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|  |  | A/HRC/38/9/Add.1 | |
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**Human Rights Council**

**Thirty-eighth session**

18 June–6 July 2018

Agenda item 6

**Universal Periodic Review**

**Report of the Working Group on the Universal Periodic Review**[[1]](#footnote-2)\*

**Bahamas**

**Addendum**

**Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

Response of the Government of the Commonwealth of the Bahamas to its 141 recommendations

The Bahamas welcomes the recommendations made in the course of its Universal Periodic Review of 17th January 2018. After broad consultation and careful evaluation of the recommendations, the Bahamas is pleased to provide the following responses:

| *Recommendations* | *Response* | *Comments* |
| --- | --- | --- |
|  |  |  |
| 105.1 | Note | *De facto* moratorium exists; The Bahamas' current position on the death penalty is that it continues to recognize its lawfulness, on a discretionary basis and subject to conditions laid down in case law, as a punishment for the crimes of murder and treason.  Additionally, it is worth mentioning that the last mandated execution took place seventeen years ago, even in the absence of a formal moratorium. |
| 105.2 | Note | Same as 105.1. |
| 105.3 | Accept | In progress and on-going. |
| 105.4 | Note |  |
| 105.5 | Note | Same as 105.1. |
| 105.6 | Note | Same as 105.1. |
| 105.7 | Note |  |
| 105.8 | Note |  |
| 105.9 | Accept/Note | The Bahamas ratified the UNCAT on May 2018.  However, we note the recommendation to ratify its Optional Protocol. |
| 105.10 | Note |  |
| 105.11 | Accept | Same as 105.3. |
| 105.12 | Accept/Note | Same as 105.9. |
| 105.13 | Accept | Same as 105.9. |
| 105.14 | Accept/Note | The Bahamas accepts the recommendation to ratify the UNCAT and is currently in the process of depositing the instrument of ratification.  However, we note the recommendation to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which is currently under review. |
| 105.15 | Accept |  |
| 105.16 | Accept/Note | UNCAT ratified May 2018.  However, we note the recommendation to accede to the Rome Statute. |
| 105.17 | Accept | Same as 105.3. |
| 105.18 | Note |  |
| 105.19 | Accept | The Bahamas ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and the use of children in pornography on 28th September 2015. |
| 105.20 | Note | Currently under review. |
| 105.21 | Note | Currently under review. |
| 105.22 | Note/Accept | The Bahamas notes the recommendation to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which is currently under review.  The Bahamas ratified the UNCAT May 2018. |
| 105.23 | Note | Same as 105.21. |
| 105.24 | Note |  |
| 105.25 | Note | Currently under review. |
| 105.26 | Note | Same as 105.25. |
| 105.27 | Note | Same as 105.25. |
| 105.28 | Note |  |
| 105.29 | Note |  |
| 105.30 | Accept |  |
| 105.31 | Note |  |
| 105.32 | Note | Same as 105.1. |
| 105.33 | Accept |  |
| 105.34 | Accept |  |
| 105.35 | Accept |  |
| 105.36 | Accept | The Bahamas issued an open Standing Invitation to the Human Rights Council Special Procedures in 6th June 2013.  The Special Rapporteur on Trafficking visited the Bahamas in 2013 and the Special Rapporteur on Violence Against Women visited in 2017. |
| 105.37 | Accept | Same as 105.36. |
| 105.38 | Accept | The Government of the Bahamas maintains that it has taken an open, merit-based approach when selecting national candidates for UN Treaty Body elections. |
| 105.39 | Accept | The Ombudsman Bill, 2017 was laid before Parliament on 23rd October 2017. The Bill is currently under review to ensure that it is in compliance with the Paris Principles. |
| 105.40 | Accept | Same as 105.39. |
| 105.41 | Accept | Same as 105.39. |
| 105.42 | Accept | Same as 105.39. |
| 105.43 | Accept/Note | The Bahamas accepts the recommendation to increase efforts to combat discrimination based on gender.  In relation to the recommendations to combat discrimination based on sexual orientation or gender identity, the Bahamas maintains that there is no formal or legal discrimination against persons in the Bahamas based on sexual orientation or gender identity. Neither have there been any formally reported case where anyone has alleged discrimination on the basis of sexual orientation or gender identity. It should be noted that the Bahamas is generally supportive of efforts to combat all forms of discrimination against persons and to promote tolerance. |
