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## **IACHR visits Barbados, Bahamas, Trinidad and Tobago and Jamaica**

February 22, 2019

Washington, D.C. - The Inter-American Commission on Human Rights (IACHR) is conducting a promotional visit to Barbados, The Bahamas, Trinidad and Tobago and Jamaica, with a delegation led by the President, Commissioner Esmeralda Arosemena de Troitiño, who is also the Rapporteur on the Rights of Children and Adolescents, and by Commissioner Margarette May Macaulay, Rapporteur on the Rights of Women and on the Rights of People of African Descent and against Racial Discrimination, as well as Country Rapporteur for The Bahamas. The visit takes place from 20 to 27 February 2019.

The purpose of this promotional visit is to promote the Commission's mandates, strengthen knowledge of the mechanisms for the protection and promotion of human rights in the inter-American system, and strengthen dialogue with key actors working in the field of human rights in these countries. In addition, this visit is an opportunity for the Rapporteurs to promote inter-American standards and recommendations of the IACHR related to the eradication of violence and discrimination against women, girls and adolescents. In this regard, the IACHR will meet with representatives of the State, civil society, international organizations, and experts with a view to establishing a dialogue and identifying future lines of work on the main issues of concern in each country, as well as taking cognizance of good practices in the States visited.

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## **IACHR and its SRESCER Express Solidarity with the People of the Bahamas over Damage Caused by Hurricane Dorian and Call for Urgent Implementation of a Human Rights–Based Response**

September 23, 2019

Washington, D.C. - The Inter-American Commission on Human Rights (IACHR) and its Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights (SRESCER) expressed their deep solidarity with the people of the Bahamas, particularly those who were affected by the damage caused by Hurricane Dorian since Sunday, September 1.

## **ANNUAL REPORT – CHAPTER 4A - 2018**

Regarding progress achieved, in regards to 2018, the IACHR highlights the country's ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the reduction of the homicide rate in the Bahamas.

With respect to the main challenges the country faced in 2018, the IACHR observes that the rights of migrants were particularly affected by violations of the right to nationality and access to justice and

the imposition of fines that are disproportionate given their status as undocumented migrants. In addition, the Commission noticed the need to prioritize the adoption of measures that promote and effectively realize parity.

Regarding the democratic institutional framework the IACHR notes with approval that on May 31, 2018, the Bahamas ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. On the other hand, the Commission expresses its concern about the low participation of women in political and public life, which was also underlined by the United Nations Committee for the Elimination of Discrimination against Women. Additionally, the IACHR notes that, during 2018, unemployment at the national level increased from 10% to 10.7%

With regard to the human rights institutional framework, it is pertinent to note that the country does not have a national human rights system or an Ombudsperson office. However, despite the challenges facing the Bahamas in terms of the institutional framework in human rights, the Commission highlights the country's election to the United Nations Human Rights Council, becoming the first member of the CARICOM to integrate this body.

Regarding public security, the IACHR observes that based on Transparency International's Corruption Perceptions Index, the Bahamas has been rated with a score of 65 as the fourth country with the lowest level of corruption in the region. Additionally, the Bahamas reported a figure below 100 homicides, which represents an improvement in the last 10 years. However, the IACHR notes with concern that the country had a homicide rate of 11.2 per 100,000 people in 2018. In this regard, the Ministry of National Security established a goal of reducing this figure to less than 90 by the next year. On the other hand, the IACHR regrets a 12% increase in the rape cases, which represents, according to the Royal Bahamas Police, 55 incidents.

Regarding access to justice, the IACHR takes note of the challenges that migrants face in the Bahamas, due to the heavy-handed measures adopted by the government. In this regard, the media outlets have reported that the Court of Appeals of the Bahamas maintained a criterion through which it reiterated the preponderance of the jus sanguinis element for access to nationality. Through the case of Jean Rony JeanCharles, who was born in the Bahamas and is a descendant of Haitians with irregular migration status, the Court of Appeals held that there is a difference between being born in the Bahamas and being born Bahamian, favoring the jus sanguinis criterion provided in the Constitution and, therefore, denying his right to access the Bahamian nationality.

