



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**  
**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES**  
**UNDER ARTICLE 44 OF THE CONVENTION**

**Initial reports of States parties due in 1993**

**BAHAMAS**

[5 June 2003]

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## **Introduction**

### **A. The land**

1. The Commonwealth of the Bahamas is an archipelago situated in the north-eastern part of the West Indies. The Bahamas consists of approximately 700 islands and cays, as well as more than 2,000 low, barren rock formations. The Bahamas can be found off the southern coast of Florida, the United States of America. It stretches across the Tropic of Cancer and covers 90,000 square miles (about 133,000 sq. km) of ocean in the western Atlantic. The Commonwealth of the Bahamas has a total land area of 5,382 square miles (13,939 sq. km).

2. The capital, Nassau, is located on New Providence, which is the most populated island. The largest of the islands is Andros, which is 104 miles long and 40 miles wide (167 km long and 64 km wide). Twenty-two of the islands of the Bahamas are populated. The population of the islands varies from island to island; however, the population on the whole has grown by 2 per cent a year since 1980. The census report for 1990 indicates the size of the population to be about 254,685, whereas the 2000 census showed that the figure has increased to 303,611. The Bahamas is a young nation, with approximately one third of the population aged 18 years or younger.

3. During the 1970s there was a rural-to-urban inter-island migration. At the centre of migration was New Providence, where two thirds of the population live. Grand Bahama was also another area to which extensive migration occurred and, to a lesser extent, Great Abaco.

4. New Providence is approximately 80 square miles in area with a population density of 2,144 per square mile. Grand Bahama is approximately 530 square miles in area and, according to the 2000 census report, was home to 16 per cent of the population, with a population density of 77 per square mile. The remaining islands are sparsely inhabited.

### **B. The people**

5. The people of the Bahamas are a mixture of European and African ancestry. European forebears settled on the land after the extinction of the Arawak Indians, known as Lucayans. Most of the population is Christian. The largest Christian denomination is the Baptist. The Baptists comprise one third of the population, while Anglicans and Roman Catholics each constitute approximately one fourth of the population. There are also other Christian denominations, including the Methodist, Pentecostal and Seventh Day Adventist.

6. There are a number of minority groups within the Bahamian society such as Greeks, Chinese, Jamaicans, Barbadians and Trinidadians. The Bahamas has for many years experienced a constant flow of undocumented Haitian nationals who continually risk their lives to reach the Bahamas.

7. The Bahamian economy is based mostly on tourism and offshore banking. The agricultural and industrial sectors are relatively small. In 2000, the gross domestic product per capita was \$15,774 (*Bahamas Handbook 2002*).

8. The Bahamas sincerely regrets the delay in fulfilling its reporting obligations under the Convention on the Rights of the Child (hereinafter "the Convention"). The delay should not be

interpreted as a lack of commitment to comply with the Convention. Indeed the present report will show that the Bahamas has taken a number of measures to ensure compliance where this was not already the case.

## **I. GENERAL MEASURES OF IMPLEMENTATION**

9. Measures are currently being considered in relation to law and policy in order to harmonize national laws and policies with the provisions of the Convention where there are anomalies. There is a constant review of legislation, in particular the law relating to family matters, by the Attorney-General's Office in consultation with the various government offices and non-governmental organizations (NGOs).

10. The 2000 census report estimated that there were a total of 38,454 migrants in the Bahamas, of which 12,997 individuals under the age of 19 years.

11. The Bahamas faces immense challenges in responding positively to some aspects of the Convention due to the constant influx and high percentage of undocumented migrant population in the country. According to the Department of Immigration, these are persons who entered the Bahamas without proper documentation. Additionally, it is estimated that there are between 30,000 and 40,000 undocumented migrants residing in the Bahamas. Approximately 85 per cent of these are Haitians who enter the country by sea. A high percentage of this group and their offspring have not been assimilated into the society.

12. The Bahamas Constitution of 1973 states that every person in the Bahamas is entitled to fundamental rights and freedoms and provides for the protection of the right to life, regardless of race, place of origin, political opinions, colour, creed or sex. The Children and Young Persons (Administration of Justice) Act, which was enacted on 18 September 1947, provides for the protection of children from all forms of cruelty and exploitation.

13. The Convention, as postulated by the United Nations, acts as a guideline for the assessment of present laws, policies and services provided in the Bahamas. It will be used as a guide in the development and implementation of future laws, policies and programmes for the well-being of all children in the Commonwealth of the Bahamas.

14. The Department of Social Services of the Ministry of Social Services and Community Development has the responsibility for coordinating policies relating to children and for monitoring the implementation of the Convention.

15. There was a collaborative approach to the preparation of the present report reflected in the establishment of a coordinating committee comprising representatives from the relevant government agencies, i.e. the Ministry of Social Services and Community Development; the Ministry of Health; the Ministry of Education; the Ministry of Youth, Sports and Culture; the Ministry of Labour and Immigration; the Office of the Attorney-General; and NGOs. Representatives of the Church and the Primary and Secondary School Principals' Associations were also included.

16. This committee will be working towards sensitizing the Bahamian populace to the relevance of the Convention, creating public awareness of the rights of children and studying the

nature of problems facing them. In this regard, the electronic and print media will be utilized. Additionally, the Church and non-profit organizations will be used to spread the message. This committee will also be making efforts to alleviate and prevent problems and the causes of such problems in the Bahamas, as required by the Convention, by working with various governmental and non-governmental agencies to develop and implement projects and programmes to strengthen structural institutions in the area of childcare.

17. Discussions have begun on the rights of children through the audio, visual and print media, addressing various interest groups, community and national bodies, and the public at large. Such programmes have been and will continue to be sponsored by the Department of Social Services in conjunction with other interest groups, and plans are under way to expand and intensify such programmes.

18. All children in the Bahamas are afforded all the rights and privileges - educationally, medically, culturally, socially and economically - of a free society, regardless of their status, minority or ethnic origin.

19. Children in the Bahamas have access to free education, free medical care, and, in special circumstances such as broken or deprived families, due to socio-economic conditions, the Government provides subsistence where needed.

20. In the case of undocumented migrants, food assistance and other basic items are provided to their families. Children without parents are placed in substitute family care, i.e. foster care., adoption or institutional care.

21. Furthermore, the Ministry of Youth, Sports and Culture established a Cultural Affairs Division in 1970 to address the needs of children. The Ministry was mandated to develop and instil in all Bahamians a greater appreciation for Bahamian culture and pride by means of organizing various programmes and projects. This Ministry also acts as a catalyst for the promotion of expressive arts in the school curriculum.

## **II. DEFINITION OF THE CHILD (art. 1)**

22. The legal age for both males and females in the Bahamas is stipulated in the Minors Act, 1976. Under this Act, a person reaches full age upon attaining the age of 18 years. However, in the Bahamas, when one reaches the age of 18 years, variations exist in several areas governed by specific legislation. These are discussed below.

23. Under the Parliamentary Elections Act, 1991, a person is entitled to be registered as a voter at 18 years of age provided he or she is a citizen of the Bahamas, of "full age", and possessing full legal capacity.

24. The Bahamas Constitution requires that a citizen of the Bahamas who wishes to renounce his or her citizenship must be 21 years or older.

25. The Constitution also states that a person born outside the Bahamas after 9 July 1973, whose mother is a citizen of the Bahamas, shall be entitled, upon making application when he/she attains the age of 18 years and before he/she attains the age of 21 years, to be registered as a citizen of the Bahamas.

26. The Education Act, 1962 defines “child” as a person who is not over compulsory school age. The “compulsory school age” at that time was between the ages of 5 and 14 years. Under this Act, it was the duty of parents to ensure that their children receive an education. An amendment to this Act in 1996 has raised the school-leaving age to 16 years. The Act further states that, with the permission of the Director of Education, a student may be granted permission to continue attending a secondary school until he attains the age of 19 years, provided he takes advantage of the educational instruction available.

27. The Employment of Children (Prohibition) Act, 1939 prohibits the employment of children. “Child” was defined in the Act as any person under the age of 14 years. Under this Act, a child cannot be employed in an industrial undertaking or in any work during school hours. The Employment Act was revised and entered into force on 31 December 2001. Paragraph IX of this Act makes it the responsibility of a parent or guardian to ensure that a child is not engaged in any undertaking that renders him unfit to obtain full benefit of the education provided for him.

28. The Employment of Young Persons Act, 1939 prohibits the employment of any person under 14 years on any ship. Section 59 of this Act makes it unlawful to employ a young person under the age of 16 years on a ship, except on a ship which employs only family members within the waters of the Bahamas. It also prohibits engaging a young person in night work in the Bahamas. In this Act, a “young person” is defined as anyone who is 12 years and older, but below the age of 16 years.

29. Under the Education Act, chapter 36, the minister responsible for education has the power to prohibit or restrict employment of children where it renders them unfit to obtain the full benefits of education provided for them. This Act further states that the minister may prohibit any employer from employing a child registered under the age of 16 years in a manner that may be detrimental to its health. The minister may also impose such restrictions on the employment of children that are in the child’s best interest.

30. Under the Sexual Offences and Domestic Violence Act, 1991, a “minor” is defined as a person under 18 years of age.

31. A person under 14 years of age cannot, under the aforementioned Act, be guilty of rape, procuration, prostitution, incest or unnatural offences. A child under 16 years of age cannot consent to sexual intercourse. Therefore, a minor between the ages of 14 and 16 cannot be charged with sexual intercourse, especially if the young person had no previous conviction of that offence, or if he or she had reasonable cause to believe that the person with whom he or she had sexual intercourse was older than 16 years of age.

32. Under the Children and Young Persons (Administration of Justice) Act, a “child” means a person under 14 years of age and a “young person” someone who has attained the age of 14 years, but is under the age of 18 years.

33. Under this Act, no child may be sentenced to imprisonment or committed to prison in default of payment of a fine, nor may a child under the age of 10 years be admitted to an industrial school or held in a place of detention. This Act is being restructured to reflect a more compassionate regard for children in conflict with the law.

34. The same Act also prohibits the imposition of the death penalty on any person who, at the time of commission of a homicide, was under the age of 18 years.

35. There is no specified age at which a minor becomes a competent voluntary witness in court proceedings under the Evidence Act, 1904. All persons are eligible to testify unless the court considers that they are incapable of understanding the questions put to them, or of giving rational answers to those questions, or of understanding the nature of an oath because of their tender age.

36. The Liquor Licences Act, 1939, prohibits the sale of any intoxicating liquor to any person under 18 years of age. Likewise, no person duly licensed under the Liquor Licences Act other than a hotel, a proprietary club or a restaurant shall employ in any capacity whatever a person under 18 years of age.

37. Under the Liquor Licences Act, a child under the age of 14 years shall not, except under and in accordance with the provisions of a special licence granted by the Licensing Authority, take part in any entertainment on licensed premises.

38. Under the Marriage Act, 1908 a marriage contracted between parties either of whom is under the age of 15 years is void. Under section 50 of this Act, the Supreme Court may, upon application of either party to an intended marriage who has reached the age of 13 years, but is under the age of 15 years, grant a dispensation, in which case the intended marriage may be lawfully solemnized.

39. Under section 32 of the same Act, persons who have reached the age of 18 years may marry without consent. However, the consent of a parent or guardian is needed if the person is under 18 years of age.

40. Under the Pharmacy Act, 1962, no person shall sell arsenic to any person other than a person of full age. There is no provision prohibiting the sale of drugs to minors.

41. The age for recruitment into the armed forces under the Defence Act, 1979, is 18 years. Under the Police Act, 1965, the recruitment age is 16 years.

42. A will made by any person under 21 years of age is invalid according to section 7 of the Wills Act, 1937.

43. By virtue of the Maintenance of Emigrants' Children Act, 1923, the Magistrate has the power to prohibit parent(s) from leaving the Bahamas if the Magistrate is not satisfied that the parents have made adequate provision for the maintenance and care of the child during their absence.

44. Under the Infants' Relief Act, 1887, all contracts entered into by an infant (a person under 18 years of age) for the repayment of money lent or to be lent or for goods supplied shall be void.

45. Under the Criminal Law (Measures) Act, 1991, a child or a young person in the Bahamas cannot be sentenced to flogging.



