



Human Rights Council
Working Group on the Universal Periodic Review
Forty-third session
1–12 May 2023

Summary of stakeholders' submissions on Bahamas*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of nine stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations³ and cooperation with human rights mechanisms

2. The Inter-American Commission for Human Rights (IACHR) reported that the Bahamas ratified the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 2018.⁴ JS1 recommended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.⁵

3. JS2 recalled the many countries that, during the previous UPR, urged the Bahamas to formalize the moratorium on death penalty by abolishing it and by signing and ratifying the Second Optional Protocol to the International Convention on Civil and Political Rights (ICCPR). While it stressed that the Bahamas had noted the previous UPR recommendations to ratify the Optional Protocol and the Second Optional Protocol to the ICCPR, JS2 recommended to ratify the Second Optional Protocol to the ICCPR and the Optional Protocol to the Convention against Torture.⁶

4. JS1 recommended that the Bahamas ratify the Violence and Harassment Convention (No. 190) of the International Labour Organization.⁷

5. International Campaign to Abolish Nuclear Weapons (ICAN) urged the Bahamas to sign and ratify the Treaty on the Prohibition of Nuclear Weapons (TPNW). It mentioned that the Bahamas had promoted universal adherence to the TPNW, including by consistently co-

* The present document is being issued without formal editing.



sponsoring and consistently voting in favour of an annual UN General Assembly resolution since 2018.⁸

6. JS3 recommended to accede to the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on to Reduction of Statelessness to ensure the development of legislation and regulations which ensure every child's right to a nationality and that no child is born stateless in the Bahamas.⁹

7. JS1 and JS3 recommended the Bahamas to immediately withdraw reservations to articles 2(a) and 9(2) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).¹⁰ JS3 also recommended to immediately remove the reservation on article 2 of the Convention on the Rights of the Child.¹¹

8. JS1 reported that, following the participation in the CEDAW review in October 2018, representatives of NGOs, including Equality Bahamas, faced reprisals in the form of reckless, incendiary speech by a radio host.¹²

9. The Inter-American Commission on Human Rights visited the Bahamas from 20 to 27 February 2019 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.¹³

B. National human rights framework

Institutional infrastructure and policy measures

10. In 2021, the IACHR noted that the Bahamas had not made headway in implementing a national human rights system or an Office of the Ombudsperson despite that draft legislation had been prepared in this regard.¹⁴ JS2 recalled that the Bahamas accepted the recommendation from the previous cycle to establish such a national institution and that the country had announced that the Ombudsman Bill (2017) was laid before the Parliament on 23 October 2017 for review although it had not been debated yet.¹⁵ JS1 recommended that the Bahamas establish a National Human Rights Institution.¹⁶ JS2 recommended to promulgate the Ombudsman Bill and establish a national human rights institution in accordance with the Paris Principles.¹⁷

C. Promotion and protection of human rights

1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

Equality and non-discrimination

11. JS1 recalled several recommendations made to the Bahamas during the previous UPR cycle regarding persistent gender-based discrimination. It reiterated the need for action in particular on two specific aspects: nationality law and parental leave.¹⁸

Right to life, liberty and security of person, and freedom from torture

12. Despite a reduction in 2018 and the efforts made in 2019, the IACHR noted with concern that the Bahamas had a high homicide rate, among the top six countries in Latin America and the Caribbean and regretted an increase in the rape cases.¹⁹

13. The IACHR considered that violence linked to firearms continued to be one of the predominant forms of violence in the country. Although recognizing the State's efforts undertaken in 2021 to remove unlawful firearms from circulation, the IACHR regretted the high rates of armed violence in the Bahamas and called on the State to take measures of effective gun control, along with measures to prevent and punish these acts.²⁰