The Commission was made aware of the case of Taranique Thurston, a stateless adolescent residing in the Bahamas who required emergency medical attention in the United States to treat a brain cyst. Based on current legislation, Taranique Thurston had to wait until she turned 18 to begin the naturalization procedures, since her mother is of Haitian descent. The IACHR learned that she received the required medical treatment in Florida with delay, after waiting for months before her travel documents were issued. Up to now, it appears that no irreparable damages were caused, despite the lack of immediate medical attention.

Regarding the alarming situation of migrants in the Bahamas, the IACHR notes that a census was conducted in the "Shanty Towns" human settlements in New Providence and Abaco during the month of May. Subsequently, the State initiated the execution of a plan with the objective of demolishing all the structures built in these communities by July 31, 2019. These communities are mainly made up of undocumented migrants from Haiti. The IACHR expresses its concern about the eviction of some of the residents, who have been evicted by the government authorities without a relocation plan to that effect. The organizations Respect Our Homes Ltd. (ROHL) and Rights Bahamas have promoted legal actions on behalf of 177 residents, obtaining favorable resolutions in some of the cases. The State has informed that it has the acquiescence of the Haitian State in its actions and that it has informed the United Nations, without receiving any response.

In addition, the IACHR notes with concern the sanctions adopted by the State against irregular migration. In this regard, the case of five women of Hispanic origin who received a \$1,000 US dollars sanction for exceeding the time limit of stay in the Bahamas was reported. A Jamaican man who confessed to being their guardian, was sentenced to one year in prison for helping the five women. Months later, 116 Haitian migrants were accused of illegal landing, of which 12 were sentenced to a \$300 US dollars fine.

The Commission was also made aware of the introduction of several bills related to the education of migrant children. According to the collected information, the proposed legislation considers the citizenship requirement to allow access to the national education system. The Commission considers that if approved, this bill would endanger the right to education of all migrant children in the Bahamas.

In regards to the rights of women and children, during a promotional visit to the Bahamas, the IACHR was informed by civil society organizations of the worrying situation of sexual violence and abuse against women and girls. On the other hand, the IACHR observes that there are legislative mechanisms to deal with violence that need to be adopted and adequately implemented, among them, the proposed legislation that creates a database of persons who commit sexual offenses and the Children's Protection Act. Regarding cases of children disappearance, the IACHR observes that the AMBER alert system is applied to the registry of complaints. However, the Commission notes the absence of a detailed procedure for the public dissemination of alerts that may enable the rapid identification of their whereabouts.

With respect to the rights of LGBTI persons, the IACHR learned from civil society organizations that this population is gravely exposed to domestic violence and that they are not inclined to trust police authorities, exposing them to a precarious state of security. Due to this context of violence and fear,

the LGBTI population is prone to live in the streets and to seek asylum in other countries, mainly in Canada. In terms of gender equality, the Commission noted that after a number of referendums that rejected the introduction of this concept in a constitutional reform, discrimination towards LGBTI persons would have increased.

In terms of freedom of expression, on April 18, media outlets reported that the Supreme Court of the Bahamas dismissed a defamation suit filed by a former diplomatic official against a national newspaper. In addition, in 2018, some provisions of the law on access to public information enacted in 2017 became fully effective. Finally, according to information of public knowledge, the Attorney General had expressed an intimidating speech against activists and human rights defenders following the publication of an educational brochure on the rights of migrants, considering that its content contains false information.

## **ANNUAL REPORT – CHAPTER 4A - 2019**

The IACHR notes the progress made by the Commonwealth of The Bahamas in reducing crime rates in the country, as well as its effort to address procedural delay in the criminal justice system; participation of members of the LGBTI community in post-Dorian relief efforts and the upholding of the conviction for the murder of a homosexual by the Court of Appeals.

With respect to challenges, the IACHR notes continuing high homicide rates and widespread armed violence in the Bahamas. The Commission also points to a harshening of migration policies, continuing discrimination against the LGBTI community in the country and the State failing to amend its legislation to prohibit corporal punishment of children and adolescents in different settings.

Regarding the framework of human rights institutions, it must be noted that as of the time of the drafting of the instant report, the country does not have a national human rights system or office of the Ombudsperson; however, a legislative bill has been drafted on this topic.

With respect to citizen security, the IACHR takes note of the measures adopted by the Commonwealth of The Bahamas to reduce the crime rates in the country. In this context, the Ministry of National Security announced that around \$17,000,000 were allocated to strengthen crime prevention forces in the country as part of the Citizen Security and Justice Program (CSJP). This program includes a variety of training courses on crime prevention for community leaders and youth education.

