



United Nations

CEDAW/C/BHS/Q/5

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Fifty-second session

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List of issues and questions with regard to the consideration of periodic reports

Bahamas

The pre-session working group examined the fifth periodic report of Bahamas (CEDAW/C/BHS/5) submitted by the State party.

General

1. The introduction of the State party's report describes the process of drafting the report. In this regard, please provide detailed information on the nature and extent of consultations with non-governmental organizations, particularly women organizations. Please explain whether the report was adopted by the Government and submitted to the Parliament.

Constitutional, legislative and institutional framework

2. Given that the dualist legal system of the State party requires incorporation of the Convention to render it fully applicable in the domestic legal system, please indicate whether the State party is envisaging undertaking a comprehensive revision of its domestic law to identify, repeal and amend discriminatory provisions that discriminate against women.

3. According to paragraph 32 of the report, the Constitution does not provide for the prohibition of discrimination against women. Please indicate whether the State party is considering including an explicit definition and prohibition of both direct and indirect discrimination against women in relevant legislation. Please provide information on the steps taken to withdraw its reservation to article 2 (a) of the Convention.

National machinery for the advancement of women

4. The responses to the List of Issues (CEDAW/C/BHS/Q/4/Add.1) mention in paragraphs 12 and 13 that the budget allocated to the Bureau of Women's Affairs amounts to USD 80,000 and that the Bureau is composed of four staff members. Please indicate which percentage of the national budget is allocated to the Bureau of Women's Affairs and whether the State party is envisaging increasing the human resources of this Bureau. Please also elaborate on the capacity of the national machinery for the advancement of women to

coordinate with the different ministries and indicate whether budget allocation and the capacity of the gender national mechanism staff are adequate at all levels of government.

5. The report indicates in paragraph 42 that the State party is in the process of developing a National Gender Policy. Please indicate the actions taken to accelerate the development of such policy and provide a clear timeframe for its adoption and implementation. Please also indicate how the coordination, monitoring and evaluation of its implementation are envisaged. Please provide information on the mandate of the Women's Advisory Council (CEDAW/C/BHS/Q/4/Add.1, paragraph 12) and indicate how it is related to the national machinery for the advancement of women.

Temporary Special Measures

6. The Replies to the List of Issues indicate in paragraph 17 that no consideration has been given to the adoption of temporary special measures. Please indicate the reason for this and the barriers to the adoption of temporary special measures, in accordance with article 4, paragraph 1 of the Convention and general recommendation No. 25 on temporary special measures (2004), either in the form of affirmative action, or otherwise, to accelerate the achievement of equality of women and men.

Stereotypes and harmful practices

7. Please provide information on measures envisaged, including the development of a comprehensive policy, to change social and cultural patterns that lead to stereotyping, reproducing or reinforcing the traditional roles of women and men within the family and society in general and to eliminate customs and cultural practices, which discriminate against women.

Violence against women

8. During the Universal Periodic Review of the Bahamas, the State party supported the recommendation to take effective measures to address the serious social problem of rape. Please provide information on the progress made in this regard. Please provide data on the prevalence and trends in violence against women and girls, including rape, sexual abuses and domestic violence cases during the last five years. Please explain whether the State party envisages establishing a systematic and regular gathering and analysis of data and information on all forms of violence against women. Please also indicate whether the State party envisages developing a national policy or comprehensive long-term strategy to combat violence against women, which would include measures to combat stigmatization of victims of sexual and domestic violence and to provide them with medical and psychological support.

9. The State party's responses to the List of Issues (CEDAW/C/BHS/Q/4/Add.1) indicates in paragraphs 31 and 32 that the draft law amending the Sexual Offences Act in order to make marital rape an offence has been pending before Parliament since 2009. Please indicate the steps taken and envisaged to further amend this draft law so that it contains a definition of marital rape on the basis of lack of consent as well as provisions criminalizing marital rape, as recommended during the Universal Periodic Review of the Bahamas in 2010. Please also provide information on the steps taken to expedite the adoption of the draft law.