14. JS2 indicated that the Constitution of the Bahamas specifically allowed for the death penalty.²¹ JS2 stressed that the Bahamas had a *de facto* moratorium on the death penalty and had not executed anyone since 2000. However, it highlighted that, recently, politicians and

the public had expressed support for the death penalty.²² JS2 recommended that the Bahamas abolish the death penalty and replace it with a sentence that is fair, proportionate, and respects international human rights standards and, in the meantime, impose an official *de jure* moratorium on the death penalty, effective immediately, and amend the Penal Code to restrict the possibility of being sentenced to death to only the most exceptional circumstances and for the most heinous crimes.²³ As well, the IACHR urged the Bahamas to adopt the necessary measures to abolish the death penalty.²⁴

15. The IACHR reported an increase in the acts of police brutality with beatings, murders, intimidation, and harassment of citizens as the most notable. It urged the Bahamas to investigate these facts with due diligence, identifying and punishing those responsible and making reparations to victims.²⁵ JS2 recalled the recommendations from the previous UPR cycle requesting the Bahamas to enact legislation requiring human rights education for security personnel, law enforcement and judges and underlined that there were no reported awareness-raising campaigns addressing either detention conditions or the death penalty.²⁶

16. The IACHR noted the overcrowding and excessive use of pre-trial detention that persons deprived of liberty faced.²⁷ JS2 recalled that Bahamas accepted the recommendations from the previous UPR cycle to improve the conditions of detention. It stressed that reports continued to indicate overcrowding, poor nutrition and inadequate medical care in prisons. In addition, conditions worsened during the COVID-19 pandemic, as detained people who were COVID-19 positive were not quarantined and did not receive timely medical care. In addition, detained persons had little to no access to vaccines.²⁸ JS2 added that, because the Bahamas did not have a NHRI, individuals faced additional barriers to reporting violations of human rights occurring in prisons and detention centers.²⁹ JS2 recommended to require human rights training for all security officers and law enforcement working at detention facilities, with a particular focus on the Nelson Mandela Rules. JS2 also recommended to step up funding for the detention facilities to ensure conditions are consistent with the Nelson Mandela Rules, with particular emphasis on water and sanitation, food and other basic necessities, prison-based health services, and safety of people living in detention.³⁰

Human rights and counter-terrorism

17. JS2 reported that the Bahamas Anti-Terrorism Act of 2004 reiterated that the death penalty could be applied to terrorist acts that resulted in death or “serious bodily harm”.³¹

Administration of justice, including impunity, and the rule of law

18. JS2 stated that the Bahamas Constitution granted the accused person access to legal counsel at all phases of criminal proceedings, yet, in practice, defendants lacked adequate legal representation. Although the government did provide free legal counsel, it had only limited resources to do so and, as a result, some defendants who could not afford their own counsel were not provided with legal aid. Some of the accused even lacked the ability to advance their case to trial, resulting in excessive pretrial detention. In addition, the Bahamas had chronic, long-lasting backlog in cases awaiting trial, which became increasingly worse since the government suspended jury trials due to the COVID-19 pandemic. Contributing to the backlog, there had been issues of inaccurate handling of evidence, case docket issues, and issues in witness, jury member, and defendant testimony scheduling. JS2 also underlined that the Bahamas took steps to implement a digital case-management system and to hire new justices to address the backlog.³² The IACHR highlighted the efforts made by the State in 2021 to fight crime and reduce the backlog of court cases.³³

19. JS2 recommended to ensure that all defendants have access to adequate and timely legal counsel immediately on arrest and throughout all subsequent criminal proceedings, including on appeal and in any mercy, clemency or related proceedings. JS2 also recommended to provide enhanced funding and human resources to legal aid to ensure that defendants who have limited financial means to defend themselves are afforded complete and effective legal assistance, including well qualified legal counsel and funding for carrying out an investigation to gather evidence for the defense, including expert witnesses, giving priority to any person at risk of being sentenced to death.³⁴