The IACHR also notes that security statistics released by the Ministry of National Security show a decrease in the murder rates in the Bahamas over the period of January to June 2019. According to these statistics, major crime trends have posted a 7% decrease as compared to 2018 statistics. Specifically, from early 2019 until June 11, murder rates have decreased by 21%, as compared to the previous year for the same period. Additionally, the Ministry of National Security indicated that armed robbery had decreased by 20%; and cases of rape had dropped by 29%.

Despite the significant improvement reported by the government, the Commission notes that, according to the 2019 Global Study on Homicide of the United Nations Office on Drugs and Crime, The Bahamas places among the top six countries with the highest homicide rate in Latin America and the Caribbean. It is also relevant to consider that violence linked to firearms continues to be one of the predominant forms of violence in the country. In this regard, we can underscore that 35 of the 37 murders that occurred from early 2019 until June 11, cited above, were by gunshot. On June 30, 2019, a “mass shooting” took place on the island of New Providence, where 17 people were wounded, including four victims under 18 years of age. In this context, the IACHR regrets the high rates of armed violence in The Bahamas and calls on the State to take measures of effective gun control, along with measures to prevent and punish these acts.

As for access to justice, the IACHR recognizes the State’s efforts to address delay in the criminal justice system. On this score, the Office of the Attorney General has taken important initiatives to meet this challenge through the program known as Swift Justice (SJ). This program is aimed at increasing efficiency in the justice system and making sure that trial proceedings are carried out within a reasonable time. This program gave rise to a project known as “integrated justice,” which involves increasing efficiency of the judicial system through the use of information and communication technology. In addition, available information suggests that the Government of The Bahamas plans to create four additional criminal courts, as well as provide more judges, prosecutors and judicial staff to address this delay.

As regards the rights of LGBTI persons, the IACHR was informed that defenders of LGBTI persons’ rights contributed to post Hurricane Dorian relief efforts, with partnerships forming between human rights organizations to ensure access to basic services for the affected persons, especially LGBTI persons. In addition, the Commission takes note that a conviction by the trial court was upheld at the appeals stage in a case involving the murder of an allegedly gay man by another man. Nonetheless, the Commission takes note as well of reports by LGBTI rights defenders of lingering attitudes stigmatizing and criminalizing LGBTI persons in The Bahamas, including by the police forces.

In the area of the rights of children and adolescents, the Commission was apprised on its working visit to The Bahamas, that the country adopted in 2013 a law for the immediate search for missing children providing for an alert system. Nonetheless, according to information from the organization Rise Bahamas, even though the State claimed in 2018 that the alert system would be up and running in “beta version,” no alerts were issued for a number of cases of missing children between 2018 and 2019. Moreover, the Commission takes note that on August 21, 2019, the State entered into a contract to implement MARCO’s Alert system and, therefore, the IACHR urges the country to continue to undertake efforts in this regard.

Additionally, the Commission notes that the Criminal Code of the country still allows parents and guardians to use physical punishment as a way of disciplining children. The IACHR calls on the State to ban any form of violence and corporal punishment with children and adolescents in every setting of care, including the home and school place.

As for the rights of migrants, the Commission is concerned about the criminalization of migration, migration detention and deportation of migrants in The Bahamas, especially of persons of Haitian origin. The IACHR takes note of the decision of the State, taken in February 2019, to temporarily suspend repatriation of Haitians because of the disturbances currently unfolding in Haiti, while it ordered the security forces to be on maximum alert, and the preparation of a makeshift detention center. Pursuant to public information, in August, October and November, the government deported and expatriated 337 Haitian citizens, who had remained in the country irregularly, including those affected by Hurricane Dorian.

Moreover, at a public hearing held at the 172nd Session, the Commission learned of a number of violations of the rights of migrants and their descendants in The Bahamas, as a consequence of the current policies on citizenship and migration that are allegedly based on racial, social, linguistic and economic distinctions, thus reportedly leading to racial discrimination and xenophobia, mostly against persons of Haitian origin and Bahamians of Haitian descentance.