46. Under the Firearms Act, 1969, it is an offence for a person under the age of 18 years to purchase, hire, use, carry, accept as a gift or borrow any firearms or ammunition.

47. Under section 29 of this Act, no person shall sell or let on hire, give or rent out any firearm or ammunition to any other person whom he knows or has reasonable grounds for believing to be under the age of 18 years and no person shall permit the use or carrying of any firearm or ammunition by a person under the age of 18 years.

48. Under the Road Traffic Act, 1958 (amended on 30 December 1988), a person under the age of 17 years is not permitted to drive a motor vehicle. The legal age for obtaining a driver's licence is 18 years or above. Also, a person who is under 21 years of age shall not be granted a public service driver's licence.

49. Under the Adoption of Children Act, 1954, an "infant" means a person under the age of 18 years.

### **III. GENERAL PRINCIPLES**

#### **A. Non-discrimination (art. 2)**

50. The Constitution of the Bahamas (art. 15) states that every person in the Bahamas is entitled to the fundamental rights and freedoms of the individual, that is to say, every person has the right, irrespective of race, place of origin, political opinions, colour, creed or sex, to:

(a) Life, liberty, security of person and the protection afforded by the law;

(b) Freedom of conscience and of expression;

(c) Protection of the privacy of his home and other property and from deprivation of property without compensation.

51. The Status of Children's Act, 2002, states that children born to single mothers must be considered under the topic "non-discrimination". Children born out of wedlock can inherit from the father or the father's relatives, if paternity has been acknowledged or otherwise proven.

52. Children born to single mothers take the mother's name unless the father acknowledges paternity by making the necessary declaration to the registrar of births.

53. By virtue of the Affiliation Proceedings Act, 1978, amended in 1988, the defendant may be adjudged by the court to be the putative father of the child and the court may make an affiliation order against the father for payment of maintenance. The mother is ordinarily the legal guardian and is entitled to custody of the child. The putative father has a right of access to the child. Under the 1988 revised Act, an affiliation order shall discontinue after the child attains the age of 16 years or has died. However, if the child is engaged in educational training after the age of 16 years, the court may make an order that payment be extended to the date the child attains the age of 21 years.

54. Under the Matrimonial Causes (Summary Jurisdiction) Act, 1978, provision is made for maintenance of any child and the word “child” includes a child born out of wedlock for the purposes of this Act.

55. The Status of Children Act, 2002, states that the relationship between every person and his father and mother shall be determined, irrespective of whether the father and mother are or have been married to each other, and all other relationship shall be determined accordingly. In addition, the Inheritance Act, 2002, provides for all children to inherit from the father once paternity has been established.

### **B. Best interests of the child (art. 3)**

56. The Children and Young Persons (Administration of Justice) Act, 1987, protects children from any form of cruelty. Section 17 (1) of the Act states that if any person has attained the age of 18 years and has the custody, charge or care of any child or young person under that age and wilfully assaults, ill-treats, neglects, abandons or exposes in any manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person is guilty of an offence and is liable upon summary conviction to a fine not exceeding \$250 or imprisonment for one year or both or upon conviction before the Supreme Court to a fine not exceeding \$1,000 or imprisonment for three years or both.

57. For the purposes of this Act, a parent or any other person legally liable to maintain a child is deemed to have neglected the child if he has failed to provide adequate food, clothing, medical and/or lodging for the child.

58. Under the same Act, any peace officer or any probation officer may take into custody without warrant any person who, in his view, commits an offence under the relevant section of this Act.

59. The Children and Young Persons (Administration of Justice) Act further provides that any person having reasonable grounds for believing that any child or young person is ill-treated or neglected may bring that child before a juvenile court. If the court is satisfied that the child is ill-treated or neglected, the court may order the child or young person to be taken out of the custody, charge or care of any person and to be committed to the care of a relative of the child or young person or some other fit person or institution named by the court.

60. Further, under this Act, a search warrant may be issued authorizing any peace officer or probation officer named in the warrant to search for a child who is suspected of having been ill-treated or neglected within the meaning of the Act.

### **Social services**

61. The Department of Social Services, a government agency, has been the major provider of social services in the Bahamas since its establishment in 1964. Prior to 1964, work in this area was conducted by a voluntary body called the Child Protective Committee. An impressive range

of services have been developed and implemented over the years to meet the needs of children, individuals and families in distress. In 1997, all social services were amalgamated in an attempt to provide such services to the populace in a more efficient and effective manner.

62. The Department of Social Services, through its various programmes, seeks to restore, reinforce and enhance the capacity of the individual to perform life tasks and to provide for the protection of all children in the Commonwealth of the Bahamas regardless of status, race, culture or ability.

63. In performing its tasks, the Department of Social Services is guided by and follows the law as stated in the Children and Young Persons (Administration of Justice) Act and the Adoption Act.

64. Substitute family care of children who have been deprived of their natural home is provided by Government-owned institutions as well as private institutions. Care is also provided by relatives on a temporary as well as long-term (foster care) basis. Such provisions are supported by the Department of Social Services, through supervision, grants, salaries, manpower and foster care allowance.

65. Childcare institutions provide substitute family care for children from birth to the age of 18 years. There are 15 established institutional facilities in the Bahamas which house children in need of substitute family care; 7 in New Providence, 7 in Grand Bahama and 1 in Cat Island. Four of those in New Providence are Government-owned while the remaining three are privately owned, with Government support. The seven homes in Grand Bahama are all privately owned, but with the shared responsibility of the Government. The facility in Cat Island is privately owned, but receives support from the Government.

66. The Department of Social Services provides services for children and their families under the following six broad programme divisions:

- (a) Children and Family Services Division;
- (b) Community Support Services Division;
- (c) Student Services Division;
- (d) Rehabilitative and Welfare Services Division;
- (e) Health Social Services Division;
- (f) Childcare Facilities Division.

67. Programmes and services to address basic human needs also include services to ensure the protection of children and specific programmes designed to assist the poor and indigent. Counselling and support services for persons or families with domestic problems are also provided.

68. The Children and Family Services Division seeks to ensure that all children in the Commonwealth of the Bahamas have the benefit of a physically safe environment which provides emotional support and security necessary for healthy growth and development. This division is divided into four specific units outlined below.

#### **Child Protective Services Unit**

69. The purpose of this Unit is to investigate reported cases of child neglect and abuse and offers counselling services to parents and children. The Unit is also responsible for follow-up services for children who appear to be at risk and for the removal of children from homes when necessary.

#### **Child Abuse Unit**

70. The primary purpose of this Unit is to investigate reported cases of sexual, emotional and physical abuse.

#### **Placement Unit**

71. The primary purpose of this Unit is to provide substitute family living for children who have lost their homes as a result of family breakdown, abuse, neglect or abandonment.

#### **Family Services Unit**

72. The goal of this Unit is to develop the individual's capacity to perform constructive life tasks and to enhance and strengthen family life.

73. The primary purpose of the community Support Services Division is to ensure that poor and indigent persons in the community have access to the basic necessities of food and clothing. Services to the poor and indigent are provided by a number of programmes outlined below.

#### **General Assistance Programme**

74. This Programme provides food allowance, clothing, and household and personal items to the aged, invalid, indigent, fire victims and persons suffering natural disasters, e.g. hurricanes.

#### **Disability Allowance Programme**

75. This Programme provides a cash allowance on a temporary basis for qualified (medically certified) persons who are 18 years of age and above.

#### **Work Assistance Programme**

76. This Programme provides employment on a temporary basis in a charitable organization for unemployed men and women. The Programme was originally designed specifically for single mothers with dependent children. Over 95 per cent of the persons on this programme fall under this category.

77. The relevant statutory provisions relating to compulsory attendance at primary and secondary schools are set out in sections 26-30 of the Education Act of 1962.
78. The main goal of the Student Services Division is to assist in providing an environment which would enable the child to derive the maximum benefits from the educational opportunities provided by the Ministry of Education.
79. The main programmes provided by the Student Services Division are the National Lunch Programme and the P.A.C.E (Providing Access to Continued Education) Programme, involving individual and group counselling and school visitation.
80. The goal of the National Lunch Programme is to ensure that all socio-economically disadvantaged school-aged children attending a Ministry of Education school receive one third of the recommended daily nutritional requirements, in order to develop and maintain the healthy functioning of their bodies.
81. The P.A.C.E. Programme was established in 1969 to offer comprehensive educational, socio-economic, spiritual, emotional and health-care services to the pregnant adolescent/student mothers. These services are intended to improve maternal and child health care, strengthen family functioning and ensure that student mothers have equal access to educational and vocational training in addition to becoming connected with achievement and the world of work.
82. The Rehabilitative and Welfare Services Division operates in conjunction with the courts and other helping agencies to constructively attempt to repair and improve the client and his/her environment.
83. This Division also has responsibility for the Williema Pratt Centre For Girls and the Simpson Penn Centre For Boys, which are juvenile residential facilities, designed for the detention and career-training of juvenile offenders, between the ages of 10 and 16 years. Offenders are committed to the Centres by the Juvenile Court under the authority of the Children and Young Persons (Administration of Justice) Act. The Centres are structured to provide programmes for the development of the whole child based on his/her educational, vocational, religious, recreational, physical and social needs.
84. The Health Social Services Division is an integral part of the Health Care Team with services provided to individuals and families, special population groups, and communities.
85. Health social workers are members of various multidisciplinary groups which provide services to children and young persons.
86. For example, the Neuro-development Clinic provides follow-up services for infants and babies at risk. The Child and Adolescent Unit provides services for children and young persons with psychological and behavioural problems. There is also a Family Violence Clinic which provides treatment to victims of domestic violence.

87. The Health Social Services Division also has responsibility for the Disability Affairs Unit. This Unit, formerly the Desk for the Disabled, was launched in March 1991, in the Ministry of Youth, Sports and Culture. On 24 August 1992, the Unit was transferred to the then Ministry of Housing, Social Services and National Insurance, now known as the Ministry of Social Services and Community Development.

88. The establishment of the Unit was a direct result of the efforts by the Bahamas National Council for Disability, the umbrella organization for the disabled.

89. This Unit offers an array of services to many categories of the disabled, including children. These include:

- (a) Individual and group counselling;
- (b) Coordination of activities with other government ministries;
- (c) Liaison with the Bahamas National Council;
- (d) Assisting with monitoring of grants awarded to non-governmental organizations;
- (e) Participating in ongoing research and development of need-assessments to identify financial needs;
- (f) Engaging in evaluation procedures to ensure quality services for the disabled population.

90. The Childcare Facilities Division was formally established on 10 October 2002 to include all children homes/institutions in New Providence and the Family Islands.

91. The purpose of this Division is to ensure the care and protection of children who have been displaced owing to the death of their primary caregiver, abandonment, abuse or neglect.

### **C. Right to life, survival and development (art. 6)**

92. The Bahamas is a signatory to the World Declaration on the Survival, Protection and Development of Children and while efforts have been made to implement aspects of the Declaration, a National Plan of Action for children has not been completed. The Ministry of Social Services and Community Development was mandated by the Government to assume responsibility for the development of the plan.

93. Programmes are being implemented primarily by the health sector to ensure the survival and healthy development of children.

94. In 1993, the infant mortality rate was 20.2 per 1,000 live births. The Ministry of Health and Environment embarked on a project to decrease infant mortality rate by one third within three years. This project included the education of all women of childbearing age on the importance of optimal health prior to becoming pregnant, as well as the importance of early antenatal care for the best possible outcome of pregnancy.

95. In 1992, the infant mortality rate was 24 per 1,000 live births, which was unacceptably high. Through aggressive measures on the part of the Ministry of Health the rate was reduced to 12.3 per 1,000 in 2001. The Ministry of Health through its National Health Services Strategic Plan of Action aims to further reduce the infant mortality rate to 9 per 1,000 live births by the end of 2004.

96. Since 1992, the national programme of immunization against childhood diseases has been expanded and antiviral treatments have been made available to AIDS-infected mothers free of charge so as to reduce the incidence of the transmittal of AIDS to newborn infants.

97. The Constitution of the Bahamas (art. 16, para. 1) supports the tenet of the right to life. It states that “no person shall be deprived intentionally of his life, save in execution of the sentence of a court, in respect to a criminal offence of which he has been convicted”.

