may hold suspects in pretrial detention for a “reasonable period of time,” which was defined as two years. As of October, 411 prisoners, including 27 non-Bahamian citizens, were awaiting trial. Authorities used an electronic ankle-bracelet surveillance system in which they released selected suspects awaiting trial

with an ankle bracelet on the understanding that the person would adhere to strict and person-specific guidelines defining allowable movement within the country.

Authorities detained irregular 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. Authorities usually repatriated Haitians within one to two weeks. In a June 2014 bilateral agreement between the governments of the Bahamas and Haiti, the Haitian government agreed to accept the return of its nationals without undue delay, and both governments agreed that Haitian migrants found on vessels illegally in Bahamian territorial waters would be subject to immediate repatriation. In return the Bahamian government agreed to continue reviewing the status of Haitian nationals with no legal status and without criminal records who either had arrived in the Bahamas before January 1985, or had resided continuously in the Bahamas since that time. Authorities held irregular immigrants convicted of crimes other than immigration violations at the DCS where, after serving their sentences, they often remained for weeks or months pending deportation. In October a Jamaican national was freed after being held for nine years on both criminal charges and alleged immigration violations, alternately in prison and the CRDC, without ever seeing trial.

In November 2014 the government began enforcing new immigration policies that clarified existing requirements for non-Bahamian citizens to carry the passport of their nationality and proof of legal status in the country. Some international organizations alleged that enforcement focused primarily on individuals of Haitian origin, that rights of children were not respected, and that expedited deportations did not allow time for due process. There were also reports that immigration officials physically abused persons as they were being detained and that officials solicited and accepted bribes to avoid detention or secure release.

Activists for the Haitian community acknowledged that few formal complaints were filed with government authorities because of these allegations, which they attributed to a widespread perception of impunity for police and immigration authorities and fear of reprisal among minority communities. The government denied these allegations and publicly committed to ensuring that immigration operations be carried out with due respect for internationally accepted human rights standards, including the involvement of the Ministry of Social Services, where warranted, in cases involving children, scaled enforcement based on the

ability to provide adequate housing for detainees, and full investigations of any allegations of abuse.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, sitting judges are not granted tenure, and some law professionals asserted that judges were incapable of rendering completely independent decisions due to lack of job security.

Procedural shortcomings and trial delays were a problem. The courts were unable to keep pace with the rise in criminal cases, and there was a growing backlog.

Trial Procedures

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. Defendants can elect to use a jury in criminal cases; serious offenses, such as murder and fraud, automatically go to a jury. Defendants have the right to present their own witnesses and evidence. Although defendants generally have the right to access government-held evidence and confront adverse witnesses, in some cases the law allows witnesses to testify anonymously against accused perpetrators in order to protect themselves from intimidation or retribution. Authorities frequently dismissed serious charges because witnesses either refused to testify or could not be located.

Defendants may hire an attorney of their choice. 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 their cases toward trial.

A significant backlog of cases awaiting trial remained a problem. Delays reportedly lasted five years or more. Once cases went to trial, they were often further delayed due to poor case and court management, such as inaccurate handling or presentation of evidence and inaccurate scheduling of witnesses, jury members, and accused criminals for testimony.

Local legal professionals attributed delays to a variety of longstanding systemic problems, such as slow and limited police investigations, inefficient prosecution strategies, limited forensic capacity, lengthy legal procedures, and staff shortages in the Prosecutor's Office and the courts.

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, human rights violations.

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

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights. An independent press; a relatively effective--albeit extremely backlogged--judiciary; and a functioning democratic political system combined to promote freedom of speech and press. The independent media were active and expressed a wide variety of views without significant restriction.

Freedom of Speech and Expression: In response to criticism of the government's new immigration policy that took effect in November 2014, the Ministry of Foreign Affairs reminded citizens that the Bahamas Nationality Act allows the minister for nationality to revoke citizenship from a person who "has shown himself by act or speech to be disloyal or disaffected towards the Bahamas." In August the ministry publicly threatened to revoke the permanent residency status of a critic of the government.

Libel/Slander Laws: The government did not use libel or slander laws to silence critics but employed threats of prosecution in a way that civil rights groups reported had a chilling effect on free speech. The Ministry of Foreign Affairs, responding to criticism of the CRDC conditions by a civil rights organization, called on the police commissioner to investigate the group for criminal libel.