Additionally, the IACHR received reports of a special infringement of children’s rights, inasmuch as under Bahamian legislation, children born in The Bahamas of foreign parents, who do not automatically acquire the nationality of their parents -such as the case of Haitians- are born stateless, and this status further precludes them from exercising other rights for which the State requires identity documents to have access to them. However, children of foreign parents are entitled to Bahamian citizenship only through an application that must be filed within a period of 12 months after turning 18 years of age.

As regards the death penalty, the IACHR finds it worrisome that it is still on the books in the country's laws, even though no executions have been carried out in recent years. The Commission notes, moreover, that, as of December 2018, there was no one in the State sentenced to the death penalty, according to Amnesty International's report on the subject of April 2019.

## **ANNUAL REPORT – CHAPTER 4A - 2020**

Regarding progress made by the Commonwealth of The Bahamas, the Commission takes note of the measures implemented to contain the spread of COVID-19 despite the fact that the country was still recovering from the devastation of hurricane Dorian, and of the overall decrease of 3% in the commission of serious crimes. The IACHR observes that children of Bahamian fathers and foreign mothers who are born out of wedlock can now acquire citizenship at birth by law. The Commission also takes note of plans to revise the Bill on Nationality, Migration and Asylum to address the statelessness of children born to non-Bahamian parents.

With respect to challenges, the Commission notes the acts of violence, and the limited resources available for medical personnel, during the pandemic. The IACHR also observes the complaints of corruption by public officials, calls by civil society for training of the police, and the backlog of court cases. Regarding the rights of children, the Commission notes the difficulty for students of accessing online education, and that corporal punishment is still on the statute books. The IACHR expresses deep concern with the persistent stigmatization, discrimination and violence against LGBTI persons. The Commission further observes the lack of rehabilitation programs for persons deprived of their liberty, and the failure of the State to abolish the death penalty.

The COVID-19 pandemic came at a time when the Bahamas was still under reconstruction following the devastation caused by hurricane Dorian in September 2019. The IACHR highlights the measures undertaken to prevent the spread of the virus. A state of emergency was declared and entered into force on March 20, 2020 under the Emergency Powers Act, Ch. 34 of 1974 and was extended numerous times with an expiration date set for December 2020. The Ministry of Education announced the closure of all schools and educational centers, and online education at private and public schools officially began on October 5th . The Commission has knowledge of reports of protests by citizens in relation to the lockdown imposed by the government. In one case, 39 persons were arrested. Likewise, the IACHR has information of the challenges faced by medical personnel during the pandemic. In this context, the Bahamas Nurses Union reported the lack of Personal Protective Equipment, which prevented them from working efficiently.

With respect to human rights institutions, it should be noted that as of the time of preparing this report, the country does not have a national human rights system or an Ombudsman office, although a bill has been drafted on this matter. The Commission takes note of reports of complaints of corruption at the governmental level such as complaints by the Organization for Responsible Governance which highlighted corruption among public officials. According to the Global Corruption Barometer Study, the Bahamas took the lead in Latin America and the Caribbean for the payment of “bribes of convenience.” The Commission reiterates the importance of the office of the Ombudsman as an independent recourse for receiving such complaints and carrying out investigations in a timely manner. The situation also reinforces the value of, and need to establish, an Integrity Commission. The bill was presented in 2017 but has yet to be debated in Parliament.

With regard to democratic institutionality, the Commission takes note that the State of Emergency has caused a postponement of local elections in one Island. According to public information, the local government elections will not be held until three months after the Emergency Powers Orders are terminated. Likewise, the IACHR observes that the overall rule of law score for the Bahamas decreased by less than 1% in the World Justice Project Rule of Law Index, with the Bahamas placing 9th out of 30 countries in the Latin America and Caribbean region.

With respect to citizen security, the IACHR noted that, according to data provided by the Ministry of National Security, overall crime decreased by 3% during the first five months of 2020, compared to the same period in 2019. The Minister of National Security attributed this decrease to the financial allocation and programmatic measures adopted in 2019 to lower the crime rate under the Citizen Security and Justice Program. The IACHR commends the efforts by the police to remove illegal firearms and some 1,900 rounds of ammunition between January 1, 2020 and May 31, 2020. However, the Commission takes note of allegations of cases of police abuse, and of civil society’s call for training to be made available to police officers to improve their social skills in the manner in which they relate to citizens.