98. The Penal Code of the Bahamas, 1924, outlines general criminal codes regarding offences pertaining to children. Under section 269 of the Penal Code, any person who unlawfully exposes, or abandons a child, under 7 years of age, in such a manner that any grievous harm is likely to be caused to the child is liable to imprisonment for seven years.

99. Abortion is a criminal offence, which carries a penalty of 10 years of imprisonment. Also, whoever intentionally and unlawfully causes harm to a living child during the time of the birth of the child is liable to imprisonment for 10 years.

100. The Penal Code of the Bahamas, under the Law Reform and Revision Act, 1975, also provides for the offence of infanticide. Section 319 (1) of this Act states:

“Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve (12) months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of felony, to wit, of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of the child.”

#### **D. Respect for the views of the child (art. 12)**

101. With regard to the development of the child, the Minister of Education is empowered under the Education Act to promote the education of the people of the Bahamas by the progressive development of schools and other educational establishments devoted to that end. The purpose of such development is to enable the children of the Bahamas to understand their privileges and responsibilities as members of the community, to contribute to the progress and well-being of the Bahamas by the full development of their natural abilities, and to earn an adequate livelihood as adults.

102. In a court of law in the Bahamas, all persons are competent to testify unless the court considers that they are prevented from understanding the questions put to them, or from giving

rational answers to those questions or from understanding the nature of an oath by reason of “tender years”, extreme old age, disease or any other cause of the same kind. By “tender years” is meant children who are very young and cannot, therefore, understand the real meaning of right and wrong.

#### **IV. CIVIL RIGHTS AND FREEDOMS**

##### **A. Name and nationality (art. 7)**

103. The Births and Death Registration Act, 1929, revised in 1975, states that every child born alive must be registered within 21 days after such birth, at which time, the child’s name and other particulars of birth are recorded at the Registrar General’s Department. In the case of the birth of an illegitimate child, the legislation states that the father cannot give information concerning the birth of a child, nor can his name be registered as father of such child without the mother’s consent.

104. Under the Constitution, every person born in the Bahamas after 9 July 1973, date on which the Constitution became effective, shall become a citizen of the Bahamas at the date of his birth, if, at that date, either of his parents is a citizen of the Bahamas.

105. Article 7, paragraph 1, of the Constitution states that “a person born in the Bahamas after 1973, neither of whose parents is a citizen of the Bahamas, shall be entitled, upon making application on his attaining the age of eighteen (18) years or within twelve (12) months thereafter, in such manner as may be prescribed, to be registered as a citizen of the Bahamas”. However, if he is a citizen of some other country he must renounce his citizenship of that other country.

106. Under article 8 of the Constitution, “A person born outside the Bahamas after 9 July 1973 shall become a citizen of the Bahamas at the date of his birth if, at that date, his father is a citizen of the Bahamas.” Article 9 (i) provides that “notwithstanding anything contained in article 8 of the Constitution, a person born legitimately outside the Bahamas after 9 July 1973, whose mother is a citizen of the Bahamas, shall be entitled upon making application or his attaining the age of eighteen (18) years and before he attains the age of twenty-one (21) years, in such a manner as may be prescribed, to be registered as a citizen of the Bahamas”. However, if he is a citizen of some country other than the Bahamas, he shall not be entitled to be registered as a citizen of the Bahamas unless he renounces his citizenship of that other country.

##### **B. Preservation of identity (art. 8)**

107. Although there is a procedure in place to have births registered within a specified period of time, this is not always complied with. The Births and Deaths Registration Act, 1987, provides for this to be done in a supplementary register if done within two years after birth. After this period, an affidavit must be secured and registered to ensure citizenship.



**C. Freedom of expression and access to appropriate information (arts. 13 and 17)**

108. The Constitution of the Bahamas protects the right of all people to freedom of expression. This freedom includes freedom to hold opinions, to receive and impart ideas and information without interference, and freedom from interference with one's correspondence (art. 23, para. 1). "Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provision, which is reasonably required, in the interest of defence, public safety, public order, public morality or public health, or for the purpose of protecting the rights, reputations and freedoms of other persons, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulation telephony, telegraphy, posts, wireless broadcasting, television, public exhibitions or public entertainment; or which imposes restrictions upon persons holding office under the Crown or upon members of a disciplined force, and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society" (art. 23, para. 2).

109. Members holding office under the Crown or disciplined force may also be prohibited from disclosing information they may have come across in the course of their duty.

**D. Freedom of thought, conscience and religion (art. 14)**

110. Article 22, paragraph 1, of the Constitution of the Bahamas protects the right of all persons to freedom of conscience. This freedom includes freedom of thought and of religion, freedom to change one's religion or belief and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate one's religion or belief in worship, teaching, practice and observance.

111. Except with his consent (or, if a person is under the age of 18 years, the consent of his guardian) no person attending any place of education is required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own.

112. No person shall be compelled to take any oath which is contrary to his religion or belief or to take any oath in a manner which is contrary to his religion or belief.

113. Article 22, paragraph 5, of the Constitution further provides, however, that "nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provision which is reasonably required:

(a) In the interest of defence, public safety, public order, public morality or public health; or

(b) For the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion without the unsolicited interference of members of

any other religion, and except so far as that provision or, as the case may be, the thing done under the authority thereof, is shown not to be reasonably justifiable in a democratic society”.

#### **E. Freedom of association and of peaceful assembly (art. 15)**

114. Article 24 of the Bahamas Constitution protects the rights of all citizens to assemble peacefully. This means every person has a right to assemble freely and associate with other persons and, in particular, to form or belong to any political party, or to form or belong to trade unions or other associations for the protection of his interests.

#### **F. Protection of privacy (art. 16)**

115. The Constitution of the Bahamas makes provision for the protection and right of privacy.

116. Article 21, paragraph 1, of the Constitution of the Bahamas states that no person shall be subjected to the search of his person or his property or the entry by others on his premises. This article contains a provision which states that “nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provision which is reasonably required:

(a) In the interest of defence, public safety, public order, public morality, public health, town and country planning, the development of mineral resources, of the development or utilization of any other property in such a manner as to promote the public benefit;

(b) For the purpose of protecting the rights and freedoms of other persons;

(c) To enable an officer or agent of the Government of the Bahamas, a local government authority or a body corporate established by law for public purposes to enter on the premises of any person in order to inspect his premises or anything thereon for the purpose of any tax, rate or due or in order to carry out work connected with any property that is lawfully to those premises and that belongs to that Government, authority or body corporate, as the case may be; or

(d) To authorize, for the purpose of enforcing the judgement or order of a court in any civil proceedings, the search of any person or property by order of a court or the entry upon any premises by such order, and except so far as that provision or, as the case may be, the thing done under the authority thereof, is shown not to be reasonably justifiable in a democratic society”.

#### **G. Torture and degrading treatment (art. 37)**

117. No child may be subjected to torture or other cruel, degrading treatment or punishment in the Bahamas.

**Children deprived of their liberty**

118. If a child or young person admits to an offence or the court is satisfied that it is proven, and the court decides that a remand is necessary for purposes of inquiry or observation, or the parents are incapable and no suitable relatives can be found, the young person may be sent to an industrial school or a place of detention.

119. No child under the age of 10 years may be held in a place of detention.

120. The Children and Young Persons (Administration of Justice) Act makes provision for arrangements to be made for preventing a child or young person while detained in a police station or while being conveyed to or from any criminal court, from associating with an adult who is charged with an offence other than an offence with which the child or young person is jointly charged. The Act also provides that a female child while waiting, detained, or transported should be under the care of a female.

121. Where a person under the age of 18 years is apprehended and cannot be brought to court quickly, that person shall be released on bail unless the charge is one of homicide or some other grave crime or unless it is necessary in the interest of such person to remove him from association with any undesirable person or unless the office has reason to believe the release of such person would defeat the ends of justice.

**Access to prompt services**

122. A provision is made in the Children and Young Persons (Administration of Justice) Act for the court to order parents to pay a fine, instead of the child or young person.

123. No child may be sentenced to imprisonment or be committed to prison in default of payment of a fine, damages or costs.

124. No child may be sentenced to imprisonment if he can be suitably dealt with in any other way, i.e. probation, fine, etc.

125. The death sentence may not be pronounced on or recorded against a person convicted of an offence, if at the time when the offence was committed the person was under 18 years of age.

126. Where a child or young person is convicted of attempted murder or of manslaughter or of wounding with intent to cause grievous bodily harm, the court may sentence the offender to be detained for such period as may be specified in the law.

127. Where a child or young person is charged with any offence, other than homicide and the court is satisfied that the charge is proven, the court may make an order discharging the offender conditionally.

128. Further, the Government of the Bahamas recognizes the fact that juveniles have certain rights that must be protected under the law. To this end, the Children and Young Persons (Administration of Justice) Act was passed in 1947, with several subsequent amendments, the most recent being in 1987.

**Protection of juveniles against unlawful arrest and detention**

129. When an offence is committed by a juvenile, the case is heard by a Juvenile Panel. Such cases are held in camera. At these hearings the Magistrate receives advice from the panel. Social workers are also present and are allowed to give input as to what steps should be taken regarding a particular case.

130. Juvenile offenders are placed at a detention facility called Simpson Penn Centre for boys and Williamae Pratt Centre for girls, if they are deemed to be uncontrollable by their parent(s) or if found guilty of an offence, and their parents cannot adequately supervise them. These centres are separate and apart and they are also separate from Her Majesty's Prison, which is for adult offenders only.

**V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE****A. Parental guidance (art. 5)**

131. The Matrimonial Causes (Summary of Jurisdiction) Act, 1987, states that no court in the Bahamas shall make absolute a decree of divorce or of nullity of the marriage or grant a decree of judicial separation, unless the court is satisfied that arrangements will be made for the welfare of every child named in the petition. Section 72 (1) of this Act applies to any minor child of the family, i.e. under the age of 16 years or receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation. Welfare in relation to a child includes the custody and education of the child. The court may make such order as it considers fit for the custody and education of any child under the age of 18 years.

132. Under section 74 (1) the court may make an order to provide for the child under the supervision of an independent person, if desirable.

133. Under the same Act, provision was made for weekly payments of \$15 for each child of the family. This Act was since amended on 15 April 1988, to provide for "such sum" as the court may determine if and for so long as the child is under the age of 18 years or if the child is a dependent over the age 18 years.

134. Under the Maintenance of Emigrant Children's Act, 1923, the Magistrate has the power to prohibit a parent from leaving the Bahamas (art. 1).

135. If a child has to be removed to a safer environment by the Department of Social Services or the police, the parent or parents of that child must be notified by the aforementioned Department immediately.

136. Greater efforts are being made to dispel the notion that a parent may do whatever he/she wants with his/her child without recourse. Information, programmes, workshops, seminars and "theme months and weeks" have all been presented in the past to deal with child welfare matters. However, the results have been discouraging, as attendance among the targeted population was generally poor. Nevertheless, the Government will intensify its efforts in future to help disseminate pertinent information on child welfare matters and to educate the public on the provisions of the Convention.

137. Additionally, efforts are being made to promote effective and humane principles in parental guidance and discipline and these shall be promoted in an effort to reduce lawlessness and antisocial behaviour as well as to curb disrespect for the law and authority.

138. Programmes have been produced by the Department of Social Services for the dissemination of information about parental responsibilities through various means, e.g. media, workshops, public speeches and “monthly and weekly theme” events. Brochures, leaflets and posters are also used in the distribution and dissemination of such information. Additionally, parent education classes have been organized and social workers in the Department have been trained to conduct these sessions.

139. To further strengthen the family, the Department of Social Services previously hosted a radio programme, which was aired every fortnight. The programme was called “Improve Your Family Life”. This programme discussed various topics pertaining to the family and family life. On 26 September 2002 the Ministry of Social Services and Community Development replaced the Programme with a new programme called “Bridging the Gap” which is aired every fortnight for one half hour on each occasion. “Bridging the Gap” was implemented to inform and educate the public on the work of the Ministry of Social Services and Community Development and discuss other social issues.

140. Closer ties to create greater cooperation between the judicial system and the Department of Social Services are being pursued in an effort to reduce delinquency among parents. Parents are required to attend counselling sessions and/or parenting classes by the court and staff of the Department of Social Services.

141. Social partnerships, i.e. the churches and civic organizations, are being encouraged to address the concern of effective parental guidance. To this end, a National Parenting Skills Programme is being organized and the public is encouraged to participate.