Internet Freedom

The government did not restrict access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authorization. The internet was widely available on New Providence and Grand Bahama islands, and the International Telecommunication Union estimated that 72 percent of the population used the internet in 2013.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. The Plays and Films Control Board rated and censored plays and films for public viewing.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights. Civil rights organizations protesting the government's immigration enforcement policy credibly alleged that some government officials sought to constrain their freedom of speech and association rights by publicly labeling the groups as traitors and then refusing to conduct adequate investigations or provide police protection from threats.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

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 UNHCR, but it sought UNHCR advice on specific cases of concern.

Protection of Refugees

Access to Asylum: According to the government, trained individuals screened applicants and referred them to the Immigration Department of the Ministry of Foreign Affairs and Immigration (MFA). Applications approved were forwarded to the cabinet for a final decision. As of October the MFA reported nine pending asylum requests, including five Cubans and one Chinese citizen. Authorities did not consistently seek advisory assistance from UNHCR, but they did seek advice on specific cases during the year. Nevertheless, international organizations reported that those requesting asylum often lacked access to legal counsel and that some persons had limited access to screening procedures. There were credible reports of individuals at the CRDC from refugee-producing countries who had not been screened for asylum, particularly migrants from Haiti. As of October authorities reported they had repatriated 2,934 irregular immigrants to their home countries: 2,286 Haitians, 251 Jamaicans, 143 Cubans, and 254 from other countries.

Refoulement: In 2013 the government signed an agreement with the government of Cuba to expedite removal of detainees. The announced intent of this agreement was to reduce the amount of time Cuban migrants spent in detention; however, concerns persisted that it also allowed for information sharing that heightened the risk of persecution of detainees and their families. In some cases civil society groups claimed the agreement resulted in the repatriation of migrants to Cuba without a sufficient review of pending refugee/asylum claims, creating the potential for persons in need of international protection to be returned to a situation of danger.

Stateless Persons

The government did not effectively implement laws and policies to provide certain habitual residents the opportunity to gain nationality in a timely manner and on a nondiscriminatory basis. Children born in the country to non-Bahamian parents, to an unwed Bahamian father and a non-Bahamian mother, or outside the country to a Bahamian mother and a non-Bahamian father do not acquire citizenship at birth.

Bahamian-born persons of foreign heritage must apply for citizenship during a 12-month window following their 18th birthday, sometimes waiting many years for a government response. The narrow window for application, difficult documentary requirements, and long waiting times left multiple generations without a confirmed nationality. Some commentators reported that these restrictions primarily affected those of Haitian descent. According to Immigration Department figures, 436 persons obtained Bahamian citizenship as of October, including 303 Haitians and 71 Jamaicans.

There were no reliable estimates of the number of persons without a confirmed nationality. The government asserted that a number of “stateless” individuals had a legitimate claim to Haitian citizenship but refused to pursue it due to fear of deportation or loss of future claim to Bahamian citizenship. Such persons often faced waiting periods of several years for the government to decide on their nationality applications and, as a result, lacked proper documentation to secure employment, housing, access to health services, and other public facilities during this period.

Individuals born in the country to non-Bahamian parents were eligible to apply for “Belonger” status that entitled them to work, access to public high school-level education, and a fee-for-service health-care insurance program. Human rights advocates criticized the health insurance program as having unrealistic payment requirements that limited widespread access. Authorities allowed individuals born in the country to non-Bahamian parents to pay the tuition rate for Bahamian students when enrolled in college and while waiting for their request for citizenship to be processed. In August the MFA announced that on December 31, all non-Bahamian students would be required to have a student permit or a passport with a residency stamp to attend school, a requirement some civil rights activists warned many students could not meet. As of October the government claimed it had approved 60 Belonger permits but was unable to verify whether any had been issued; civil society groups reported that none had yet been issued.

Section 3. Freedom to Participate in the Political Process

The constitution and laws provide citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: Prime Minister Perry Christie took office after his opposition Progressive Liberal Party (PLP) defeated the Free National Movement (FNM) in a general election in May 2012. The PLP won 29 of the 38 parliamentary seats, with 48 percent of the popular vote. The FNM won the remaining nine seats. Election observers from the Organization of American States and foreign embassies found the elections to be generally free and fair.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; however, the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. There were frequent reports of government corruption during the year.

Corruption: The procurement process was particularly susceptible to corruption, as it is opaque, contains no requirement to engage in open public tenders, and does not allow award decisions to be reviewed. In October the government charged a former state energy-company board member under the Prevention of Bribery Act, the first significant case brought under the act since 1989.