In relation to access to justice, the IACHR was informed by the State that the COVID19 outbreak negatively impacted its efficiency, and in particular, the Swift Justice program that commenced in 2017. According to official information, the courts reduced operations to safeguard the health of judicial officers and employees in keeping with the Emergency Powers (COVID-19) Regulations, but continued to provide essential services through the Coronavirus Mitigation Protocols. To manage the backlog of trials and court applications of cases, the courts carried out some In-Person Hearings and increased remote hearings through electronic media.

Regarding the rights of children and adolescents, the Commission notes that in the context of COVID-19, classes took place remotely via virtual platform. The Minister of Education announced that digitization of the educational system would be given priority through the provision of devices



and the expansion of internet service. The Commission observed that the State also committed to providing resource packages for students who live in areas that have no internet connection. Despite the efforts of the State, the IACHR takes note of the general decline in grades and the call by the Ministry of Education for academic year 2020 to be repeated due to the inadequate virtual platform during the COVID-19 pandemic. Furthermore, over the years, the Commission has observed the State's continued reluctance to ban corporal punishment in schools and at home. This form of punishment remains lawful under Article 110 of the Penal Code. The Commission urges the State to repeal this article and to ban any form of violence and corporal punishment of children and adolescents in every care-giving setting.

Regarding the rights of lesbian, gay, bisexual, trans and gender diverse, and intersex (LGBTI) persons, the Commission notes the persistence of stigmatization, discrimination, and violence against LGBTI persons in the Bahamas. According to information received, LGBTI people, especially trans and gender diverse people, have experienced physical and cyber-attacks. In light of this, civil society organizations have indicated that the lack of awareness of public officials, as well as the absence of legislation on hate crimes, creates barriers to access of justice.

Regarding the rights of persons in the context of human mobility, the Commission observes that the State is returning people who have entered the country illegally, without making a prior analysis of possible international protection needs. This is done under the argument of defending the laws, the dignity of the people, and the borders. Regarding the reduction in cases of statelessness, the Commission notes that in May 2020 the Supreme Court decided to allow girls and boys, children of Bahamian men and foreign women, born out of wedlock to acquire their Bahamian nationality at birth. Thus, they would not have to wait until they were 18 to apply for citizenship. Along the same lines, the Minister of Financial Services, Trade, and Investments and Immigration has indicated that the draft law on nationality, migration, and asylum will be reviewed, in order to address the problems of statelessness for girls and boys born in the Bahamas to non-Bahamian parents.

With respect to persons deprived of their liberty, the Commission observes that the penitentiary's population at the Fox Hill Prison (the only prison in the country) complained in a letter to the Minister of National Security of a lack of rehabilitation programs caused by the COVID-19 lock down. In this context, the IACHR recalls that in general terms, in accordance with the American Convention and other international instruments on this subject, the purpose of a custodial sentence is the social reintegration of the person. Therefore it calls on the State to adopt the necessary measures to facilitate the process of social reintegration of persons under its jurisdiction, in accordance with relevant international standards.

Regarding the death penalty, the IACHR takes note that there has been no progress with removing the death penalty from the statutory books despite the fact that no execution has taken place since

2000, and no one has been sentenced to death since this time. The Commission further notes that, as of October 2020, no one was on death row in the State. In this context, it is worrying that the Speaker of the House of Assembly has called for the enforcement of the death penalty at this time. The IACHR urges the Government to work towards the abolition of the death penalty.

Regarding the rights of women, the Commission acknowledges the State's declarations aimed at protecting girls and women, as well as eliminating gender violence, within the framework of the International Day for the Elimination of Violence against Women. Likewise, the Commission notes the State's decision to allocate a specific amount of funds for youth and women within its small business development program.

## **ANNUAL REPORT – CHAPTER 4A - 2021**

With respect to progress achieved by the Commonwealth of The Bahamas, the Commission notes the democratic process that took place during the general elections that permitted electoral observation from international organizations. Furthermore, the IACHR highlights the efforts of the State to fight crime and reduce the backlog of court cases, as well as the decrease in the rates of sexual violence against women. With respect to children and adolescents, the Commission welcomes the implementation of a public alert system to locate missing children, the elimination of all forms of corporal punishment at alternate care institutions for children, and efforts to reduce the number of cases of statelessness among the population. The Commission also takes note of social reintegration programs implemented for persons deprived of liberty.