142. The family is recognized as the fundamental unit of society; therefore, the rights and responsibilities of parents and the extended family to provide guidance for the child are respected.

143. Children under the age of 18 years represent approximately 35 per cent of the total population.

144. In view of the youthfulness of the population, there is understandably a serious concern regarding the ability of parents to provide proper guidance to their children. There is a concern that such guidance is not always forthcoming, particularly in respect of male children, where the mother or female is the head of the household.

145. Some Bahamian parents hold the view that they have the right as parents to control their children in any manner they deem fit and proper. Corporal punishment is a disciplinary measure that many parents utilize. The Children and Young Persons (Administration of Justice) Act states that “if any person who has attained the age of eighteen years and has the custody, charge or care of any child or young person under that age wilfully assaults, ill-treats, neglects, abandons or exposes him, or causes or permits him to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause him unnecessary suffering or injury to health

(including injury to or loss of sight, or hearing, or limb, or organ or the body, and any mental derangement), that person shall be guilty of an offence and shall be liable upon summary conviction to a fine not exceeding two hundred and fifty dollars or imprisonment for one year or both, or, upon conviction before the Supreme Court, to a fine not exceeding one thousand dollars or imprisonment for three years or both”.

146. In 1990, the Ministry of Education introduced family life education as part of the curriculum for secondary schools. It was felt that this course would assist in preparing young persons for adulthood as well as their role as parents.

### **B. Parental responsibilities (art. 18)**

147. It is the primary responsibility of parents to personally raise their children; however, if there is a problem the State provides assistance where necessary.

148. In the Bahamas, parents, whether married or not, are considered by Statute Law as well as society as being primarily responsible for childcare.

149. According to Statute Law, both parents are expected to share responsibility for the child, and are thus responsible for his/her upbringing and nurturing.

150. Unwed parents are both obliged morally to provide the necessities for a child. Legally, however, they do not share equal rights of access to the child and, unless the father has signed the application for inclusion of his name on the birth certificate, the child is given the mother's surname. The father is, however, required by law to provide financial support for the child.

151. When parents are delinquent and disregard their parental responsibilities towards their young children, the State may intervene to ensure that responsibilities and obligations towards the child are carried out. The Department of Social Services is responsible for investigating all complaints that are brought to its attention.

152. The current laws of the Bahamas make a distinction between children born in wedlock and those out of wedlock. The law recognizes legally married parents as having equal rights to, and joint responsibility for, children of the marriage. In respect of children born out of wedlock, the mother is legally recognized as the sole guardian.

153. Provisions are made, under the Affiliation Proceedings Act, chapter 119, for the maintenance of children born out of wedlock. Mothers can make application to the court requesting maintenance from the fathers of their children. This often involves a long, tedious process on the part of the mothers, particularly in respect to having their applications heard. An application order is made against a person who refuses to satisfy the court that he is unable to make the required payment for maintenance, hence, his salary, is garnished in accordance with the order.

154. The Department of Social Services assists the court in difficult circumstances involving families, by providing social assessments to determine the problem and select the best solution, which will be in the best interest of the child. If rehabilitation is not successful after counselling with parents, the child may be removed from the care of his/her parents and substitute family care may be secured.

155. The Child and Family Services Division through its Child Protective Services Unit also investigates reported cases of children at risk. These cases include child neglect, abuse and abandonment. Counselling services for parents and children and alternative care are also offered. Alternative care may be provided by relatives, foster care, adoption placement or institutional care. Any of these may be considered, depending on the circumstances and the nature of the case. If it is found to be necessary to remove children from the care of their parents, this action may be taken.

156. To further ensure the best interest of the child, a representative from the Child and Family Services Division is a member of the SCAN (Suspected Child Abuse and Neglect) Programme. This Programme is one of the key initiatives developed and put in place by the Ministry of Health to strengthen family health nationwide. This approach recognizes that no single individual or group working alone can effectively address the complex problem of child abuse. Members of this multi-disciplinary, multisectoral team include staff from various agencies and ministries.

157. Contributions from all members of the team guarantee for each “at-risk” child a continuity of care. This further helps to ensure that no abused child “slips through the cracks” and gets lost in the system and thereby fails to receive the level and quality of care needed. With this protocol in place, each abused child is now able to access needed help through an established process, which also provides for ongoing monitoring.

158. The Placement Services Unit screens prospective foster-parents and adoptive parents as well as oversees the placement of children and provides follow-up care of children in foster and adoptive homes. Counselling services for foster-parents and children are also available. This Unit is also responsible for ensuring that all foster-children receive a weekly allowance to help cover the cost of care. Foster care allowance and clothing allowance are provided according to age, ability and need.

159. The Family Services Unit is responsible for investigating cases of family conflicts and family breakdowns. Whenever there is conflict involving custody matters, the best interest of the child is taken into consideration. The Family Services Unit also assists with voluntary child maintenance from delinquent fathers or mothers where necessary. However, the Unit advises the parties concerned to seek legal action for mandatory child support through the court.

160. Cases in which mothers refuse to maintain their children financially are the exception. The Family Services Unit also prepares reports for Domestic and Supreme Courts as the need arises. These may relate to domestic matters as well as those matters pertaining to child custody. This Unit also assists in attaining visitation rights for fathers when mothers attempt to withhold this privilege. Workers in this area also provide counselling to parents and children in an effort to resolve family conflicts.

161. The Community Support Services Division provides economic support to parents with dependent children in need of food, clothing and, to a lesser degree, shelter.

162. To strengthen the family, other forms of assistance, such as the Work Programme, was designed to assist persons, particularly females with dependent children. Participants work temporarily for a salary, pending permanent employment. Additionally, the General Assistance Programme provides food, clothing and disability allowance on the basis of need.

### **C. Separation from parents (art. 9)**

163. In Bahamian society, the environment in which a child is expected to live is the natural environment with both parents. If, however, it is proven that this environment may be detrimental to the healthy, physical and emotional growth and development of that child, then the child should be separated from its parents.

164. While the laws of the Bahamas recognize the right of the child to know and be cared for by its parents, the child can be removed from its parents by an act of the Juvenile Court, where it is deemed necessary, in the best interest of the child.

165. The Children and Young Persons (Administration of Justice) Act, outlines the conditions which could result in the child being removed from its parents.

166. Any person having reasonable grounds to believe that a child is being ill-treated or neglected may bring such a child before the Juvenile Court and the Court, if satisfied, may order the child to be removed and held in a place of safety while further investigations are conducted.

167. The Department of Social Services, acting in accordance with the Children and Young Persons (Administration of Justice) Act, chapter 55 (1), and the Adoption of Children's Act, chapter 172, is responsible for the removal, placement and monitoring of the child once he/she is removed from the care of his/her parent(s). The best interest of the child becomes the primary concern, the utmost priority and the guiding principle in such cases.

168. Whenever the court requests an investigation, the Department of Social Services may be called upon to facilitate the task. In addition to this, the Department may be called upon to present reports before the court as the need arises. This may all be done in an effort to decide what is a suitable environment in which a child may be raised.

169. Upon completion of the investigation, the court may return the child to the parents, if the court is satisfied that the risk to the child no longer exists, or it may order the child to be removed and placed in the care of a fit person for a specified period of time, up to 18 years. This is provided the fit person consents to the care of the child. The fit person could be a relative of the child, the Government minister responsible for child welfare matters, or some other person deemed fit by the court.

170. Parents should be notified of the application for the removal of their child/children and have a right to attend the proceedings and provide a defence. In the event a child is removed, parents can petition the court to have the order revoked.

171. Whenever separation occurs, parents are encouraged to maintain contact. This is so, especially when the child is placed in the care of either relatives or an institution. In certain circumstances, contact may be denied if it is felt that this is not in the best interest of the child.



172. It is always in the best interest of a child to place him/her in familiar/similar environment to which he/she is accustomed. He/she may be removed from his parental home and be placed in a temporary home while suitable accommodation is being sought. If this proves to be impossible, a foster home, an adoptive home or childcare institution may be considered as an alternative.

173. Children placed in institutions are allowed visits by parents, relatives and others. Such visits must be requested through the Department of Social Services, which will alert the place of safety and make the necessary arrangements.

174. Where there are instances of cruelty or ill-treatment, measures that are deemed necessary for the protection of the child may be taken by the courts to prevent reoccurrence. In such cases, parents are told of the pending separation and both parents and child/children are counselled in preparation for the separation.

175. A court action against parents, charging them of the offence of neglect, abuse or abandonment, must then be pursued to support action taken. Parents are informed and required to appear before the court to present their case.

176. All actions are undertaken based on the ruling and advice of the court. Officers from the Department of Social Services and, in some instances, the Attorney-General's Office may represent the child and/or the Department of Social Services in these instances.

177. Cases involving adoption are guided by the Statute Law; therefore, consent from parents must be obtained. If a parent cannot be located to give consent or if consent is withheld, the application is still placed before the court. The court has the power to dispense with the consent of parents on several grounds - i.e. the parent or parents cannot be located or are unreasonably withholding consent. Correspondence through affiliated agencies might occur, especially in those instances where parents reside in another country.

178. Where matters of custody arise, an investigation is carried out. Custody is generally given to the parent who is able to provide a more caring, stable and healthy environment, where the child stands to benefit and achieve a more socially rounded, physically healthy and emotionally stable personality. Visiting rights are extended to the parent not having custody.

179. Although the best interest of the child is the guiding principle, in certain instances, the Bahamian legal system also protects the rights of parents. However, consideration will be given to this aspect of the rights of children in the Bahamas in keeping with the principles of the Convention.

#### **D. Family reunification (art. 10)**

180. Statute law in the form of the Children and Young Persons (Administration of Justice) Act, encourages the reunification of parents with their children, especially those who might have been placed in substitute family homes. Children who have been adopted are the exception. By law, adoption is irrevocable.

181. It is a policy that when families break down, children are placed in an environment that is going to provide a bastion of hope and encourage success.

182. As was stated previously, the objective of the Department of Social Services is to restore, reinforce and further enhance family functioning so that family reunification may become a reality for those who are served.

183. To achieve this objective, the Ministry of Social Services and Community Development has a bi-monthly educational and informative radio programme geared towards the strengthening of family life and discussing issues pertaining to the family.

184. Talks on the work of the Department of Social Services are given regularly to various interest groups and to governmental and non-governmental organizations in order to create a greater awareness among the community of ways of strengthening the family.

#### **E. Recovery of maintenance for the child (art. 27, para. 4)**

185. By virtue of the Affiliation Proceedings Act, 1978 and the revised Act in 1988, the Court may adjudge the defendant to be the putative father of the child and the court may make an affiliation order against the father for payment of maintenance. The mother is ordinarily the legal guardian and is entitled to custody of the child. The putative father has a right of access to the child. Under the 1988 revised Act, an affiliation order shall not continue after the child attains the age of 16 years or has died. However, if the child is engaged in a course of education or training after age 16 years, the Court may make an order that payment be extended to the date the child attains the age of 21 years.

#### **F. Children deprived of a family environment (art. 20)**

186. As stated earlier, the court, if it is satisfied that a child is ill-treated or neglected, may remove such child from the custody, charge or care of any person and commit that child to the care of a relative of the child or some other fit person or institution named by the court, until the child or young person attains the age of 18 years or for any shorter period.

187. The court may, of its own accord, or on the application of any person from time to time by order, renew, vary or revoke such order.

188. Also, where the parent or guardian of a child or young person proves to a juvenile court that he/she is unable to control the child or young person, the court, if satisfied, may order the child or young person to be sent to a place of detention, or may order him to be placed, for a specified period not exceeding three years, under the supervision of a probation officer, or some other person appointed for this purpose by the court.

189. Measures are in place to provide protection for a child who is temporarily or permanently deprived of his/her family environment.

190. The Bahamas has a formal as well as an informal system of foster care and adoption placement.

### **G. Adoption (art. 21)**

191. Adoption is recognized and allowed in the Bahamas and is governed by the Adoption Act (chap. 172) of the Statute Laws of the Bahamas. An applicant, or in the case of a joint application, one of the applicants must:

- (a) Have attained the age of 25 years and be at least 21 years older than the infant in respect of whom the application is made;
- (b) Have attained the age of 18 years and be a relative of the infant; or
- (c) Be the mother or father of the infant.