Financial Disclosure: The Public Disclosure Act requires senior public officials, including senators and members of parliament, to declare their assets, income, and liabilities on an annual basis. The government publishes a summary of the individual declarations. There is no independent verification of the submitted data, and the rate of annual submission was weak, except in election years.

Public Access to Information: As of October the government had not issued implementing regulations or taken other steps to bring the 2012 Freedom of Information Act into force. The act provides access to government information upon request from citizens and permanent residents--unless one of several exceptions related to national security, diplomatic exchanges, or the security of a prison or cabinet papers applies--and stipulates a fine of 10,000 Bahamian dollars (B\$) (\$10,000) for anyone who contravenes the legislation.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of international human rights organizations operated without government restriction, investigating and publishing their findings on human rights cases, although the government was less cooperative with domestic organizations.

Government Human Rights Bodies: 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 based on race, place of origin, political opinion, or creed, and the law prohibits discrimination based on disability or HIV status. The government did not always effectively enforce these prohibitions, and the constitution and the law contain provisions that discriminate based on gender.

Information in this report reflects the situation in the highly populated areas on New Providence and Grand Bahama. Limited information was available from other less-populated islands.

Women

Rape and Domestic Violence: Rape is illegal, but the law does not protect against 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 an initial rape conviction is seven years; the maximum for subsequent rape convictions is life imprisonment. In practice, however, the maximum sentence was 14 years' imprisonment.

Violence against women continued to be a serious, widespread problem. The Bahamas Crisis Center (BCC) estimated that there were more than 1,200 cases of domestic violence annually; the director of social services concurred but stated that less than one case in 10 resulted in police involvement.

The law recognizes domestic violence as a crime separate from assault and battery, and the government generally enforced the law, although women's rights groups cited some reluctance on the part of law enforcement authorities to intervene in domestic disputes. The BCC worked with police by providing them with a counselor referral service when encountering rape victims. The BCC operated a toll-free hotline in New Providence and Grand Bahama, run by trained volunteers to respond to emergency calls 24 hours a day. Governmental and private women's organizations continued public awareness campaigns, highlighting the problems of

abuse and domestic violence. The Ministry of Social Services and Community Development's Department of Social Services, in partnership with a private organization, operated a safe house to assist female survivors. The ministry's Bureau of Women's Affairs is responsible for promoting and protecting women's rights.

Sexual Harassment: 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. There were no official reports of workplace sexual harassment during the year. Civil rights advocates complained that criminal prohibitions were not enforced effectively and asserted that civil remedies were needed, including a prohibition on "hostile environment" sexual harassment.

Reproductive Rights: Couples and individuals generally have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

Discrimination: The law does not prohibit discrimination based on gender, and discrimination against women occurred. Women were generally free of economic discrimination, however, and the law provides for equal pay for equal work. The law also provides for the same legal status and rights for women as for men under family, property, and inheritance laws. 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 transmit citizenship to their children.

Children

Birth Registration: Children born in the Bahamas to married parents, one of whom is Bahamian, acquire citizenship at birth. Those born to non-Bahamian parents, to an unwed Bahamian father and a non-Bahamian mother, or outside the country to a Bahamian mother and a non-Bahamian father do not automatically acquire citizenship. In the case of unwed parents, the child takes the citizenship of the mother. All children born in the country may apply for citizenship upon reaching their 18th birthday. There is universal birth registration, and all births must be registered within 21 days of delivery.

Child Abuse: Child abuse and neglect remained serious problems. The RBPF operated a hotline regarding missing or exploited children. The law provides

severe penalties for child abuse and requires all persons having contact with a child they believe has been physically or sexually abused to report their suspicions to the police. During the year the government, through the National Child Protection Council, launched a series of public service announcements addressing child abuse.

The penalties for rape of a minor are the same as those for rape of an adult. 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.

Sexual exploitation of children through incestuous relationships occasionally occurred, and anecdotal reports continued to suggest that this was a particular problem outside Nassau. The Ministry of Social Services may remove children from abusive situations if a court deems it necessary. The ministry provided services to abused and neglected children through a public-private center for children, the public hospital family-violence program, and the Bahamas Crisis Center.

Early and Forced Marriage: The legal minimum age for marriage is 18, although minors may marry at 15 with parental permission.