20. The IACHR highlighted the challenges that migrants faced to access justice due to the heavy-handed measures adopted by the government through the imposition of fines that were disproportionate given their status as undocumented migrants.³⁵

Right to participate in public and political life

21. The IACHR expressed concern about the low participation of women in political and public life.³⁶ Just Atonement Inc. (JAI) reported that entrenched gender stereotypes hindered women's ability to participate in political and public life in the Bahamas.³⁷ JS1 expressed a similar concern.³⁸

Right to marriage and family life

22. JS1 recommended to amend the Marriage Act to end child marriage, by making the minimum age for marriage 18 years old.³⁹

23. On parental leave, JS1 underlined that, at present, national legislation only guaranteed maternity leave for 12 weeks and underlined the importance of amending that legislation to include parental leave that is not exclusive to any gender so as not to reinforce gender norms and stereotypes about domestic responsibilities and to encourage the sharing of responsibilities between parents/guardians.⁴⁰ JS1 recommended to extend parental leave requirement to 18 weeks for any gender.⁴¹

Prohibition of all forms of slavery, including trafficking in persons

24. European Centre for Law and Justice (ECLJ) indicated that, since 2018, the Bahamas had recorded 56 human trafficking incidents and 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.⁴²

25. According to ECLJ, since the previous UPR, the government of the Bahamas had recognized the importance of combatting human trafficking and was taking the necessary steps in compliance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons to combat human trafficking at all levels, including through helping and assisting victims. It commended the efforts undertaken by the Bahamas to combat trafficking and the assistance provided to the victims.⁴³

26. ECLJ reported that to combat trafficking, the Bahamas implemented a four-pronged approach that included: 1) contemporary legislation; 2) training and awareness campaigns; 3) victim protection and recovery services; and 4) the successful prosecution and conviction of human traffickers. With regard to assisting foreign victims of trafficking into the Bahamas, the government provided them 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 trafficker.⁴⁴ In addition, the government had partnered with non-governmental agencies to provide housing, food, physical and psychological support, transportation, repatriation, and training for employment to every victim of trafficking.⁴⁵

Right to an adequate standard of living

27. JS1 underlined that one out ten people in the Bahamas was living below the poverty line. The cost of food in the country was very high and food insecurity was a threat for many and a reality for others. JS1 considered critical that the government undertake measures to increase food security and support households in growing their own food while resourcing micro, small, and medium-size businesses to enter and grow the agriculture and food production sector.⁴⁶

Right to health

28. Center for Global Nonkilling (CGNK) indicated that the suicide rate was low in the Bahamas. However, there has been a sharp rise of that rate since 2004. It underlined that committing suicide was still punishable and that the criminalization highly limited the possibility of a wholesome approach to the prevention of suicides in all situations by the State

and private actors, including the medical sector. It also limited the prevention work and the possibility of seeking help, of open treatment of affected persons and for the accompaniment of concerned relatives. CGNK strongly recommended to swiftly change the penal code to decriminalize suicides and adopt other acute measures to prevent suicides.⁴⁷

29. JAI recommended to conduct a national assessment of climate change impacts, vulnerability and adaptation for health and that the results of the assessment are used for policy prioritization and the allocation of human and financial resources in the health sector. It further recommended the Bahamas to implement a climate change and health strategic action plan and strengthen integrated risk surveillance and early warning systems related to extreme events and public health.⁴⁸

30. JS1 recommended to ensure access to sexual and reproductive health services to girls of 16 years and older.⁴⁹

31. JS1 also recommended to decriminalize abortion in all circumstances and ensure this healthcare practice service is accessible to all.⁵⁰

Right to education

32. JS1 stressed that gender inequality persisted in the Bahamas reflected in the high graduation rate of girls and high rate of tertiary education of women in the country. However, this was not translated into higher income.⁵¹