192. The consent of the parent or guardian is needed for an adoption order. However, once passed, the child may not be removed from the applicant(s) by a parent(s) who has (have) already consented, while the application is pending.

### **H. Illicit transfer and non-return of children (art. 11)**

193. In 1993, the Bahamas became a party to the Hague Convention on the Civil Aspects of International Child Abduction of 1980.

194. Recently, legislation was introduced in the Bahamas to give effect to this Convention, the International Child Abduction Act, 1993.

195. The central tenet of the Hague Convention is that children should be returned to their State of habitual residence if they have been wrongfully removed therefrom. It seeks to protect children by safeguarding the relationships which they actually have with those exercising care over them. It does this by protecting rights of custody attributed to a person, institution or other body, either jointly or alone, under the law of the State in which the child was habitually residing immediately before his/her removal or retention.

### **I. Protection from abuse and neglect (arts. 19 and 39)**

196. Provision is made in the Children and Young Persons (Administration of Justice) Act to ensure that children in the Bahamas are protected from abuse and neglect.

197. As mentioned above, the Department of Social Services is the government agency charged with responsibility for ensuring the protection and well-being of children in the Bahamas. Social workers attached to the Department investigate reported cases of abuse, neglect and abandonment, and action is taken where it is deemed necessary to ensure that the best interest of the child is protected.

198. The Sexual Offences and Domestic Violence Act ensures the protection of children from sexual abuse and exploitation.

199. Reported cases on the incidence of child abuse tend to fluctuate. In July 1997, a National Child Abuse Hotline was established at the Department of Social Services in an effort to encourage the reporting of cases of child abuse on a 24-hour basis. Unfortunately, this service is underutilized by the public. The Department is seeking to determine the reasons for this and take appropriate action. The National Child Abuse Prevention Committee was recently appointed after one year of inactivity, and part of its mandate is to increase public awareness of child abuse and recommend measures for its prevention.

200. Efforts are regularly made by social workers and the Crisis Centre to sensitize the public to the effects of child abuse and neglect. However, child abuse is of uttermost concern to the Government of the Bahamas and to other persons in the helping profession.

201. The Crisis Centre continues to work diligently with the public regarding the heinous crime of child abuse.

#### **J. Periodic review of placement (art. 25)**

202. While there are no legislative provisions for the periodic review of placement of children in homes, this is a policy of the Placement Unit of the Department of Social Services, as this is inherent in social work practice.

203. In 1989, the Department of Social Services created the position of Childcare Assistants and engaged, on a voluntary basis, a cadre of retired public servants who are given the responsibility to monitor the situation of all children in foster homes. They are expected to make monthly visits to assist with the proper supervision of children in foster homes. Visits by the Department's personnel are made on a regular basis as well. Information pertaining to guidelines 17 and 18 is not readily available.

### **VI. BASIC HEALTH AND WELFARE**

#### **A. Survival and development**

204. The Government of the Bahamas is responsible for the survival and development of children through the Ministry of Health and Environment.

205. The Health Services Act contains provisions for ensuring the public health of the country. The health of the nation's children is a high priority of the Government. The health policy identifies the strengthening of special services to mothers and children as one of its priority programmes, as the Government seeks to achieve the regional goal of "health for all" as set by the World Health Organization.

206. Primary and secondary health care are provided free of charge to all children under 14 years of age who are residing in the Bahamas. These services include health monitoring, surveillance, and preventative, curative and rehabilitative care. Health services are provided to children over the age of 14 years and adults at a token cost at any government facility. No one is denied medical care because of his/her inability to pay.

207. The Special Care Baby Units at the two main government hospitals, Princess Margaret Hospital in Nassau, and the Rand Memorial Hospital in Freeport, Grand Bahama, offer a high standard of neonatal resuscitation and infant care. There is at present an ongoing training programme funded by the Pan-American Health Organization in neonatal resuscitation for medical and nursing personnel, who are involved in the care of newborns.

208. The personnel at the aforementioned units were also trained in the protection, promotion, implementation, management and support of breastfeeding among new mothers. A 1988 survey found that only 2 per cent of all mothers were breastfeeding their newborn babies. The United Nations Children's Fund funded a project aimed at increasing the number of mothers who breastfeed exclusively for the first four months to 10 per cent by 1995. In 1997, this figure rose from 2 to 6.9 per cent, and continues to improve.

209. The Infant Mortality Reduction Project was implemented in 1993, and is having considerable success. As was mentioned previously, by 2001, the infant mortality rate was reduced to 12.3 per 1,000 live births.

210. The primary health-care system is well developed throughout the Bahamas. Baby clinics render services to infants aged 1 month, 3 months, 5 months, 7 months, 9 months, 12 months, and yearly until the age of 5 years.

211. The Bahamas has had an established immunization programme for many years. Children are immunized against diphtheria, polio, tetanus, measles, mumps and rubella. The most recent vaccination against homophiles influenza B (meningitis) has been added to the immunization schedule. Immunization levels nationally are reported to be 90 per cent for children below 5 years of age. Children are not admitted into the school system unless their immunizations are completed.

212. The primary health-care system continues to develop additional services to address the needs of adolescents. School health services have been offered for many years to children in the Ministry of Education schools in Grades 1, 6 and 10. General health screening, as well as screening for acute emotional problems, is conducted by nurses and doctors on the school premises. The health team has a mobile clinic. Community nurse practitioners and medical doctors also make weekly visits to these schools to deal with children in need of medical attention. Referrals to the relevant secondary care facilities are implemented as required. Free dental services are also available to school children in the aforementioned grades.

213. Providing Access to Continued Education (PACE) which is currently attached to the Ministry of Social Services and Community Development is assisted by the Ministry of Health and the Ministry of Education. This ensures that girls who become pregnant while still in school have access to continued education, while simultaneously receiving antenatal and post-natal care, family planning services, nutritional education and parent-craft classes. Every effort is made to return the students to the school system, after the birth of their babies. The Adolescent Health Clinic, which is located in School Lane, New Providence, was established in 1997. Staff include a medical doctor, a psychologist, and the coordinator of the Adolescent Health Centre. Services offered include antenatal and post-natal care, for teenage mothers.

214. Since the establishment of the Adolescent Health Centre, the services have been extended to include family planning, well baby care, immunization and other medical services. These services are offered Mondays through Fridays. There are satellite clinics for teenage mothers at the four major polyclinics, namely, Flamingo Gardens, Fleming Street, Elizabeth Estates and South Beach, in New Providence and clinics in the various populated areas in the Family Islands and Grand Bahama.

### **B. Disabled children (art. 23)**

215. The 2000 Census Report found that there are 15,146 disabled persons in the Bahamas. The information provided is, however, mainly quantitative and does not provide information on the specific details of the disabled population. Additionally, the findings of the report are also limited by the fact that they were based on the respondent's interpretation and assessment of his/her disability or level of disability. The Disability Affairs Unit of the Ministry of Social Services and Community Development in conjunction with the Ministry of Education plans to embark on a national survey to determine the exact status of the disabled population in the Bahamas and how their needs can be met.

216. Educational opportunities are available to children with disabilities on a limited basis. Special schools include:

(a) The Salvation Army School for the Blind located in New Providence, which accommodates 12 children and young adults, aged 5 to 21 years. The Government provides an annual grant for the salaries;

(b) The Stapledon School for the Mentally Retarded, a public facility in New Providence, is an all-age school which can accommodate up to 140 children and young adults between the ages of 5 and 22 years. Special projects include gardening, animal husbandry, poultry-rearing, ceramics and craft. One hundred and three students are currently registered and attending this school;

(c) Every Child Counts is a privately owned and operated facility on the island of Abaco;

(d) The Centre for Deaf Children, a public facility in New Providence, accommodates up to 70 children and young adults aged 2½ to 20 years;

(e) The Hopedale Centre is a privately owned and operated facility, located in New Providence. Its facility provides academic and vocational training for 40 children and adults;

(f) The Beacon School for Exceptional Children is located on Grand Bahama Island and is also a public facility which accommodates 90 children between the ages of 6 and 16 years. The facility primarily caters to children who are mentally retarded;

(g) A special class for autistic children is attached to Garvin Tynes Primary School, a public facility in New Providence.

217. The geographical features of the Bahamas present challenges to ensuring that services for children with handicaps are decentralized. The majority of services are available on the two most populated islands.

218. The location of special schools on only three islands of the Bahamas presents a difficulty for physically and mentally challenged children who live on other islands as they are required to leave their homes and families, if they are to take advantage of the services of these schools.

219. There are no established residential facilities in either New Providence or Grand Bahama for children from the islands, hence those who do attend special schools have to reside with either relatives or friends of the family. There are parents who cannot afford to send their children to the aforementioned islands for education and training, as well as those who have no relatives or friends able to provide the necessary accommodation.

220. Additionally, there are still some parents, particularly on the Family Islands, who view disability as a stigma and consequently deny their children the opportunity to be educated and trained.

221. In addition to the special schools, some public schools have facilities for disabled children, particularly the deaf. Wherever possible, efforts are made to integrate disabled children into the regular school system.

222. In March 1991, the Government of the Bahamas granted approval for the establishment of a Disability Affairs Unit. This was in response to the World Programme of Action concerning Disabled Persons and in pursuance of the objectives of the United Nations Decade of Disabled Persons 1983-1992, to ensure that the goals of "full participation" and "equality" are achieved.

223. On 11 June 1999, the report of the National Task Force on Disability was presented to the Government. This report was compiled by a task force from both the public and private sectors. The report has now been submitted to the Office of the Attorney-General and will be utilized to formulate legislation to ensure the rights of persons with disability.

224. Financial assistance for the medically certified and the permanently disabled is provided by the National Insurance Board, which was established on 7 October 1974, by an act of Parliament. However, disability assistance is provided to young persons aged 16 years and older only. Various pressure groups are agitating for this assistance to be available to all disabled children.

225. The Ministry of Health, in collaboration with a private voluntary organization, the Crippled Children's Committee, is currently undertaking a project to identify the unmet needs of the Family Islands, but emphasis is placed especially on children with disabilities in Abaco, Eleuthera and Long Island.

### **C. Health and health care (art. 24)**

226. The Ministry of Health and Environment is responsible for the health needs of the nation. Services are provided through three public facilities, Princess Margaret Hospital, Sandilands Rehabilitative Centre, which includes the Geriatric Hospital located in New Providence, and the

Rand Memorial Hospital in Freeport, Grand Bahama. Additionally, the Ministry operates approximately 118 community clinics throughout New Providence and the Family Islands, to address the health needs of adults as well as children.

227. For specific services provided to children and mothers, see paragraphs 204-214 above.

228. No effort has been spared to ensure that the children of the Bahamas live healthy lives. Since 1992 these efforts have included the expansion of public health generally and a national oral hygiene programme.

229. In addition to its headquarters in New Providence, the Department of Environmental Health Services has qualified environmental officers located on 10 Family Islands so as to better monitor health risks to the general public.

230. The steady reduction in infant mortality rates attests to the commitment of the Bahamas to ensuring the right to life and the healthy development of all children.

231. The developments in the delivery of health care have included upgrades in staff, facilities and equipment to the benefit of patients, doctors, nurses and other health-care professionals and support staff.

232. The continued expansion of community health-care clinics, throughout the country have contributed to making adequate health care accessible to and affordable for all.

233. Additionally, legislation was enacted in 2000 to regulate health professionals and health-care facilities in an effort to ensure that quality care and services are provided for all persons, including children.

234. The primary health-care system continues to develop additional services to address the needs of adolescents. School health services have been offered for many years to children in the Ministry of Education schools in Grades 1, 6 and 10. General health screening, as well as screening for acute emotional problems, is conducted by nurses and doctors on the school premises. The health team has a mobile clinic. Community nurse practitioners and medical doctors also make weekly visits to these schools to deal with children in need of medical attention. Referrals to the relevant secondary care facilities are implemented as required. Free dental services are also available to schoolchildren in the aforementioned grades.

#### **D. Social security and childcare services and facilities (art. 26)**

235. The National Insurance Board administers the social security scheme of the Bahamas. The Board was established on 7 October 1947 by an Act of Parliament. The National Insurance Act 1972, provides pecuniary payments in respect of sickness, invalidity, maternity, retirement, death, industrial injuries, medical care and social assistance for insured and other persons not qualifying for such payments as a right.