10. The report describes in paragraph 49 the initiatives taken to combat domestic violence, including the enactment of the Domestic Violence (Protection Orders) Act in 2007. Please indicate the measures taken to ensure and promote effective implementation of this Act and provide information on the results achieved. Please also indicate how the coordination, monitoring and evaluation of its implementation are envisaged. Please indicate the time

frame to provide remedies and assistance, including shelter, counselling and rehabilitation services to all victims of domestic violence.

Trafficking and exploitation of prostitution

11. The report refers in paragraph 39 to the enactment of a Trafficking in Persons (Prevention and Suppression) Act, in 2008. Please indicate the measures taken to ensure and promote effective implementation of this Act and the mechanisms in place for monitoring its implementation. Please provide data on the number of cases brought before the court, and the number of prosecutions and punishments since the Act came into force. Please also indicate whether the State party envisages developing policies and programmes addressing prevention, protection, assistance and legal support for victims of trafficking, including those who are exploited in forced prostitution.

12. The Committee received reports that children, and presumably girls, engaged in certain activities related to tourism were at risk of being involved in commercial sexual exploitation. Please indicate the steps taken to eliminate commercial sexual exploitation of children and to raise awareness of the actors directly related to the tourist industry.

Participation in political and public life

13. The report indicates in paragraphs 63 and 67 that women account for 12.2 per cent of all members in Parliament and fewer women are inclined to become involved in politics. Please indicate the steps taken to increase the number of women in decision-making bodies and to achieve equal representation of women in political and public life, including through the adoption of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 on temporary special measures (2004). Please provide, in particular, information on measures envisaged to support women candidates standing for elections, including by developing targeted training and mentoring programmes on leadership and negotiation skills for potential women candidates and women holding public office, and ensuring that in each group of three candidates, at least one candidate is a woman in political parties' electoral lists.

Nationality

14. The report confirmed in paragraph 80 the applicability of provisions in the Constitution, which prevent women from passing their nationality to their children or to their spouses of foreign nationality on the same basis as men. Please indicate whether the State party envisages repealing these provisions. Please provide information on the steps taken to withdraw reservation to article 16 (h) of the Convention.

Education

15. The report refers in paragraph 88 to cultural barriers on women's education. Please indicate the actions taken or envisaged to overcome these barriers. The report also indicates in paragraph 90 that a Support Programme for Transforming Development Education and Training has been recently re-launched. Please indicate whether this programme is gender-sensitive and ensures that women are not directed at typically female occupations.

Employment

16. The report refers in paragraph 19 to the on-going review of the Labour Code. In this regard, please indicate whether the State party envisages repealing the limitations imposed on the granting of maternity leave (CEDAW/C/BHS/1-4, paragraph 310). The Committee received reports that section 6 (b) of the Employment Act of 2001 is narrower than what is required under ILO Convention No. 100. Please indicate the steps taken to put the

Employment Act in line with ILO Convention No. 100. The Committee also received reports on the existence of occupational segregation of men and women, including in the higher occupational category of senior officials and managers, and concentration of women in so-called typically female occupations. Please provide information on steps taken to address these issues. Please also indicate whether the State party envisages adopting temporary special measures to change the unequal rates of labour forces, participation of women, lower wages and other areas of discrimination (CEDAW/C/BHS/1-4, paragraph 131).

Health

17. The report indicates in paragraph 150 that, in practice, women need the authorization of their husband to have tubal ligation or sterilization. Please indicate the measures envisaged to eliminate such discrimination. Please also provide data on unmet need for contraception.

18. The report indicates in paragraphs 159 to 162 that abortion is illegal except when pregnancy is harmful to the mother's life and/or health as well as in cases of incest, rape and other exceptions. Please provide information on the rate of abortion, including the prevalence of unsafe abortion among women given the low contraceptive use and provide accurate data on mortality among women due to unsafe abortions.

Asylum seekers

19. According to reports submitted to the Committee, conditions of detention of asylum-seekers are particularly inadequate for women and children. Please provide information on the steps taken to address this issue.

Optional Protocol and amendment to article 20, paragraph 1

20. Please indicate any progress made with respect to ratification of the Optional Protocol to the Convention and acceptance of the amendment to article 20, paragraph 1, of the Convention.
