

**STATUS OF HUMAN RIGHTS IN THE COMMONWEALTH OF THE BAHAMAS
FOR THE 43RD SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Commonwealth of the Bahamas (the Bahamas) for the 43rd session of the Universal Periodic Review (UPR).

Background

2. The Bahamas consists of a group of Islands in the Atlantic Ocean, northeast of Cuba with a population of approximately 355,608 people.¹ The population is predominately Christian with 69.9% of the population identifying as Protestant Christian, 12% as Roman Catholic, 13% as other Christian, 2.6% as unspecified, 1.9% as none, and 0.6% as other.²

3. The Bahamas' previous UPR was conducted on January 17, 2018.³ The Bahamas received 141 recommendations, 78 of which were supported by the Bahamas.⁴ One recommendation made by Argentina, and supported by the Bahamas, was that the government "[t]ake urgent measures to investigate and sanction all those involved in the sale and trafficking of children."⁵ It was also recommended by Ecuador, and supported by the Bahamas, that the government "[s]trengthen efforts to prevent and combat trafficking in persons, protect the victims and guarantee their access to medical, social, legal and rehabilitation services, as well as to logistic support."⁶ There were no recommendations made regarding religious freedom.⁷

Legal Framework

4. Under Article 18 of the Constitution of the Bahamas, "[n]o person shall be held in slavery or servitude. No person shall be required to perform forced labour."⁸

5. Under the Bahamas' Trafficking in Persons (Prevention and Suppression) Act, 2008, human trafficking is defined as:

[R]ecruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.⁹

6. Article 3 of this Act provides that, on summary conviction, anyone who "engages in or conspires to engage in, or attempts to engage in, or assist or otherwise facilitates another person to engage in 'trafficking in persons'" shall be sentenced to prison for three to five years.¹⁰ The same individual "on conviction of information" shall be sentenced to prison ranging from five years to life imprisonment.¹¹

7. Furthermore, under Article 8 of the International Covenant on Civil and Political Rights (ICCPR), to which the Bahamas is a party,¹² “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”¹³

8. The Bahamas is also a party to the Convention on the Elimination of All Forms of Discrimination Against Woman (CEDAW).¹⁴ Under Article 6 of the CEDAW, “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”¹⁵

9. Additionally, the Bahamas is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹⁶ Under Article 9 sec. 1 of this Protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.¹⁷

Human Trafficking

10. Since 2018, the Bahamas has recorded 56 human trafficking incidents.¹⁸ Over the past few years, the Bahamas has been experiencing “an increase in female victims being transported [to] and/or transited through the Bahamas for sexual and domestic exploitation, particularly from non-English speaking countries.”¹⁹

11. In July 2022, the Security Minister of the Bahamas, Wayne Munroe, responded to the latest 2022 report on human trafficking stating, “we accept all criticism.”²⁰ The Bahamas has remained in a high ranking in regards to its efforts to combat human trafficking and protect victims.²¹ However, the country has failed to initiate any new prosecutions, has identified fewer victims, and has not implemented a comprehensive victim identification protocol.²² Mr. Munroe pointed out that these issues were a direct result of the COVID-19 pandemic: “Nowhere in the world has there been prosecutions over the last two years.”²³ The Minister concluded his response by stating that they accept all criticisms and are giving their best efforts to address these delays in the criminal system, including speaking to the incoming chief justice about these issues and the best way to address them.²⁴

12. In February 2022, one 17-year-old girl testified in a human trafficking trial and recounted her experience being sold into sex trafficking at the age of 16.²⁵ In her testimony, an individual, who she believed was her friend’s aunt, took her to meet a 41-year-old man.²⁶ She was then left alone with the man who forced her to perform sexual acts.²⁷ Later she was taken back to the man’s apartment where she was forced to have sex with him again.²⁸ She was then taken to a motel where she was sexually exploited by another man. She was eventually rescued after her mother had reported her missing to the police.²⁹

13. In July 2021, two men were charged with two counts of human trafficking.³⁰ The first count was for conspiracy to transport a 34-year-old woman for the purpose of sexual exploitation.³¹ The second count was for transporting the same woman into the Bahamas in order to be sexually exploited.³²

14. In July 2021, the US Coast Guard apprehended a Bahamian man and Haitian man for human trafficking.³³ On board were ten males and nine females, four of whom were children. The boat was captained by a Bahamian while the rest of the passengers were of mixed nationalities including sixteen Haitian nationals, one Ecuadorian, and two Brazilians.³⁴ The group claimed that they had previously been in Freeport.³⁵

15. In May 2021, a 61-year-old American man was arrested by the Royal Bahamas Police Force for human trafficking.³⁶ This man was running a human trafficking scheme, whereby he was trying to lure people to Orlando, Florida, with promises of job opportunities.³⁷ Police reported that these types of schemes are part of a “disturbing trend” where individuals are being lured to the United States with false promises of jobs.³⁸