236. A survivor's benefit is payable to dependent children of the deceased parent(s); however, the deceased must have made at least 150 contributions to the scheme prior to his/her death.



237. A survivor's assistance, on the other hand, is granted whether the parent(s) made contributions to the system or not. This assistance is not automatic; a social history report is required to determine the need.

238. Children include legitimate, illegitimate, adoptive and stepchildren who are under 16 years of age. If the child is between 16 and 18 years of age and receiving full-time training or education, the benefits will be continued.

239. Where a surviving spouse qualifies for a survivor's benefit, payment in respect of dependent children cannot exceed five children. Where there is no qualifying spouse, payment may be made in respect of a maximum of 10 children. Where the children are deemed to be orphans, payment can be made to an unlimited number of children.

240. The rate of payment for independent children is 10 per cent of what the deceased was entitled to for retirement or invalidity benefits or a minimum payment of \$75.00 per month. For orphans, the minimum payment is \$75.83 per month.

241. The Board also provides a monthly invalidity assistance payment to children aged 16 years and older, who are medically certified as being permanently disabled. As indicated previously in the report, pressure groups have been agitating for this payment to be made in respect of all disabled children.

#### **E. Standard of living (art. 27)**

242. The Community Support Services Division provides financial support to parents with dependent children in need of food, clothing and, to a lesser degree, shelter. To strengthen the family, other forms of assistance, such as the Work Programme, were designed to assist persons, particularly females with dependent children. Participants work temporarily for a salary, pending permanent employment. Additionally, the General Assistance Programme provides food, clothing and disability allowance on the basis of need. The Placement Services Unit screens prospective foster and adoptive parents, oversees the placement of children and provides follow-up care of children in foster and adoptive homes. Counselling services for foster-parents and children are also available. The Unit is also responsible for ensuring that all foster-children receive a weekly allowance to help cover the cost of care. Foster care allowance and clothing allowance are provided according to age, ability and need.

243. There is an established minimum wage in the Bahamas which is fixed as follows:

(a) If the employee is employed by the week the minimum wages shall be 150 dollars per week;

(b) If the employee is employed by the day the minimum wages shall be 30 dollars per day;

(c) If the employee is employed by the hour the minimum wages shall be 4 dollars per hour.

244. The Department of Statistics 2001 report indicated that the labour force for the entire Bahamas was 164,675. Included in this figure are 153,310 employed persons and 11,365 unemployed persons, resulting in an unemployment rate of approximately 6.9 per cent.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A. Education, including vocational training and guidance (art. 28)**

245. There is no entrenched right to education under the Constitution of the Bahamas. The law relating to education is found in the Education Act, 1962, chapter 36 of the Statute Law of the Bahamas. The general principle in this is that pupils are to be educated in accordance with the wishes of their parents, having regard to the available resources and whether it is compatible with the provision of efficient instruction and training.

246. The educational system is organized in three progressive stages known as primary, secondary and tertiary education. It is the duty of the Ministry of Education, so far as resources permit, to contribute towards the spiritual, mental and physical development of the community, by ensuring that education throughout these stages is made available to meet the needs of the population. Previously, the compulsory school age for all children was between 5 and 14 years. The Education Act was amended on 13 November 2001, and the compulsory school age, is now raised from 5 to 16 years. The Act also provides for guaranteed educational loans from financial institutions for students wishing to study at approved institutions.

247. Primary and secondary education is available free to all, in public (government) schools throughout the Bahamas. However, there are a number of private primary and secondary schools operated primarily by religious denominations, which provide education for a fee. All private schools receive a financial grant from the Government of the Bahamas.

248. In expanding educational opportunities and improving the quality of education in the Bahamas, an increasing demand is made on public expenditure. The largest share of the national budget is allocated to education.

249. During the 2002-2003 budget year, the sum of \$24,386,932 was allocated to the Ministry of Education. Capital expenditure accounted for \$20,029,081 and personal emoluments and allowances for \$5,254,558. Aside from this amount, the Department of Education was granted \$135,576,089.

250. The Ministry of Education is committed to the provision of adequate manpower and training for the delivery of quality education to students. At the end of the 1997/98 school year, there were a total of 45,152 students and 2,935 teachers.

251. In 1993, the Government of the Bahamas provided an option for competent experienced and dedicated educators to continue teaching beyond the age of 60 years to that of 65 years. It was felt that this would encourage the smooth continuation of teacher resources. Additionally, this age was also extended, depending on the speciality of the subject taught by the individual teacher.

252. A combination of new Bahamian teachers trained at the College of the Bahamas and universities abroad and veteran teachers strengthens the present teaching force.

253. It is the duty of all parents to ensure the education of their children. If a child of compulsory school age who is a registered pupil at a school fails to attend regularly, the parent of the child shall be guilty of an offence under section 29 (Part 1) of the Education Act.

254. To encourage good behaviour, senior officials of the Ministry of Education, school administrators, teachers and parents have prepared a booklet on rules and procedures for creating safe schools. This booklet, without violating the student's rights, stipulates consequences for misbehaviour.

255. The programme "Success Ultimately Resources Everyone" (S.U.R.E.) accepts chronically ill-behaved children from secondary schools in order to help them develop self-esteem, instil interest in learning and experience a sense of accomplishment. Students return to their respective schools after they demonstrate improvement in their behaviour.

256. Other disciplinary measures used by schools include:

- (a) Suspension for a short period of time for serious offences;
- (b) Detention, which requires students to spend extra time in class studying or receiving instruction under the supervision of a teacher;
- (c) Participation in special programmes and projects conducted by guidance counsellors.

### **Technical and vocational education**

257. Technical and vocational training is offered in response to the same type of needs as those which give rise to the delivery of the three Rs, which are reading, writing and arithmetic in the schools.

258. Programmes in the Building Trade Cluster, Food Cluster, Home Economic Programmes, Management and Tourism, Business Crafts, Electronics and Computer Studies continue to be offered as options.

259. The schools continue to make significant contributions in the area of education by continuing to provide options of studies in cluster courses.

260. In staff development, selected teachers in Home Economic and Industrial Arts received training in level one of the Teachers' Training Programmes sponsored by the World Bank Project. Home Economics teachers, also in collaboration with the hotel establishment, are invited to work in hotels during the summer holidays "to gain hands on experience".

261. Provision is made in the Education Act for the establishment of institution for further education of children over compulsory school age. To this end, the college of the Bahamas, a Government-sponsored institution established in 1974, is housed on one campus situated on

New Providence Island and offers a wide range of programmes leading to Advanced Level General Certificate of Education (G.C.E.) London, and baccalaureate degrees in social work, education, banking, nursing and hotel hospitality. There are now extension campuses in Freeport, Grand Bahama, Exuma and Abaco. The College of the Bahamas also has a Centre for Continuing Education and Extension Services, situated in New Providence. Courses offered are designed for personal development and at the end of 1999, 42 courses were being offered, some of which included cake decorating, interior decoration, public speaking, and marketing for small businesses.

262. Another institution, the Industrial Training Centre, which commenced on 28 April 1980, offers a variety of programmes for school-leavers, young adults and individuals who may wish to develop certain professional or technical skills. The Centre was renamed the Bahamas Technical and Vocational Institute in 1995.

263. The Bahamas Technical and Vocational Institute offers instruction in construction, mechanical, service trade, along with electrical installation. Courses may be taken on a full-time or part-time basis. Full-time courses are completed in two years. In the 1997/98 training year, a total of 41 courses were offered, ranging from automotive industry, business, equipment repair, drapery and decorative cushion manufacturing.

264. The Eugene Dupuch Law School was established in September 1998 and offers Bar programmes. The school is one of three law schools of the Council of Legal Education.

265. The Technical Cadet Corps is a three-year programme attached to the Ministry of Education and sponsored by four corporations. It began when the Bahamas Telecommunication Corporation, Bahamas Electricity Corporation and Water and Sewerage Corporation and the Broadcasting Corporation of the Bahamas were all part of the Ministry of Consumer Affairs. It was based on a cabinet decision to further assist students who have reached the 10th through the 12th grade and wish to participate. Students in this programme meet after school on the premises of the Bahamas Technical and Vocational Institute and are taught technical subjects by instructors who are not part of the educational system. There are approximately 300 students enrolled in this programme. (see Report on the Technical Cadet Corps Programme).

266. The Bahamas Baptist Community College was established in New Providence in September 1995. Courses are offered at the Associates' Degree Level in a number of subject areas, some of which include computer science, accounts, law, sociology and psychology. This institution is recognized by the Ministry of Education and is affiliated with a number of recognized colleges and universities in North America. Additional tertiary-level institutions include Success Training College, which was established in May 1982, and Sojourner Douglas College, which was established in September 1989.

## **B. Aims of education (art. 29)**

267. Under the Education Act, 1962 the primary purpose for educating the children of the Bahamas is to allow them to understand their privileges and responsibilities as members of society. If they are to contribute to the progress and well-being of the Bahamas, they too must be fully developed in relation to their natural abilities, thereby enabling them to earn an adequate living as adults.

### **Goals of education in the Bahamas**

268. Consistent with the Government's philosophy and mission, several goals have evolved for the development of education in the Bahamas. These include:

- (a) The provision of opportunities for a sound liberal and general education, which provides possibilities for all persons in the Bahamas to attain full development of their potential;
- (b) The pursuit of excellence at all levels of the educational system. Emphasis is being placed on the continued expansion of appropriate forms of education and training for children with special needs and the pursuit of excellence at all levels of the educational system;
- (c) The pursuit of knowledge that will allow the nation to keep abreast of new trends and techniques in education;
- (d) The encouragement of a knowledgeable appreciation for the physical environment, and the cultural and sound heritage of the Bahamas;
- (e) The development of appropriate attitudes, values and behaviours that are consonant with the Bahamian ethos;
- (f) The development within our society of an understanding of the role of education in nation-building;
- (g) The development of communitywide education for young people and adults to encourage the wise use of leisure time, which leads to individual satisfaction and a meaningful life for all;
- (h) The improvement of manpower resources of the country;
- (i) The continued expansion of appropriate forms of education and training for those with special needs;
- (j) The encouragement of the choice and acceptance of those ideals of conduct and endeavours that are valued by a democratic Christian society;
- (k) The pursuit of those ideals that will promote peace and unity internally, and between the Bahamas and other nations;
- (l) The recognition that education is a lifelong process.

### **C. Leisure, recreation and cultural activities (art. 31)**

269. The Ministry of Youth, Sports and Culture was created in July 1977 as a consequence of the Government's thrust towards the development of the nation's youth. This Ministry is

charged with the development of people through sporting activities and community programmes. Special emphasis is placed on youth development through various programmes related to the inculcation of self-reliance and self-sufficiency.

270. In an effort to fulfil its mandate, the Ministry of Youth, Sports and Culture has been compartmentalized into: (a) the Youth Division; (b) the Sports Division; and (c) the Cultural Affairs Division.

271. The philosophy of the Sports Division is to ensure the rights of, and provide an opportunity for, every Bahamian to enjoy the benefits of participating in wholesome recreational activity, whether at a highly competitive level or at a purely recreational level.

272. The Sports Division is guided by the principle that opportunities must be made available to all Bahamians residing in all the islands of the archipelago.

273. The following activities are offered:

(a) Elisha Obed Boxing Championship (target date: 7-12 April): This is a developmental programme catering to schoolchildren aged 10-18 years;

(b) Bahamas Inter-collegiate Sports Association: The Association sponsors basketball, volleyball and inter-collegiate sports activities. These various events are held throughout the year, and targets male and female athletes between the ages of 17 and 25 years;

(c) 20th Annual Primary Track and Field Championships (target date: 7-9 May): This is a developmental programme for primary school track and field athletes from throughout the Bahamas;

(d) Certification Course in Life Guarding (target date: 12 and 13 June): This is a training and certification course in water safety/life-saving procedures;

(e) Community Track and Field Championships (target date: 12 and 13 June): This is a communitywide recreational track and field meet for business houses, hotels, government ministries and masters division for senior citizens;

(f) Annual Summer Sports Programme (target date: 7 July-8 August): Hosting of development camps and use of all the facilities at the Queen Elizabeth Sports Centre/Blue Hills in the following disciplines: basketball; soccer, track and field; baseball; swimming; boxing; volleyball; and cycling;

(g) Community Swim Championship (target date: 21 and 22 August): This is a community recreational programme in swimming similar to that of the Community Track and Field Championships;

(h) Primary Schools Basketball Championships (target date: 20-27 October): This event is the culmination of a primary schools district basketball tournament, featuring the various Islands champions;

(i) 19th Annual Father Marcian Peters Basketball Tournament (target date: 7-12 December): This is an event hosted by the Ministry as a national basketball tournament for boys and girls throughout the Bahamas.