With respect to challenges, the Commission notes that the State has not made progress in putting into effect a national human rights system. It further notes the need to create mechanisms to more closely scrutinize political party and electoral campaign financing. Additionally, it takes note of women's limited representation in politics and the complaints about police brutality. At the same time, the IACHR is concerned about the State's immigration policy of responding to forced displacement of people by limiting territorial access, detention, and collective expulsion without considering possible needs for international protection. The IACHR takes note of overcrowding and excessive use of pre-trial detention that persons deprived of liberty face, as well as the existence of the death penalty in the country's domestic legislation.

With respect to the cross-cutting pillar of human rights institutionality, the Commission notes that the State has not made headway in implementing a national human rights system or an Office of the Ombudsperson; nevertheless, draft legislation has been prepared in this regard. The IACHR recalls the importance of the Ombudsperson to address complaints in connection with human rights. At a

budgetary level, the IACHR understands that giving effect to human rights means that the State has the obligation to program, allocate, mobilize and spend public resources in keeping with its obligations under international human rights treaties.

As for democratic institutionalism, the Commission takes note that there were early general elections and monitoring by international organizations of the electoral process. With respect to general elections, the IACHR highlights that in keeping with the country's constitution, elections were to have been held in May 2022. However, the Prime Minister decided to call early elections for September 16, indicating that this way the electorate could determine the most appropriate party to lead the reconstruction of The Bahamas post COVID-19 . According to the Parliamentary Registration Department—the agency that manages the country's elections—the opposition Progressive Liberal Party won 32 of the 39 parliamentary seats with the 7 remaining seats going to the Free National Movement.

The IACHR highlights the observation of the general elections by the OAS, CARICOM, and the Commonwealth, and the post-election preliminary statements that voters had cast their vote without “intimidation or fear” and that the electoral processes had been “credible, inclusive, and transparent.” Furthermore, the Commission took note of the concerns expressed by the OAS Electoral Observation Mission regarding women's ongoing underrepresentation in politics and the failure to create mechanisms that allow for a more rigorous scrutiny of political party and electoral campaign finance.

On the issue of citizen security, the IACHR takes note of an increase in homicides in the country. The Ministry of National Security reported that the number of homicides from January to May 2021 was 52% higher than the same period in 2020. The IACHR underscores the Government's efforts to fight crime, and in this respect takes note that the Government has integrated emerging technologies in its police operations and inaugurated a Real-Time Crime Center to focus its resources in high-crime areas. The Commission also recognizes the State's ongoing efforts undertaken from January to May 2021 to remove unlawful firearms from circulation.

As for complaints about police brutality, in keeping with information presented by the police, in 2020 a total of 20 police shootings were reported; this figure represents an increase of 54% in comparison to the 13 shootings reported in 2019. In addition to this, information in the public domain indicates that in 2021 different acts of police brutality were reported. The most notable among these were: beatings, murders, intimidation, and harassment of citizens by the police. The IACHR will continue monitoring cases of alleged police brutality and urges the States to investigate the facts with due diligence, identifying and punishing those responsible and making reparations to victims.

With respect to access to justice, the IACHR takes note of the adoption of an array of measures to reduce the backlog of court cases and make the justice system more efficient. In this respect, the Supreme Court moved court hearings onto a virtual platform, which reduced the number of cases accumulated in the second quarter of 2020 due to the restrictions imposed by the COVID-19 regulations. Furthermore, the Office of the Attorney General reported that other technological initiatives introduced to modernize and make judicial proceedings more efficient had enabled courts to hold 98 % of its meetings virtually, including all the hearings of the Court of Appeals. Additionally, with the goal of reducing the procedural backlog, the Judicial and Legal Service Commission appointed five justices to the Supreme Court and four judges to lower courts.

As for women's human rights, the IACHR appreciates the funding the Department of Gender and Family Affairs has granted to two local non-governmental non-profit organizations, under the violence prevention program for perpetrators. The aim of this program is to address the deep-seated causes of gender-based violence. It also takes note of the Bahamas Development Bank's launch of its AWE Microloan Program in September 2021. This Program will provide loans to women who have graduated from the Academy for Women Entrepreneurs of the Embassy of the United States, with the aim of promoting gender equality and economic empowerment.

Furthermore, according to official data, sexual violence against women has decreased 13% in comparison to the previous year, with a total of 131 incidents recorded between January and September 2021—these include rape, attempted rape, incest, and sexual assault—while during the same period in 2020 there were 151. Finally, the IACHR takes note that out of the total number of candidates endorsed by political parties for the 2021 General Elections, only 18% are women.