33. The IACHR was made aware of the introduction of several bills related to the education of migrant children. According to the collected information, the proposed legislation considered a citizenship requirement to allow access to the national education system. The IACHR considered that if approved, this bill would endanger the right to education of all migrant children in the Bahamas.⁵²

Development, the environment, and business and human rights

34. JAI underlined that the Bahamas was particularly susceptible to climate change, natural disasters and rising of sea levels. Its population faced a disproportionate threat to its right to life and self-determination from climate change.⁵³ The impact of natural disasters was exacerbated by inadequate construction and infrastructure located in vulnerable areas.⁵⁴ Rising sea levels posed a serious threat to the economic stability of the Bahamas and that would create and exacerbate social issues in the country.⁵⁵ JS1 indicated that there was an increasing need to view the climate crisis as a human rights issue.⁵⁶ JS1 recommended the Bahamas to develop inclusive climate action and disaster relief plans.⁵⁷ JAI also recommended to prioritize the establishment of early warning mechanisms and preparedness activities.⁵⁸

35. JAI indicated that more coordination among institutions and organizations dealing with climate change was needed and international organizations should be included.⁵⁹ JAI recommended the Bahamas to take action to adapt to climate change impacts and to coordinate with States in a similar situation to obtain reparations or compensation for losses and damage sustained by climate change.⁶⁰ JS1 recommended to hold large countries and industries accountable for carbon emissions, by developing a comprehensive legal framework to support the polluter pays principle.⁶¹

2. Rights of specific persons or groups

Women

36. JAI reported that gender inequality and gender-based violence were pervasive problems in the Bahamas, amplifying women and girls' risk and vulnerability to extreme weather events and climate change.⁶² The IACHR expressed a similar concern.⁶³

37. JS1 reported that the Bahamas was plagued by gender-based violence which took various forms, including domestic violence, intimate partner violence, sexual exploitation of girls, gender inequality in the law, and lack of safeguards to protect against violence and discrimination. According to JS1, women, girls, LGBTIQ+ people, people with disabilities,

and migrant people were particularly vulnerable to gender-based violence and human rights violations.⁶⁴ JAI also reported that, certain groups, including LGBTQ+ persons and Haitian women and girls, were among the most marginalized and vulnerable to violence due to the intersection of their gender, nationality and/or sexual orientation.⁶⁵ JS1 recommended to develop and implement comprehensive support services for survivors of gender-based violence.⁶⁶

38. JS1 reported that many people would make excuses for domestic violence in certain circumstances such as infidelity and refusal to engage in sexual intimacy. Intimate partner violence was not a widely used term in the Bahamas although incidents occurred in high numbers and needed to be recorded and reported as such.⁶⁷ It added that the government had not taken any steps to address gender stereotypes, educate the public about domestic violence and the warning signs, or equip people with tools and resources to resolve conflict, access mental health services, and access safe housing.⁶⁸

39. With regard to marital rape, JS1 indicated that after the visit of the Special Rapporteur on Violence Against Women to Bahamas in 2017, public discussion on the issue took place with government officials making noncommittal comments, refusing to provide a timeline for the criminalization of marital rape, despite the five recommendations made on this issue at the previous UPR cycle.⁶⁹ JS1 reported that the Sexual Offences Act drafted in 2018 was rejected because it failed to acknowledge that marital rape was a rape. The current administration was drafting a new bill but with limited consultations with civil society organizations.⁷⁰ JS1 reported that the criminalization of marital rape by way of amendments to the Sexual Offences Act had been postponed by successive government administrations which had blatantly stated that the issue was less important than others.⁷¹ JS1 recommended to criminalize marital rape and to amend the Sexual Offences Act definition of rape in section 3, by removing “who is not his spouse”.⁷²

40. JS1 indicated that the Bahamas did not record femicides as such. This made it difficult to count femicides and get an accurate picture of this pressing issue in order to design effective interventions.⁷³ It recommended to record the killing of women and girls because of their sex or gender as femicide, make the data and analysis publicly available and develop effective interventions to end femicide.⁷⁴