274. In addition to these annual sporting events, the Ministry of Youth, Sports and Culture partners with local federations and associations, as well as with the Ministry of Education, to provide wholesome recreational activities for young people and the general public. These activities include: carifta, boxing, track and field athletic events, swimming, and Caribbean regional games catering to the under-20s.

275. These games are put on by the Bahamas Association of Athletic Associations and the Bahamas Swimming Federation. This year's teams (2003) for all areas of competition comprise over 100 young people. Game competitions were held in Trinidad and Tobago and Barbados during the month of April.

276. The Hugh Campbell Basketball Tournament is held in February-March annually. The tournament caters to high school males under the age of 20. Teams from the various schools in New Providence, Grand Bahama and the Family Islands compete for the championship.

277. The Catholic High Invitational is held in February-March annually and attracts senior boys and girls of different age groups.

278. A number of sporting facilities have been developed in the Bahamas over the years. These include:

(a) The Queen Elizabeth Sports Centre which includes the Thomas A. Robinson Track and Field Stadium, the Andre Rogers Baseball Stadium and Netball Courts and the Betty Kelly Kenning Swim Complex;

(b) The South Beach Pools;

(c) The Baillou Hills Sporting Complex which consists of softball and baseball fields as well as basketball and tennis courts;

(d) The Kendal G. L. Isaacs Multi-purpose Gymnasium which was officially opened in July 1994.

279. There are approximately 55 parks and playgrounds and 40 basketball courts within various communities in New Providence and numerous parks and playing fields within the Family Islands.

280. The Sports Division has been successful in the evolution of sports and recreation as a powerful instrument of socialization among the children of the Bahamas.

281. A duty is imposed upon the Minister of Education under the Education Act to ensure that the facilities for primary and secondary education provided by him/her include facilities for recreation and for social and physical training. Therefore, for that purpose he/she may establish, maintain and manage or assist in the establishment, maintenance and management of camps, holiday classes, playing fields, playing centres, playgrounds, gymnasiums and other places at which facilities for recreation and for social and physical training are available for persons for whom primary, secondary and further education is provided.

282. Non-governmental organizations, including religious denominations and civic groups, offer structured activities for children and young adults. These include youth groups and uniformed organizations.

283. The Cultural Affairs Division was established in 1972. As a result of a new thrust on cultural development, the Ministry of Youth, Sports and Culture has been mandated to further develop and create within all Bahamians a greater appreciation for Bahamian culture and pride, by means of various programmes and projects.

284. The following programmes are offered by the Cultural Affairs Division:

(a) National Arts Festival - A competitive festival which includes the disciplines of music, drama, dance arts and crafts. During 2000 there were approximately 41,000 participants from 13 islands in the Bahamas and New Providence. The annual festival is held continuously during March, April and May;

(b) National Poetry Competition - This competition climaxes in July during independence celebrations. The work of participants from around the Bahamas is adjudicated, and an awards ceremony held in the Ballroom of Government House;

(c) Theatre in the Park - This is an attempt to bring music, drama and dance to the people. It is held on the parks located in the various constituencies in Nassau and Freeport. Performances are held three times a year;

(d) National Dance School - The school has been in existence since 1974. It has a student body of approximately 120. The three full-time teachers and one part-time teacher offer ballet lessons, modern dance, and ethnic and tap dance;

(e) Summer Dance and Drumming Programme - The Programme runs for five weeks during July and August, at the end of which a grand closing production is held. It usually attracts 170 to 200 participants (the maximum capacity of the school). In order to attract more participants drumming (African, Bahamian, Afro-Caribbean) is taught;

(f) UNESCO Project - The Cultural Affairs Division has a permanent representative on the UNESCO Committee which meets at the Ministry of Education. Recently, three of the cultural affairs officers were given a grant to research Bahamian oral traditions sponsored by UNESCO, while another project, research into Bahamian folk songs, has been submitted to UNESCO for approval and funding;



(g) Cultural Grants - Numerous financial grants have been given to deserving associations/individuals to assist with various cultural projects and activities. These grants have varied, depending on the size, budget, demands, standing, etc. of the grantee. As little as \$500 has been awarded, with grants rarely exceeding \$10,000 the following is a list of some of the grantees:

– L. W. Young Senior High School Music Department (producing a compact disc)	\$3,000
– Patty Glinton Meicholas/Culture Group	\$10,000
– Freeport Players	\$5,000
– College of the Bahamas Music Club	\$1,000
– Bahamian Students Association of the University of the West Indies - Goat skin drums and cowbells	\$3,000
– Cat Island Cultural Association (rake and scrape homecoming)	\$3,000

(h) Junior Junkanoo, Junkanoo Boxing Day and New Years Day Parades - The Cultural Affairs Division is actively involved in the organization and administration of these parades along with the National Junkanoo Committee. The Division is also working on the establishment of a national Junkanoo commission and renders assistance to Family Island communities in the form of workshops, materials or advice;

(i) National Junkanoo Competition - This competition is offered to participants throughout the Bahamas and consists of various categories such as a “belling” competition, “drumming” competition, and numerous compos. Participants from the Family Islands are flown to Nassau for the national finals which are still held in December of each year, although the competition has now been integrated into the National Arts Festival;

(j) Assistance given to other ministries - Cultural affairs officers frequently sit on the planning committees of other government ministries to advise on matters pertaining to culture. The following are examples:

- (i) Bahamas Electricity Corporation - Fortieth Anniversary Celebrations;
- (ii) Royal Bahamas Police Force - International Police Conference;
- (iii) Ministry of Education - Magnet School for the Performing Arts Committee;
- (iv) Ministry of Tourism - Numerous Committees;
- (v) Department of Archives - Slave Route Project Committee;
- (vi) Ministry of Labour, Immigration and Training - Cultural Committee;

- (vii) Ministry of Health - “Say No to Drugs Ad Committee”, First Conference on Environmental Health and Sustainable Tourism Development in the Caribbean;
- (viii) Broadcasting Corporation - Numerous committees;
- (ix) Cabinet Office - Assistance is given annually in the planning of cultural and religious activities in celebration of Bahamian independence;
- (x) Office of the Attorney-General - Cultural presentation at a regional legal conference;
- (xi) Central Bank of the Bahamas - Cultural presentation for twenty-fifth anniversary celebrations.

285. The Dundas Centre for the Performing Arts was established in the early 1940s to encourage the performing arts of the Bahamas through local plays and training. This Centre is not attached to the Ministry of Youth, Sports and Culture.

## **VIII. SPECIAL PROTECTION MEASURES**

### **A. Children in situations of emergency**

#### **1. Refugee children (art. 22)**

286. Politically speaking, refugee children do exist in the Bahamas.

287. In economic terms, the Bahamas is host to a large number of immigrants, whose children also require access to social services.

288. In the case of refugee children in the Bahamas, children are sent to a place of safety (pending further action), i.e. a substitute family home, e.g. an emergency shelter or an established children’s home, pending the outcome of the case against parents, or their repatriation. If at all possible, children are allowed to remain with their parents until arrangements are made for them to be repatriated. Early repatriation is arranged for children who are not travelling with their parents.

#### **2. Children in armed conflicts, including physical and psychological recovery and social reintegration (art. 38)**

289. This situation does not apply to the Bahamas.

### **B. Children in conflict with the law**

290. The court makes provision for a child or young person while detained in a police station, or while being taken to or from any criminal court, from associating with an adult (not being a relative) who is charged with any offence other than an offence with which the child or young person is jointly charged. The court also ensures that a girl (a child or young person) shall, while being detained or taken away, or waiting, be under the care of a woman.

291. Whenever a person under the age of 18 years is apprehended, with or without warrant, and is not quickly brought before a court the officer to whom such person is brought shall inquire into the case and may, in any case, unless:

- (a) The charge is one of homicide or other grave crime;
- (b) It is necessary in the interests of such person to remove him/her from association with any undesirable person; or
- (c) The officer has reason to believe that the release of such person would defeat the ends of justice,

release such person with or without sureties, for such amount as will, in the opinion of the officer, secure the attendance of the person.

292. If a person under the age of 18 years has been arrested, he shall be detained in a place of detention until he can be brought before a court unless the officer certifies that by reason of his state of health or his mental or bodily condition it is inadvisable to detain him.

293. Whenever a court remands or commits a child or young person for trial who is not released on bail, it shall, instead of committing him to prison, commit him to the custody of the centres for boys and girls.

294. In the case of a young person, it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot be safely so committed, or that he is of so depraved a character that he is not a fit person to be so detained.

295. If a child is not charged jointly with any other person, he/she would sit in a different building or room from the ordinary court sittings.

296. Where a child or young person is charged with any offence, or is for any other reason brought before a court, his parent or guardian may in any case, and shall, if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

297. Whenever a child or young person is convicted of an offence punishable, in the case of an adult, with penal servitude or imprisonment, the court may order that he be committed to custody in a place of detention for a period not exceeding six months.

### **C. Children in situations of exploitation, including physical and psychological recovery and reintegration**

298. Child labour in the Bahamas is addressed in the Constitution of the Bahamas under the fundamental rights and freedom section. Additionally, the Employment of the Children Prohibition Act and the Employment of Young Persons Act also address this subject.

299. Children are given constitutional and legal protection from economic exploitation.

300. The Minister of Education may prohibit or restrict employment of children under the age of 18 years if he is of the opinion that employment is prejudicial to their health or would render them unfit to obtain the full benefit of the education provided for them.

301. Any person who employs a child is guilty of an offence and liable to a fine or imprisonment.

302. As was stated previously in the present report, the Employment of Young Persons Act also prohibits the employment of any young person under the age of 14 years on any ship or the employment of young persons in night work in the Bahamas.

### **Drug abuse (art. 33)**

303. The Bahamas continues to address the issue of controlling the problem of drug abuse and drug trafficking throughout the many islands of this archipelago.

304. Drug trafficking still persists, despite the vigilance of Bahamian law enforcement agencies and the cooperative efforts of the United States law enforcement agencies (Police Report, 2002).

305. In April 1984, the Government of the Bahamas appointed a Task Force on Drug Abuse. This unit was expected to assess the prevalence of drug trafficking and the use and abuse of drugs in the Bahamas; explore areas of cooperation between the community, Church and other programmes so as to increase their overall effectiveness; and make recommendations to the Government on the nature and extent of a drug abuse control programme. This Task Force was also mandated to educate the public, particularly the adolescent population, on the hazards of drug abuse. The National Drug Council was also appointed by the Cabinet in February of 1985.

### **The Drug-Free Achievers Programme**

306. This Programme was established to assist in the fight against drugs among the youth of this nation. Members of this group are skilled, very energetic and enthusiastic, and focus on encouraging peers to lead drug-free lives. These young persons were the 1989 recipients of the Commonwealth Youth Service Award. Their outreach activities are many and varied, ranging from entertaining primary school students to AIDS education for teenagers.

### **Peer Leadership Programme (PLP)**

307. This Programme consists of yet another group of young persons who responded to the growing concerns of the many youths involved in drugs.

### **I'm Special Programme**

308. This Programme was designed for students in grades 1 through 6. The focus of this dynamic approach is on helping young children feel good about themselves.

### **Teens With An Attitude**

309. The Ministry of Youth had a call-in-show for teenagers called “Teens With An Attitude” which began in October 1989. This Programme was an innovative community service venture. It capitalized on the fact that teenagers enjoyed listening to each other. It also provided the community with a great deal of information on available resources and services. The Programme also featured young persons who were active participants in positive ventures (the Ministry of Youth is in the process of reactivating the Programme shortly).