16. One Venezuelan woman shared her tragic story of how she was abducted from her town in Venezuela and trafficked to the Bahamas and forced into prostitution.³⁹ One night she was out for a walk when she was kidnapped and forced into a car.⁴⁰ She was then transported on a private airplane to be taken to the Bahamas where she was placed into a room containing only a small window and a bed.⁴¹ She was then forced to have sex with multiple men every day. She recounted:

All notion of time disappeared and every minute felt like an hour. The door to the room opened again and a man I had never seen entered. He didn’t say hello. Opening the door, he closed it again, locked it, forced me to undress, and began the worst of my torture.

He abused me and then left. It wasn’t long before some new stranger came in and the process repeated. More than five men came in a day and used me as if I were a garbage bag. They did whatever they wanted.⁴²

While she was being held captive, she met another 25-year-old woman who managed to smuggle in her phone undetected.⁴³ The 25-year-old woman gave the victim her phone and told her their location.⁴⁴ With the phone, the victim was able to send a tweet and post a live video sharing her location. Thankfully, hours later police arrived on the scene to rescue the victim and she was returned home to her family in Venezuela.⁴⁵ It is not clear what happened to the 25-year-old woman.

17. In 2021, there was a 16% decline in human trafficking incidents compared to 2020.⁴⁶ However, according to the police force commissioner, Paul Rolle, the issue of human trafficking is still of big concern for the Bahamian authorities.⁴⁷ The challenge facing the authorities is that people try to smuggle their way into the Bahamas from Haiti using American sailing vessels.⁴⁸ The Bahamas Defense Force, Police Marine, and the US Coast Guard are working jointly to intercept those migrant vessels that are contributing to human trafficking, especially in the southern part of the Bahamas.⁴⁹

18. In 2021, the Bahamas and Turks and Caicos Islands (TCI) officially joined forces to combat human trafficking.⁵⁰ Under the Memorandum of Understanding (MoU), the Bahamas and TCI will share intelligence and work together to cohesively train their tasks forces for optimal success.⁵¹ While the Bahamas and TCI have jointly operated for years, “the MoU will provide a legal framework for the cooperation.”⁵² After signing the MoU, the Bahamas, United States, and TCI attended a conference to discuss strengthening maritime security through Operation Bahamas and Turks and Caicos (OPBAT).⁵³ This agreement allows the United States to provide training, TCI to develop systems to share intelligence, and the

Bahamas to assist in integrating deployments.⁵⁴ Furthermore, OPBAT will allow the Bahamas and TCI to board each other's ships and aircrafts as well as enforce human trafficking laws.⁵⁵

19. In order to combat human trafficking, the Bahamas has implemented a four pronged approach that includes: “1) contemporary legislation; 2) training and awareness campaigns; 3) victim protection and recovery services[;] and 4) the successful prosecution and conviction of human traffickers.”⁵⁶ When it comes to assisting foreign victims who have been trafficked into the Bahamas, the government provides the victims with appropriate visa and authorization in order for the victims to remain in the country, as well as information in the victim's language to help them through the criminal process to prosecute their traffickers.⁵⁷ These are crucial steps in order to effectively prosecute human traffickers.

20. Furthermore, the government has also partnered with non-government agencies to provide housing, food, physical and psychological support, transportation, repatriation, and training for employment to the victims.⁵⁸ These services are offered to every victim to human trafficking.⁵⁹

21. Effectively combatting human trafficking requires a multifaceted approach. This includes allocating training and resources for law enforcement and investigators, providing aid and rehabilitation services for victims, and partnering with other countries. Since the Bahamas' previous UPR, it is clear that the government has recognized the importance of combatting human trafficking and is taking the necessary steps in compliance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons (mentioned above) to combat human trafficking at all levels, including through helping and assisting victims.

Recommendations

22. We want to commend the Bahamas for its efforts to investigate human trafficking as well as its efforts to provide aid and assistance for the victims of human trafficking. Additionally, because human trafficking is also a transnational crime, we are encouraged by the Bahamas' efforts to protect foreign victims who have been trafficked into the country and provide them with the resources needed to be able to stay in the country while prosecutors thoroughly investigate their cases and hold their captors accountable. We want to encourage the Bahamas to continue its efforts to combat human trafficking.

¹ *The Bahamas*, WORLD FACTBOOK (AUG. 9, 2022), <https://www.cia.gov/the-world-factbook/countries/bahamas-the/>.

² *Id.*

³ *Universal Periodic – Bahamas*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/bs-index>.

⁴ *Bahamas*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session29/BS/BAHAMAS_Infographic_29th.pdf.