41. JS1 underlined that there were frequent reports of missing girls on the Bahamas but the general response from the public was apathy alongside the belief that the girls were “bad” and had willingly absconded with men, despite the girls’ age and that they were unable to consent before the age of 16.⁷⁵

Children

42. The IACHR welcomed the elimination in 2021 of all forms of corporal punishment at alternate care institutions for children.⁷⁶ End Violence reported that corporal punishment was lawful in the penal code of the Bahamas in the home, day care, schools and as a sentence for crime and possibly in penal institutions, despite recommendations to prohibit it by the Committee on the Rights of the Child and Committee for the Elimination of All Forms of Discrimination against Women, other treaty bodies and several recommendations from the previous UPR cycles.⁷⁷ The IACHR noted that no measures had been taken to prohibit corporal punishment at home and at schools and that this practice was still allowed under article 110 of the Criminal Code. The IACHR urged once again the Bahamas to prohibit all forms of punishment of children and adolescents in all settings.⁷⁸

43. According to End Violence, the Child Protection Act of 2006 which came into force in 2009 did not repeal article 110 of the Penal Code that allowed corporal punishment. In addition, provisions in the Act against violence and abuse were not interpreted as prohibiting corporal punishment in childrearing.⁷⁹ The IACHR observed that there were legislative mechanisms to deal with violence that needed to be adapted and adequately implemented, among them, the Child Protection Act.⁸⁰ End Violence added that no legislation to explicitly prohibit corporal punishment of children in all settings seemed to have been adopted.⁸¹ End Violence recommended that the Bahamas intensify its efforts to enact a law to clearly prohibit all corporal punishment of children, however light, in every setting of their lives, as a matter of urgency.⁸²

44. JS3 highlighted that, in the case of adoption of a child who was not a Bahamian national, the Nationality Act discriminated against women in cases of joint adoption, with Bahamian nationality acquired through the paternal line only.⁸³ JS3 recommended to undertake the necessary steps to raise public awareness and support needed to amend the Constitution and make necessary amendments to the Nationality Act.⁸⁴

45. With regard to the disappearance of children, the IACHR observed the AMBER alert and Marco alert systems were applied to register complaints and locate missing children. However, it noted the absence of a detailed procedure for the public dissemination of alerts that might enable the rapid identification of their whereabouts.⁸⁵

Persons with disabilities

46. JS1 indicated that the Persons with Disabilities (Equal Opportunities) Act of 2014 was not fully implemented yet and recommended to fully implement that Act.⁸⁶

Lesbian, gay, bisexual, transgender and intersex persons

47. The IACHR reported that LGBTI persons were gravely exposed to domestic violence and that they were 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 was prone to live in the streets and to seek asylum in other countries.⁸⁷ JS1 reported that the government of the Bahamas continued to refuse to acknowledge the human rights of LGBTQI+ people, leaving them to become victims of violence or to seek asylum in other countries.⁸⁸

48. The IACHR noted that, after a number of referendums that rejected the introduction of the concept of gender equality in a constitutional reform, discrimination towards LGBTI persons would have increased.⁸⁹ JS1 underlined that there were no explicit protection from discrimination for LGBTQI+ people on the basis of sexuality in the Constitution of the Bahamas and indicated that articles 15 and 26 needed to include gender and sexuality to provide explicit protection for women, nonbinary people and people with diverse sexualities.⁹⁰ JS1 considered that another referendum should be held to amend article 26(4) of the Constitution on prohibited grounds of discrimination to specifically add "sex".⁹¹ JS1 recommended to expand anti-discrimination protection to LGBTQI+ people and expand article 26 of the Constitution to include gender identity, gender expression and sexual orientation.⁹²