Sexual Exploitation of Children: The minimum age for consensual sex is 16 years. The law considers any association or exposure of a child to prostitution or a prostitution house as cruelty, neglect, or mistreatment of a child. Additionally, the offense of having sex with a minor carries a penalty of life imprisonment. 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.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html and country-specific information at travel.state.gov/content/childabduction/en/country/bahamas.html.

Anti-Semitism

The local Jewish community numbered approximately 300 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

During the year the government passed the implementing legislation for the 2014 Persons with Disabilities Act. The law addresses issues of employment, education, and access, and it gives businesses and public buildings two years to make needed access improvements. Although the previous law mandated access for persons with physical disabilities in new public buildings, authorities rarely enforced this requirement, and very few buildings and public facilities were accessible to persons with disabilities. The Education Act affords equal access for students, but only as resources permit, with this decision made by individual schools. On less-populated islands, children with learning disabilities often sat disengaged in the back of classrooms because resources were not available. Other legislation prohibits discrimination based on disability.

A mix of government and private residential and nonresidential institutions provided education, training, counseling, and job placement services for adults and children with disabilities.

National/Racial/Ethnic Minorities

The country's racial and ethnic groups generally coexisted peacefully, but anti-Haitian prejudice and resentment regarding Haitian immigration was widespread. According to unofficial estimates, between 40,000 and 80,000 residents 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. For example, a number of shantytowns on New Providence and other islands consisted of houses built from trash and discarded building materials, with few organizational, infrastructure, or sanitation measures in place. The government occasionally evicted residents and demolished some settlements due to health and safety concerns. Fires frequently broke out in Haitian shantytowns in Nassau, at least some of which were deliberately set, according to human rights organizations.

Authorities generally granted Haitian children access to education and social services, but interethnic tensions and inequities persisted. Haitians generally had difficulty in securing citizenship, residence, or work permits.

In November 2014 the government began conducting large-scale immigration raids in Haitian neighborhoods and increased deportations of Haitian immigrants. Members of the community, as well as human rights NGOs, argued that the raids were conducted without probable cause and marred by verbal and physical abuse.

Members of the Haitian community complained of discrimination in the job market, specifically that identity and work-permit documents were controlled by employers seeking advantage by threat of deportation. Some also complained of tactics used by immigration officials in raids of Haitian or suspected Haitian communities. Government actions to address these communities often met political resistance, as many Bahamians employed Haitians as cheap labor.

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

Activists reported that societal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals occurred, with some persons claiming job and housing discrimination based upon sexual orientation. Victims had no legal recourse, as the law provides no protection from such discrimination (see section 7.d.). Although sexual activity between same-sex consenting adults is legal, the law defines the age of consent for same-sex couples as 18, compared with 16 for heterosexual couples.

The country has no LGBTI hate-crime legislation. Activists reported that LGBTI individuals rarely reported abuse to authorities, often because of reluctance to reveal their sexual orientation rather from fear of police harassment.

HIV and AIDS Social Stigma

Stigma and employment discrimination against persons with HIV/AIDS were high, but there were no reports of violence against persons with HIV/AIDS. The law prohibits discrimination in employment based on HIV/AIDS status. Children with HIV/AIDS also faced discrimination, and authorities often did not tell teachers 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.

An independent facility known as the All Saints Camp, which received some government funding, operated as a hospice for approximately 40 HIV-infected individuals. Those in contact with the camp alleged extreme neglect of the HIV-infected individuals living at the camp, including nonnutritious and irregular meals and improper or inadequate basic medical care. The camp administrator reported that it did not employ nurses or other medical staff and that sick individuals living there took care of themselves or employed their own visiting nurses. During the year several religious organizations provided physical improvements to the facility, adding some individualized bathrooms and greater electrical options for fans and refrigerators, but living conditions remained generally unsanitary.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, participate in collective bargaining, and conduct legal strikes. The law prohibits antiunion discrimination. By law employers can be compelled to reinstate workers illegally fired for union activity. Members of the police force, defense force, fire brigade, and prison guards may not organize or join unions.

Enforcement of labor laws was weak. There was no information on the adequacy of enforcement resources. Fines varied widely by case and were not sufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays and appeals. In 2014 the Ministry of Labor and National Insurance reported 712 labor violation complaints from January to October and stated that it had 16 officers who resolved the majority of these cases in a timely manner. The government did not provide updated statistics during the year. By law labor disputes must first be filed with the ministry, and if not resolved, they are transferred to an industrial tribunal, which determines penalties (fines) and remedies, up to a maximum of 26 weeks of an employee's pay. The tribunal's decision is final and can be appealed in court only on a strict question of law. Authorities reported a case backlog of up to three years at the tribunal.