310. Below are the organizations/institutions that assist in the fight against drug abuse.

#### **(a) Sandilands Rehabilitation Centre**

311. This Centre has responsibility for the Substance Abuse Ward which was established in 1970, and which consists of three specific units, namely, the Detoxification Unit, the Lignum Vitae Unit and the Humblestone House.

312. The Detoxification Unit was established in 1980. This Unit is the first phase of the treatment approach to substance abuse. The therapeutic milieu is provided by a multidisciplinary team of professional caregivers. It serves a 28-bed unit with accommodation for male and female clients seeking recovery from substance addiction.

313. The Lignum Vitae Unit, which was established in 1980, provides the second phase of the inpatient treatment for clients who are adversely affected by substance abuse. This is the intense phase of the substance abuse treatment programme, which is approximately four to six months. The bed complement is 29, of which 20 beds are for the male population and 9 for the female population.

314. The Humblestone House is the second phase of inpatient treatment in rehabilitation for individuals wishing to abstain from alcohol. The goal is to rehabilitate alcoholics so that there is a change of lifestyle, abstinence from drugs, development of social skills, elimination of anti-social behaviour and overall personal development. The bed complement is 15. The duration of treatment is six months.

315. Despite the fact that these centres were not established to accommodate young adults, several young adults have taken advantage of the services offered.

#### **(b) Teen Challenge Bahamas**

316. Teen Challenge Bahamas is another non-governmental organization which has been waging war against drug abuse since 19 October 1988. The Programme caters to residents aged 18 years and older.

317. The aim of Teen Challenge is to evangelize people who have life-controlling problems, such as drug or alcohol abuse, and to initiate discipline to the point where the individual can function as a good Christian in society, applying spiritually motivated biblical principles in relationships, family, church, chosen vocation and community.

318. The parent organization of Teen Challenge is based in the United States of America. This institution has been operating for over 30 years with branches worldwide. Teen Challenge Bahamas is an interdenominational, non-profit organization, offering help to all regardless of race, creed or religious affiliation. The services provided are free of charge and funded by contributions, and financial assistance from the business sector, churches, civic groups and individuals.

319. To date, Teen Challenge has assisted over 100 men, and recent surveys (conducted by the organization) include a success rate of over 65 per cent. Successful participants of Teen Challenge are able to attend a second phase of rehabilitation in Rehrersburg, Pennsylvania, United States of America. Their training also includes money management.

320. While Teen Challenge recognizes that drug addiction is an epidemic, its ongoing quest is to work for the betterment of society.

**(c) Bahamas Association for Social Health (BASH)**

321. BASH is another organization engaged in the fight against drugs. It was instituted in 1990 to provide a positive spiritual response to some of the pressing social needs of the Bahamian community.

322. BASH was founded by Mr. Terry Miller, a recovering addict, with the assistance of other recovering addicts and interested prominent Bahamians. It is operated by a Board of Directors chosen from the community, based on their known social concerns and relevant areas of expertise.

323. The School of Recovery is the first significant BASH project, which was instituted on 10 January 1991, and discontinued in August 1991. It was located atop Discovery Hill, North Eleuthera, on 25 acres of land, and was established as a rehabilitation centre for males (drug/alcohol addicts) aged 17 years and older.

324. The Bahamas Association for Social Health institution located in New Providence is based on the 12-step spiritual principles of Alcoholics Anonymous and Narcotics Anonymous, which is widely accepted as perhaps the most successful approach to recovery.

325. The school is a non-denominational, non-religious operation, which accepts persons needing rehabilitation, regardless of their religious persuasions and encourage them to strengthen and maintain their recovery through the practice of righteous (spiritual) principles. They also welcome input and support from religious sectors in our communities.

326. The organization is operated by recovering addicts for recovering addicts. BASH is funded solely by gifts and contributions from the public. It seeks to educate and empower members to improve their ability to care for and interact with their children and families.

**(d) The Haven**

327. In August 1978, The Haven, which is situated on Mackey Street, New Providence, was established by a Christian group wishing to help the poor and needy. They began by supplying breakfast in Black Village, a deprived area. However, their vision for a residential rehabilitation programme was later developed to address the escalating drug and alcoholic problems.

328. The aims of the programme are to offer rest and help to drug addicts and alcoholics. Strongly based upon the Christian faith, the structured programme addresses the individual's physical, psychological and spiritual needs. The organization believes this approach develops well-rounded, emotionally secured men, husbands and fathers.

**Phase One - Seclusion**

329. This initial six-month phase enables students to withdraw from their addictive environments and to address their critical needs.

330. Each morning, through their interaction in group therapy sessions, "One on One Counselling", appropriate Bible study courses and life skills classes, their individual needs are addressed, corrected and true Christian values learnt.

331. In the afternoons, time is spent in "Work Groups", either in the carpentry shop, with the honey bees or the lawn-care service. These activities prepare students for re-entry into daily work routine.

**Phase Two - At Work Locally**

332. During the next three months, residents commence or return to full-time employment. They remain residents of The Haven and continue their studies through group therapy and counselling sessions. A bank account is opened for each participant and money management is taught. Weekend breaks are planned and structured for the purpose of visiting family and friends to re-establish relationships. A local church meets the recovering addicts' needs and ensures their acceptance and participation amongst the congregation.

**Phase Three - Re-entry**

333. During this last phase (10 to 12 months) individuals enjoy all their liberties, but are still residents of The Haven and accountable to the staff for their finances and time management.

334. Upon graduation, it is expected that students would be independent, secure in their employment, money management and family relationships and would have found fellowship in a local church.

335. The Haven provides a 12-month residential rehabilitation programme to persons needing help with their drug and alcohol abuse. This three-phase programme houses 14 men.

**Sexual exploitation and sexual abuse (art. 34)**

336. Under the Penal Code, it is an offence for a parent or guardian to allow a child above the age of 5 years to be unclothed.

337. The Sexual Offences and Domestic Violence Act, 1991, increased the penalties with regard to sexual intercourse with a person between 14 and 16 years of age. The penalty for incest on a first conviction for the offence is a minimum term of imprisonment of 7 years and, in the case of a second or subsequent conviction for the offence, a minimum term of imprisonment of 14 years.

338. Anyone who has unlawful sexual intercourse with a person of or above 14 years of age and under 16 years of age, whether with or without the consent of the person with whom he had unlawful sexual intercourse, is guilty of an offence and liable to imprisonment for life subject to, on a first conviction for the offence, a minimum term of imprisonment of 7 years and, in the case of a second or subsequent conviction for the offence, a minimum term of imprisonment of 14 years.

339. Sexual abuse in the Bahamas has increased over the past 10 years. This can be attributed to the implementation of the Sexual Abuse Act and to the fact that the public is more enlightened and more inclined to report cases of abuse that were once ignored. The Act makes provision for mandatory reporting of cases of sexual abuse. These matters are to be reported by doctors, nurses, teachers, police officers, social workers and any citizen with knowledge of an offence. Any person who, without reasonable excuse, fails to comply with the requirements is guilty of an offence and liable on summary conviction to a fine of \$5,000 or to imprisonment for a term of two years or to both.

340. The Department of Social Services, the Crisis Centre, the Child and Adolescent Unit of the Sandilands Rehabilitation Centre, and the Adolescent Health Department provide counselling and treatment for victims of sexual abuse.

341. In October 1993, the Department of Social Services established a Child Abuse Unit to deal specifically with all types of abuse. The social workers in this unit work closely with the police and the hospital.

342. In 1982, the Women's Crisis Centre was initially established. However, in 1995, this non-profit organization changed its name to the Crisis Centre in order to provide services to victims of physical, sexual and emotional abuse. The Centre makes referrals to the Department of Social Services and vice versa. In some cases where children and adults are unable return to their homes, they are placed at the Salvation Army on a temporary basis.

343. To date, the Department of Social Services has never received any cases of child pornography.

**Other forms of exploitation (art. 36)**

344. One of the responsibilities of the Government is to ensure that people who are found guilty of exploiting children are brought before the courts and are punished in accordance with the laws of the land.



345. Anyone who has sexual intercourse with a person under 16 years of age, with or without consent, may be found guilty of unlawful sexual intercourse. For a first offence, the prison term is a minimum of 7 years and for a subsequent offence a minimum term of 14 years.

**Sale, trafficking and abduction (art. 35)**

346. The offence of abduction of a minor is contained in the Sexual Offences and Domestic Violence Act, 1991. Abduction of an unmarried person under 16 years carries a prison term of two years. A person who has temporary custody or charge of a child for a special purpose, such as a schoolmaster or employer, can be guilty of abduction of that person.

347. Provision was made with regard to the Hague Convention on the Civil Aspects of International Child Abduction. Child abduction is an offence under the Penal Code of the Bahamas. Anyone who steals any person under 14 years of age with or without his consent shall be liable to imprisonment for 10 years.

348. The State is unaware of any case of trafficking or abduction in the Bahamas except in the case of parents who are fleeing the country due to domestic problems.

**D. Children belonging to minority or indigenous groups (art. 30)**

349. All children in the Bahamas are afforded all the rights and privileges, educationally, medically, culturally, socially and economically, of a free society whether or not they belong to a minority or indigenous group.

350. Children in the Bahamas are given access to free education and free medical care. In special circumstances where there is a family breakdown, or deprived families, due to socio-economic conditions, the Government provides subsistence, depending on need.

351. In the case of undocumented migrants, food assistance is provided to the family. Children without parents are placed in substitute family care, i.e. foster care, adoption or institutional care.

**IX. PRIORITIES FOR IMPLEMENTING THE ARTICLES OF  
THE CONVENTION ON THE RIGHTS OF THE CHILD**

352. The following are some of the general measures proposed:

- With regard to the principles of the Convention, the Government of the Bahamas continues to reform legislation affecting the Bahamian people, in particular as it relates to the welfare of children;
- The Community Support Services Division was designed specifically to extend assistance to families with dependent children. This is definitely necessary for the strengthening of the socio-economic and cultural spheres of the Bahamas. These programmes will be frequently reviewed to ensure greater efficiency and effectiveness in service delivery;

- In order to implement the objectives of the Convention, there has to be a collaborative approach among the government ministries/departments, non-governmental organizations, the Church, civic organizations and the general public at large;
- With respect to education, the Government of the Bahamas is in the forefront. However, further efforts would be made to provide additional education/training to the disabled children of the nation;
- Through the efforts of the government ministries and non-governmental organizations, the nation's children would be encouraged to become more expressive, where appropriate;
- The Affiliation Proceedings Act was amended to empower the court to utilize its discretion to adjudge the putative father of a child to make payments based on his ability to pay. There is no system in place whereby the father is automatically arrested, if he reneges on his responsibilities; the child's mother has to return to the court frequently to state that the father disobeyed the court's order. The attachment order whereby payments are deducted from the payroll of the father's place of employment is seldom utilized.

353. The Government is committed to having the laws and policies in respect of abandonment, neglect and abuse, especially sexual abuse, vigorously enforced and amended if and when necessary.

354. The Government is committed to initiating programmes that would strengthen the socio-economic and cultural spheres of the Bahamas so as to respond to these needs as they relate to the child and the family.

355. The Government is committed to strengthening preventive community activities, sports and involvement at the local level, which will provide structured and constructive programmes for the youth of the nation through local and community action.

## **X. CONCLUSION**

356. The Bahamas is well on the way to ensuring the well-being of its children. Children in the Bahamas have always enjoyed all the benefits of a free society. This has become more evident since the Bahamas gained independence in 1973. Children of undocumented migrants also enjoy the benefits of free health care, free education, and social and cultural freedom, including freedom of speech, without discrimination.

357. Generally, the standard of living in the Bahamas is reasonably high. However, there are still some economically depressed areas. Therefore, a living standard survey was conducted throughout the Bahamas in 2002 in an attempt to determine the level of poverty in the country (a report regarding this issue will be published shortly). The Government continues to make

efforts to organize local programmes involving all aspects of society, especially the Church and the business sectors to deal with this matter. The aim is to eradicate poverty through income-generating activities and self-sufficiency.

358. Children who are in need of placement are removed from their home or family only as a measure of last resort. All efforts are made to restore, reinforce and enhance the capacity of the family to continue its role in child-rearing. Substitute family care is sought only when all else fails.

359. In the Bahamas, adoption is supported only after thorough investigation and assessment are completed, and the authorities are assured that it is in the best interest of the **child**.

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