49. JS1 indicated that the lack of hate speech and hate crime legislation rendered LGBTQI+ people defenseless when they were violated and their safety and security threatened. It added it was difficult to make reports of threats and violence, and it was not unusual for police officers to laugh at victims and refuse to take their reports.⁹³ JS1 recommended to enact hate crime legislation explicitly criminalizing violence motivated by prejudice based on identity, including gender, sexuality, race, class, age and nationality.⁹⁴

Migrants, refugees and asylum-seekers

50. JS1 also reported that the treatment of migrants and refugees was an ongoing area of concern and that Haitian migrants were often treated inhumanely. It recalled that recommendations from the past UPR cycle had not been implemented. JS1 recommended to use a human rights-based approach in immigration policy, make more transparent the process for refugees, asylum-seekers, protect migrant workers from exploitation and trafficking and limit detention by creating alternatives.⁹⁵ The IACHR expressed a similar concern.⁹⁶

51. The IACHR expressed concern 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.⁹⁷ The IACHR observed that persons who entered outside of regular entry channels were being accused of the crime of illegal entry, as well as of other violations under the Immigration Act. As a result, these people were sentenced to pay a fine and ordered to be expelled from the country. In some cases, they also served a prison sentence at a State-run correctional center. In this respect, the IACHR recalled that the fact that an immigrant was in an irregular situation in a State did not cause harm to any fundamental legal interest that required protection from the

State's correctional authorities. Therefore, the imposition of a penalty for irregular entry, presence, stay, or immigration situation was disproportionate under criminal law.⁹⁸

52. The IACHR also expressed concern about the eviction of residents of communities mainly made of undocumented migrants from Haiti and without a relocation plan.⁹⁹ JAI reported that, in 2019, the Bahamas attempted to deport a group of asylum seekers to Haiti amid a natural disaster that particularly hit the informal settlements of Haitian migrants. According to JAI, government officials confiscated survivors' land, refused them aid at shelters, and deported hundreds to crisis-stricken Haiti.¹⁰⁰ In 2021, the IACHR supported the call from a group of United Nations Special Rapporteurs and 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.¹⁰¹

Stateless persons

53. JS3 stressed that the clear distinction in the automatic acquisition of Bahamian nationality for children born abroad, which was dependent on the sex and marital status of the parent, was in clear contradiction to the principle of non-discrimination enshrined in the Article 2 of the Convention on the Rights of the Child. Moreover, in cases where the child could not acquire the nationality from his/her father either because he might be stateless, unable to confer his nationality, missing, or unwilling to establish paternity, the child's right to acquire a nationality might be violated, again resulting in their statelessness.¹⁰² JS3 recommended to amend the Constitution within the shortest timeframe possible and before the next UPR review to remove provisions that discriminate in the conferral of nationality based on the parent's gender and marital status.¹⁰³ It also recommended to establish safeguards in the Constitution and/or Nationality Act to prevent statelessness and ensure children who are otherwise stateless have a pathway to nationality.¹⁰⁴

54. On nationality, JS3 stressed that gender discrimination in the laws and policies of the Bahamas pertaining to nationality undermined women and men's equal citizenship and their equality in the family – reinforcing and contributing to gender-discriminatory social norms – while also contributing to gender-based violence, which was rooted in women's unequal status in society. Women's unequal ability to confer nationality on their children had been linked with heightened obstacles to women extracting themselves from abusive relationships, while women and girls who lack nationality in their country of residence were at increased risk of child marriage and human trafficking.¹⁰⁵

55. JS3 underlined that, according to the Bahamian Constitution, Bahamian men and women did not have an equal right to confer nationality on their children, in accordance with principles and standards set out in multiple international human rights instruments.¹⁰⁶ JS1 added that Bahamian women married to non-Bahamian spouses did not automatically confer citizenship on their children born outside of the Bahamas while Bahamian men had this right automatically. In addition, Bahamian women also did not confer citizenship to their husbands while the spouses of Bahamian men had the right to apply. JS1 reported that these inequalities in nationality rights were destructive to families, limited opportunities, particularly for women who might wish to return to the Bahamas and could increase the number of stateless children.¹⁰⁷