Freedom of association and the right to collective bargaining were generally respected. There were reports that some employers utilized individual contracts instead of collective bargaining. An experienced trade unionist assisted the ministry to streamline the collective bargaining process. Workers occasionally

filed disputes with the authorities involving “union-busting” charges, specifically in the financial services sector, although none had been filed as of October.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, although there were reports that forced labor occurred.

The government did not always effectively enforce applicable law. Although the Ministry of Labor and National Insurance received no reports of forced labor during the year, local NGOs noted that exploited workers often did not report their circumstances to government officials for fear of deportation and lack of education about available resources. There was no information on the adequacy of resources, inspections, and remediation. Penalties for forced labor ranged from three to 10 years’ imprisonment and were sufficiently stringent to deter violations.

Undocumented migrants were vulnerable to forced labor, especially in domestic servitude and in the agriculture sector. There were reports that noncitizen laborers, often of Haitian origin, were vulnerable to forced labor and suffered abuses at the hands of their employers, who were responsible for endorsing their work permits on an annual basis. Specifically, local sources indicated that employers reportedly obtained B\$1,000 (\$1,000) work permits for noncitizen employees and then required them to “work off” the permit fee over the course of their employment or otherwise risk losing the permit and their ability to work legally within the country.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under age 14 for industrial work or work during school hours. Children under age 16 may not work at night. Children between the ages 14 and 18 may work outside of school hours under the following conditions: in a school day, for not more than three hours; in a school week, for not more than 24 hours; in a nonschool day, for not more than eight hours; in a nonschool week, for not more than 40 hours. (Note: An exception existed for “packaging boys” at grocery stores, who were as young as age 12 and could work no more than three hours after school, but this expired early in the year. The government did not enforce this change during the year.) The law prohibits persons younger than age 18 from engaging in dangerous work including

construction, mining, and road building. There was no legal minimum age for employment in other sectors. Occupational health and safety restrictions apply to all younger workers.

The government made efforts to enforce the law, with labor inspectors proactively sent to stores and businesses on a regular basis, but resource constraints limited their effectiveness. The Ministry of Labor and National Insurance reported no severe violations of child labor laws, although inspectors reported several instances of children working in small merchant businesses or excess hours in grocery stores. The penalty for violations of child labor law is a fine between B\$1,000 (\$1,000) and B\$1,500 (\$1,500). This punitive action was sufficient to deter violations.

d. Discrimination with Respect to Employment or Occupation

The law prohibits discrimination in employment based on race, creed, sex, marital status, political opinion, age, HIV status, or disability, but not in regard to language, sexual orientation and/or gender identity, or social status. The government did not effectively enforce the law. One individual reported being fired from a school security position due to his orientation. Discrimination in employment and occupation occurred with respect to persons with HIV/AIDS (see section 6). Foreign migrant workers were not consistently afforded legal protections.

e. Acceptable Conditions of Work

In July the Ministry of Labor and National Insurance raised the minimum wage from B\$4.00 (\$4.00) to B\$5.25 (\$5.25) per hour. In 2013 the official poverty level was adjusted to B\$4,247 (\$4,247) a year. In June the government appointed a National Tripartite Council to implement the statutory provisions of International Labor Organization Convention 144 and ensure effective consultation among employers, government, and workers.

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. The law stipulates paid annual holidays and prohibits compulsory overtime. The law does not place a cap on overtime. The government set health and safety standards appropriate to the industries. According to the Ministry of Labor and National Insurance, the law protects all workers, including migrant workers, in areas including wages, working hours, working conditions, and occupational and safety standards. Workers did not

have the right to refuse to work under hazardous conditions, and legal standards did not cover undocumented and informal economy workers.

The ministry was responsible for enforcing labor laws, including the minimum wage, and fielded a team of 16 inspectors that conducted onsite visits to enforce occupational health and safety standards and investigate employee concerns and complaints, although inspections occurred infrequently. The ministry generally announced inspection visits in advance, and employers generally cooperated with inspectors to implement safety standards. It was uncertain whether these inspections were effective in enforcing health and safety standards. The government did not levy fines for noncompliance but occasionally forced a work stoppage. Such penalties were not sufficiently stringent to deter violations. Working conditions varied, and mold was a problem in schools and government facilities.

Authorities reported one workplace fatality during the year, a construction worker who fell from scaffolding and died as a result of his injuries.