As for the rights of the child, the Commission takes note of the implementation of a public alert system for missing children, the decision of the State to end corporal punishment at some institutions, and its progress in reducing cases of statelessness. The IACHR highlights the efforts the Government of The Bahamas has undertaken to implement the public alert system, "MARCO ALERT," to locate missing children. The IACHR further highlights that during a working visit to the country in 2019, the State reported that the amendment of the Child Protection Act of 2013 created the public alert system, but its implementation would begin in 2019 when the Government signed a contract with a private technology firm. The Commission notes that in 2021, a second contract was signed to increase the system's capacity. The Commission will continue monitoring the system's implementation.

With respect to corporal punishment, the IACHR underscores the State's decision of February 2, 2021, that ended all forms of corporal punishment in institutions for children's alternative care; this,

in response to complaints about abuse in the foster care home, Children's Emergency Hostel. Nevertheless, the Commission takes note that measures have not been adopted to prohibit corporal punishment at home and at schools, and that this practice is still allowed under Article 110 of the Criminal Code. The IACHR once again urges the State to prohibit all forms of punishment of children and adolescents in all settings.

In terms of persons in the context of human mobility, the Commission notes with concern the operation of April 8, 2021, which resulted in the detention of migrants with an irregular immigration status in the Bahamas, as well as the destruction of the community known as the Farm, located close to Treasure Cay, Abaco. In this context, the IACHR notes that a group of United Nations Rapporteurs urged the State to stop the demolition of approximately 600 houses at two informal settlements known as the Farm and Farm Road on the island of Abaco. They added that if the demolitions scheduled for May 7 were to take place, some 2,000 Haitian migrants, including women and children, would be at serious risk of becoming homeless.

In addition, the IACHR cautions that the State is implementing an immigration policy aimed at containing the forced displacement of people through measures such as: limiting access to its territory, applying immigration detention, and executing procedures for collective expulsion that do not identify potential needs for international protection. In keeping with official information, at least 1,386 Haitians would have been expelled from the country in 2021. Also, the Commission observes that persons who entered outside of regular entry channels are being accused of the crime of illegal entry, as well as of other violations of the Immigration Act. As a result, these people are sentenced to pay a fine and ordered to be expelled from the country. In some cases, they are also made to serve a prison sentence at a State-run correctional center. In this respect, the Commission recalls that the fact that an immigrant is in an irregular situation in a State does not cause harm to any fundamental legal interest that requires protection from the State's correctional authorities. Therefore, the imposition of a penalty for irregular entry, presence, stay, or immigration situation is disproportionate under criminal law.

With respect to reducing the number of cases of statelessness, the IACHR welcomes the Court of Appeals' judgment of June 21, 2021, which upholds the Supreme Court's judgment of May 2020—this allows children born in the Bahamas to acquire nationality upon birth when one of their parents is Bahamian, regardless of the parents' marital status. Prior to this decision, these children had to wait until they were 18 years old before requesting citizenship.

In relation to human trafficking, the Commission takes note of the Ministry of Security's anti-trafficking awareness campaign titled "no one is for sale," that would attempt to involve the general population in denouncing possible cases of human trafficking.

As for persons deprived of liberty, the IACHR observes overcrowding at Her Majesty's Prison, Fox Hill—the only penitentiary in the country—with a 7% level of overcrowding, as well as the high number of persons in prevention detention, which is equivalent to 37% of the total prison population.. With regard to recidivism of individuals who have been incarcerated, according to official data, the rate of recidivism fell to 12% in 2020 as compared to 14% in 2019. Likewise, the Government has highlighted its efforts to implement social reintegration programs to make the criminal justice system more effective, in particular through the use of integrated emerging technologies. The IACHR also takes note of the commitment of The Bahamas' to expunge the criminal records of first-time non-violent offenders<sup>0</sup> According to public information, more than 100 applications have been submitted for the expungement of criminal records.

The Commission takes note that this year the death penalty has not been applied, no one has been condemned to death since 2000, and no one is currently on death row. Nevertheless, there has been no progress in eliminating the death penalty from domestic legislation. In this respect, the IACHR once more urges the State to adopt the necessary measures to abolish this punishment.