56. JS3 indicated that women were also discriminated against in the transmission of their nationality to their spouse as per article 10 of the Constitution.¹⁰⁸ JS1 recommended to hold a constitutional referendum to amend articles 8, 10 and 14 of the Constitution for gender-equality nationality rights. It also recommended to use ordinary legislation to give gender-equal rights to confer citizenship on children and spouses, regardless of marital status.¹⁰⁹ JS3 also recommended to amend the Constitution and Nationality Act in order to enshrine women and men's equal ability to confer nationality on non-national spouses.¹¹⁰

57. JS3 recommended to take steps to ensure that all children and adults who have been denied access to Bahamian citizenship due to gender discriminatory nationality laws, are granted nationality and in the interim, fully enjoy their other human rights on a non-discriminatory and equal basis.¹¹¹

58. The IACHR welcomed the Court of Appeals' judgment of June 21, 2021, which upheld the Supreme Court's judgment of May 2020, allowing children born in the Bahamas to acquire nationality upon birth when one of their parents was Bahamian, regardless of the parents' marital status.¹¹² JS3 recalled that, in March 2021, the Bahamian Court of Appeal re-affirmed a Supreme Court ruling on the interpretation of Article 6 of the Constitution confirming that this article should be interpreted as meaning that all children born in the Bahamas to a Bahamian parent should automatically acquire nationality at birth – regardless of marital status of the parents. JS3 also underlined that the Government indicated its intention to appeal the ruling to the Privy Council.¹¹³

Notes

¹ See A/HRC/38/9, A/HRC/38/9/Add.1 and A/HRC/38/2.

² The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with A status).

Civil society

Individual submissions:

CGNK	Center for Global Nonkilling, (Switzerland);
ECLJ	European Centre for Law and Justice, (France);
End Violence	End Violence Against Children, (United States of America);
ICAN	International Campaign to Abolish Nuclear Weapons, (Switzerland);
JAI	Just Atonement Inc. (United States of America);

Joint submissions:

JS1	Joint submission 1 submitted by: Equality Bahamas the Bahamas) and International Center for Advocates Against Discrimination (ICAAD) (United States of America);
JS2	Joint submission 2 submitted by: The Advocates for Human Rights (United States of America), The World Coalition Against the Death Penalty (United States of America) and The Greater Caribbean for Life (United States of America);
JS3	Joint submission 3 submitted by: Hollaback Bahamas!, the Global Campaign for Equal Nationality Rights and the Institute on Statelessness and Inclusion (ISI) (Netherlands).

Regional intergovernmental organization(s):

IACHR	Inter-American Commission for Human Rights (Costa Rica).
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³ The following abbreviations are used in UPR documents:

ICCPR	International Covenant on Civil and Political Rights
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

⁴ IACHR, p. 1.

⁵ JS1 para. 62.

⁶ JS2, paras. 3–5 and 28.

⁷ JS1, para. 60.

⁸ ICAN, p. 1.

⁹ JS3, p. 8.

¹⁰ JS1, para. 55 and JS3, p. 8.

¹¹ JS3, p. 8.

¹² JS1, para. 30.

¹³ IACHR, p. 1.

¹⁴ IACHR, p. 11.

¹⁵ JS2, paras. 6 and 8.

¹⁶ JS1, para. 66.

¹⁷ JS2, para. 28.

¹⁸ JS1, para. 23.

¹⁹ IACHR, pp. 1–2, 4–5 and p. 12.

²⁰ IACHR, pp. 5 and 12.

²¹ JS2, paras. 10 and 14–18. See also IACHR, p. 11.

²² JS2, paras. 1 and 14.

