



## UPR 43 Pre-Session Oral Statement - Equality Bahamas

Equality Bahamas is a feminist organization promoting women's and LGBTQI+ people's rights as human rights through advocacy, public education, and community engagement. We register our concern about the clear lack of political will to:

- end all gender-based violence,
- integrate the principle of non-discrimination in law, policy, and programming,
- educate the public on human rights and United Nations mechanisms such as CEDAW, and
- achieve gender equality

The Government of The Bahamas has failed to promote, protect, and uphold human rights, both in its refusal to take action including legal reform for non-discrimination and gender equality and by its insistence on encouraging *debate* on issues of *rights* and pandering to religious fundamentalism.

Despite its power to do so, the Government of The Bahamas has yet to criminalize marital rape, centering religious fundamentalists in its “consultation”—now a delay tactic—and refusing to take a firm position in support of women's human rights and against gender-based violence.

**Equality Bahamas calls on the Government of The Bahamas to immediately criminalize marital rape by amending Section 3 of the Sexual Offences Act to remove the words “who is not his spouse” from the definition of rape.**

Marital rape is rape, and all rape must be criminalized.

The Government of The Bahamas must ensure that Bahamian women automatically pass on citizenship to their children, and that their spouses are entitled to citizenship upon application, as is the case for Bahamian men.

**We call on the government to, *this year*:**

- **set a timeline for a constitutional referendum, required to amend the constitution,**

- **develop and execute a clear action plan with adequate funding,**
- **engage with technical experts in civil society to design and implement a national education campaign on nationality rights ahead of the referendum,**
- **use ordinary legislation—with supporting policies—to guarantee gender-equal nationality rights *now*, in the interim, and**
- **expedite processing of submitted applications and ensure that *all* children born in The Bahamas have a nationality and no children are stateless.**

**We call for “gender” and “sexuality” to be included in the prohibited grounds of discrimination in the constitution, and for a timeline, action plan, and public education campaign to be developed and executed for this purpose. We call for legislation on non-discrimination to be enacted following consultation with nongovernmental organizations *with expertise* on human rights, women’s rights, LGBTQI+ people’s rights, and migrant rights.**

The Government of The Bahamas must acknowledge that women are not a homogenous group, and to support the human rights of *all* women in *all* of our diversity, including LBTQ+ women, women with disabilities, women in the Family Islands, migrant women, women experiencing poverty, and elderly women. We are disproportionately impacted by crises, such as climate disasters and COVID-19, and must be centered in policymaking, solution-building, and delivery of resources and services.

**We call on the Government of The Bahamas to enact legislation for non-discrimination, with specific protection for women, girls, and LGBTQI+ people.**

The Government of The Bahamas has failed to appropriately engage, support, and protect women human rights defenders. In 2018, following participation in the CEDAW review in Geneva, I, along with colleagues, experienced reprisal which I reported to the CEDAW Reprisals Committee. I was contacted by the Department of Gender and Family Affairs in The Bahamas which offered no direct support. The Government of The Bahamas then made a false statement to the Human Rights Council, saying that I no longer felt unsafe and the issue was resolved. This was untrue.

In January 2023, when I quote-tweeted The Bahamas Permanent Mission to the UN Geneva which commended States for non-discrimination and gender equality policies, noting the need for The Bahamas to do the same, the Permanent Mission blocked me on Twitter. The Director of Communications at the Office of the Prime Minister was informed, and there has been no action. As global civil society warns about and suffers

from shrinking civil society space, lack of protection, and direct threats and experiences of violence, this is dangerous and irresponsible.

**We call on the Government of The Bahamas to demonstrate support of women human rights defenders, to condemn acts of violence and hostility toward advocates, and to enact legislation to protect against hate speech and hate crimes.**

Critical to realizing human rights is national human rights education in accordance with the 2011 UN Declaration on Human Rights Education and Training, and demonstration, by the Government of The Bahamas, that human rights are real and inherent, that they are for *everyone*, and that they will be upheld. The public needs to understand the content of international mechanisms ratified by The Bahamas and their significance to the realization of human rights.

**We call on the Government of The Bahamas to, as matters of priority:**

- **establish and adequately resource an independent National Human Rights Institution, based on the Paris Principles,**
- **properly resource, with technical experts and funding, a national gender machinery, and**
- **integrate human rights education, at age appropriate levels, into all school curricula, and**
- **use traditional and social media to inform the public about human rights and the mechanisms that support them.**