⁵ UPR of Bahamas – Thematic List of Recommendations A/HRC/38/9/Add.1, OHCHR, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session29/BS/MatriceRecommendationsBahamas.docx>.

⁶ *Id.*

⁷ *Id.*

⁸ Constitution of the Bahamas art. 18,

https://www.constituteproject.org/constitution/Bahamas_1973.pdf?lang=en.

⁹ *What is Trafficking in Persons*, GOVERNMENT OF BAHAMAS,

https://www.bahamas.gov.bs/wps/wcm/connect/af827aa6-19b6-419a-88b4-68ac3e23683c/Frequently+asked+Tr+afficking+in+Persons+Questions+for+Website.pdf?MOD=AJPERES&CONVERT_TO=url&CACHEID=af827aa6-19b6-419a-88b4-68ac3e23683c.

¹⁰ *The Trafficking in Persons (Prevention and Suppression) Act, 2008*, OFFICIAL GAZETTE THE BAHAMAS (Dec. 10, 2008), https://www.oas.org/dil/Trafficking_In_Persons_Prevention_and_Suppression_Act_Bahamas.pdf.

¹¹ *Id.*

¹² International Covenant on Civil and Political Rights, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en.

¹³ International Covenant on Civil and Political Rights art. 8, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹⁴ Convention on the Elimination of All Forms of Discrimination Against Women, UNITED NATIONS TREATY COLLECTION,

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=_en.

¹⁵ Convention on the Elimination of All Forms of Discrimination Against Women art. 6, *adopted* Dec. 18, 1979, <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/cedaw.pdf>.

¹⁶ A Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en.

¹⁷ A Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime art. 9 sec. 1, *adopted on* Nov. 15, 2000, https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch_XVIII_12_ap.pdf.

¹⁸ Khrisna Russell, *Human Trafficking Still a “Big Concern” Despite Decline*, TRIBUNE (Feb. 18, 2022), <http://www.tribune242.com/news/2022/feb/18/human-trafficking-still-big-concern-despite-declin/>.

¹⁹ Tanya Smith-Cartwright, *People Traffickers Using Bahamas as Transit Route*, TRIBUNE (Dec. 4, 2020), <http://www.tribune242.com/news/2020/dec/04/people-traffickers-using-bahamas-transit-route/>.

²⁰ Jade Russell, *Munroe says ‘we accept all criticism’ after US trafficking report*, THE TRIBUNE (July 22, 2022), <http://www.tribune242.com/news/2022/jul/22/munroe-says-we-accept-all-criticism-after-us-traff/>.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ Artesia Davis, *Teenager Testifies Woman Sold Her into Sex Trafficking*, NASSAU GUARDIAN (Feb. 23, 2022), <https://thenassauguardian.com/teenager-testifies-woman-sold-her-into-sex-trafficking/>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ Royston Jones Jr., *Bahamian Men Charged with Human Trafficking*, EYEWITNESS NEWS (July 7, 2021), <https://ewnews.com/bahamian-men-charged-with-human-trafficking>.

³¹ *Id.*

³² *Id.*

³³ Denise Maycock, *Bahamian in Human Smuggling Swoop*, TRIBUNE, (July 27, 2021), <http://www.tribune242.com/news/2021/jul/27/bahamian-human-smuggling-swoop/>.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Man Arrested for Human Trafficking*, ZNS BAHAMAS (May 18, 2021), <https://znsbahamas.com/man-arrested-for-human-trafficking/>.

³⁷ *Id.*

³⁸ *U.S. Man Accused of Trafficking*, TRIBUNE 24 (May 19, 2021), <http://www.tribune242.com/news/2021/may/19/us-man-accused-trafficking/>.

³⁹ Daiana Ayelen Stocco, *Venezuelan Woman Escapes Sex Trafficking in the Bahamas*, ORATO (Aug. 30, 2021), <https://orato.world/2021/08/30/venezuelan-fled-from-human-traffickers-victims-in-the-bahamas/>.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Russell, *supra* note 18.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Olivia Rose, *TCI & Bahamas to Team Up to Tackle Human Trafficking – Heads of Government’s Sign*

Shiprider Agreement, TURKS AND CAICOS WEEKLY NEWS, (Dec. 10, 2021), <https://tcweeklynews.com/tci-bahamas-to-team-up-to-tackle-human-trafficking-heads-of-governments-p12144-127.htm>.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Turks and Caicos Islands and The Bahamas sign Shiprider Agreement on Cooperation in Maritime Security*, EYEWITNESS NEWS, (Dec. 04, 2021, 3:39 AM), <https://ewnews.com/turks-and-caicos-islands-and-the-bahamas-sign-shiprider-agreement-on-cooperation-in-maritime-security>.

⁵⁴ Olivia Rose, *supra* note 50.

⁵⁵ *Id.*

⁵⁶ Smith-Cartwright, *supra* note 19.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*