- 23 JS2, para. 28.
- 24 IACHR, p. 15.
- 25 IACHR, p. 12.
- 26 JS2, paras. 11–13.
- 27 IACHR, pp. 11 and 15.
- 28 JS2, paras. 19–22.
- 29 JS2, para. 8.
- 30 JS2, para. 28.
- 31 JS2, para. 16.
- 32 JS2, paras. 23–26. See also IACHR, p. 5.
- 33 IACHR, p. 11.
- 34 JS2, para. 28.
- 35 IACHR, pp. 1–2 and 4.
- 36 IACHR, pp. 2 and 11.
- 37 JAI, para. 11.
- 38 JS1, para. 24.
- 39 JS1, para. 53.
- 40 JS1, para. 28.
- 41 JS1, para. 51.
- 42 ECJL, paras. 10–11.
- 43 ECLJ, para. 22.
- 44 ECLJ, para. 19.
- 45 ECLJ, para. 20.
- 46 JS1, para. 39.
- 47 CGNK, pp. 2–3.
- 48 JAI, paras. 17–19.
- 49 JS1, para. 54.
- 50 JS1, para. 52.
- 51 JS1, para. 29.
- 52 IACHR, p. 3.
- 53 JAI, paras. 1–9.
- 54 JAI, para. 5.
- 55 JAI, paras. 8–9.
- 56 JS1, para. 37.
- 57 JS1, para. 65.
- 58 JAI, para. 16.
- 59 JAI, para. 14.
- 60 JAI, para. 15.
- 61 JS1, para. 64.
- 62 JAI, paras. 17–19.
- 63 IACHR, p. 3.
- 64 JS1, p. 1.
- 65 JAI, para. 10.
- 66 JS1, para. 46.
- 67 JS1, para. 10.
- 68 JS1, para. 11.
- 69 JS1, para. 3.
- 70 JS1, para. 4.
- 71 JS1, para. 7.
- 72 JS1, para. 44.
- 73 JS1, para. 12.
- 74 JS1, para. 45.
- 75 JS1, para. 15.
- 76 IACHR, pp. 11 and 13.
- 77 End Violence, p. 1, paras. 2, 2.1–2.9 and 3.1–3.2.
- 78 IACHR, p. 14.
- 79 End Violence, para. 2.1.
- 80 IACHR, p. 3.
- 81 End Violence, para. 1.2.
- 82 End Violence, para. 2.
- 83 JS3, para. 40.
- 84 JS3, p. 7.

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- ⁸⁵ IACHR, pp. 3 and 12.
⁸⁶ JS1, paras. 31 and 61.
⁸⁷ IACHR, pp. 3–4.
⁸⁸ JS1, para. 17.
⁸⁹ IACHR, p. 4.
⁹⁰ JS1, para. 18.
⁹¹ JS1, para. 27.
⁹² JS1, para. 49.
⁹³ JS1, para. 19. See also IACHR, pp. 4–5.
⁹⁴ JS1, para. 50.
⁹⁵ JS1, paras. 35 and 63.
⁹⁶ IACHR, pp. 1–2.
⁹⁷ IACHR, pp. 11 and 14.
⁹⁸ IACHR, p. 14.
⁹⁹ IACHR, p. 3.
¹⁰⁰ JAI, para. 12.
¹⁰¹ IACHR, p. 14.
¹⁰² JS3, para. 35.
¹⁰³ JS3, pp. 7–8.
¹⁰⁴ JS3, p. 8.
¹⁰⁵ JS3, paras. 36–39 and 41.
¹⁰⁶ JS3, para. 25.
¹⁰⁷ JS1, para. 26. See also JS3, paras. 26–27 and 30.
¹⁰⁸ JS3, paras. 36–39.
¹⁰⁹ JS1, paras. 57–58.
¹¹⁰ JS3, p. 8.
¹¹¹ JS3, p. 8.
¹¹² IACHR, p. 14.
¹¹³ JS3, para. 44. See also IACHR, p. 2.
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