| 105.44 | Note | The Bahamas maintains that there is no formal or legal discrimination against persons in the Bahamas based on sexual orientation or gender identity. Neither have there been any formally reported case where anyone has alleged discrimination on the basis of sexual orientation or gender identity. It should be noted that the Bahamas is generally supportive of efforts to combat all forms of discrimination against persons and to promote tolerance. Persons who are in a same-sex relationship are able to avail themselves of the regular protection and remedies available under the law in respect to violence or assault of property rights. |
| 105.45 | Note | Same as 105.44. |
| 105.46 | Note | Same as 105.44. |
| 105.47 | Note | Same as 105.44. |
| 105.48 | Note | Same as 105.44. |
| 105.49 | Accept |  |
| 105.50 | Accept |  |
| 105.51 | Accept |  |
| 105.52 | Note | Same as 105.1. |
| 105.53 | Note | Same as 105.1. |
| 105.54 | Note | Same as 105.1. |
| 105.55 | Note | Same as 105.1. |
| 105.56 | Note | Same as 105.1. |
| 105.57 | Note | Same as 105.1. |
| 105.58 | Note | Same as 105.1. |
| 105.59 | Note | Same as 105.1. |
| 105.60 | Note | Same as 105.1. |
| 105.61 | Note | Same as 105.1. |
| 105.62 | Accept |  |
| 105.63 | Accept |  |
| 105.64 | Accept |  |
| 105.65 | Accept |  |
| 105.66 | Accept |  |
| 105.67 | Accept |  |
| 105.68 | Accept |  |
| 105.69 | Accept |  |
| 105.70 | Accept |  |
| 105.71 | Accept |  |
| 105.72 | Accept |  |
| 105.73 | Accept |  |
| 105.74 | Accept | The Freedom of Information Act (No. 1 of 2017) enacted on 21st April 2017. |
| 105.75 | Accept |  |
| 105.76 | Accept |  |
| 105.77 | Accept |  |
| 105.78 | Accept |  |
| 105.79 | Accept |  |
| 105.80 | Accept |  |
| 105.81 | Accept |  |
| 105.82 | Accept |  |
| 105.83 | Accept |  |
| 105.84 | Accept |  |
| 105.85 | Note |  |
| 105.86 | Accept |  |
| 105.87 | Accept |  |
| 105.88 | Accept |  |
| 105.89 | Accept |  |
| 105.90 | Accept |  |
| 105.91 | Accept |  |
| 105.92 | Note |  |
| 105.93 | Accept |  |
| 105.94 | Note |  |
| 105.95 | Accept |  |
| 105.96 | Note |  |
| 105.97 | Note |  |
| 105.98 | Accept |  |
| 105.99 | Accept | The Sexual Offences Act, Chapter 99, section 3 provides the following definition of rape:  “Rape is the act of any person not under fourteen years of age having sexual intercourse with another person who is not his spouse —  (a) without the consent of that other person;  (b) without consent which has been extorted by threats or fear of bodily harm;  (c) with consent obtained by personating the spouse of that other person; or  (d) with consent obtained by false and fraudulent representations as to the nature and quality of the act.”  The Government of the Bahamas is currently in the process of consultation regarding the proposed amendment to the Sexual Offences Act to criminalize 'spousal sexual abuse', which includes all of the elements of rape but within the context of a marriage. |
| 105.100 | Note |  |
| 105.101 | Accept | The Government of the Bahamas is currently in the process of consultation regarding the proposed amendment to the Sexual Offences Act to criminalize 'spousal sexual abuse', which includes all of the elements of rape but within the context of a marriage. |
| 105.102 | Accept | Same as 105.101. |
| 105.103 | Accept |  |
| 105.104 | Accept |  |
| 105.105 | Accept |  |
| 105.106 | Accept | Same as 105.101. |
| 105.107 | Accept | The Convention on the Right of the Child was domesticated by virtue of the Child Protection Act, Chapter 132 in 2007. |
| 105.108 | Note |  |
| 105.109 | Note |  |
| 105.110 | Accept |  |
| 105.111 | Note |  |
| 105.112 | Note |  |
| 105.113 | Accept |  |
| 105.114 | Accept |  |
| 105.115 | Accept |  |
| 105.116 | Note |  |
| 105.117 | Accept |  |
| 105.118 | Accept |  |
| 105.119 | Accept |  |
| 105.120 | Accept |  |
| 105.121 | Note |  |
| 105.122 | Note | Same as 105.44. |
| 105.123 | Accept |  |
| 105.124 | Accept |  |
| 105.125 | Note |  |
| 105.126 | Accept |  |
| 105.127 | Accept |  |
| 105.128 | Note |  |
| 105.129 | Note |  |
| 105.130 | Note |  |
| 105.131 | Accept |  |
| 105.132 | Accept | Persons, who are identified as asylum seekers and refugees, after being screened by the Department of Immigration, are provided with alternatives to detention.  In addition, it is worth noting that the Bahamas is the first country in the region to provide ICAO readable refugee travel documents, in an effort to encourage free movement. |
| 105.133 | Accept | Currently under review. |
| 105.134 | Accept |  |
| 105.135 | Accept |  |
| 105.136 | Note |  |
| 105.137 | Note |  |
| 105.138 | Accept |  |
| 105.139 | Note |  |
| 105.140 | Note |  |
| 105.141 | Note |  |

1. \* The present document was not edited before being sent to the United Nations translation services. [↑](#footnote-ref-2)