Committee on the Rights of the Child
Thirty-eighth session

Summary record of the 1013th meeting*
Held at the Palais Wilson, Geneva, on Wednesday, 19 January 2005, at 10 a.m.

Chairperson: Mr. Doek

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Consideration of reports of States parties (continued)

Initial report of the Bahamas

* No summary records were prepared for the 1011th and 1012th meetings.
The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (agenda item 5) (continued)

Initial report of the Bahamas (CRC/C/8/Add.50); list of issues (CRC/C/Q/BHS/1); written replies of the Bahamas concerning the list of issues (CRC/C/RESP/67)

1. At the invitation of the Chairperson, Ms. Griffin, Ms. Zonicle, Ms. Andrea Archer, Ms. Nicole Archer, Ms. Green and Ms. Ferguson (Bahamas) took places at the Committee table.

2. Ms. Griffin (Bahamas) said that the report under consideration was the product of collaboration between various organizations working on the ground and the services of four ministries responsible for implementing the provisions of the Convention. The Ministry of Social Services and Community Development had coordinated the preparation of the report and had done its best to follow the Committee’s reporting guidelines.

3. The Bahamas was a young nation in two respects: it had only been independent since 1973 and 29 per cent of its inhabitants were under 15 years of age. The country was relatively prosperous thanks to the income from tourism and financial services, but with 80 per cent of the population living in the two main urban areas and the remaining 20 per cent scattered over some 20 islands, a large amount of economic and social infrastructure had been needed — at considerable cost to the State budget — and the available resources were not evenly distributed. The Government was nevertheless determined to ensure that everyone had access to basic social services.

4. The Bahamian population was approximately 85 per cent Afro-Caribbean and 15 per cent white or of Hispanic or Asian origin. The main demographic problem was immigration from Haiti, but the Government ensured that anyone on Bahamian soil could exercise his or her fundamental rights, access to basic social services and benefit from proper judicial procedures, irrespective of race, ethnic origin, nationality or immigration status.

5. Since taking office in 2002, the new Government had given priority to child-related policies, its objective being that no child should be hungry, homeless, illiterate, abused, abandoned or deprived of basic health services. The establishment of the Ministry of Social Services and Community Development, which oversaw all the social policies and other policies concerned with the management of reception facilities, the protection of children and persons with a disability, had been a major step forward in that respect.

6. Attention should be drawn to the launch in January 2005 of a number of programmes, including the Urban Renewal Programme, designed to combat poverty in disadvantaged districts and concentrating on the most vulnerable young people, and the National Programme for Young People; the approval in December 2004 of the Act on childcare institutions, establishing an authority responsible for regulating children’s homes; and the current consideration being given by the Ministry of Justice to the preparation of an act on the well-being and care of children, with due regard to the provisions of the Convention, particularly the provision on children in need of special care and protection, children receiving alternative care and children brought before the courts.

7. The Bahamian Government intended to work with civil society, including the Church and the trade unions, and to establish partnerships with a view to devising policies and programmes.

8. Ms. Al-Thani noted that the Bahamas had expressed a reservation in relation to article 2 of the Convention on the Rights of the Child and that it had not ratified the two Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. The report had been prepared in
accordance with the Committee’s guidelines in that connection but might be criticized for being too theoretical and failing to give specific examples that would enable readers to form a clear idea of the situation of children in the country.

9. The Committee wished to know what part the Government played in monitoring the implementation of the Convention and whether it allocated the necessary human and financial resources for that. It would be useful to establish an independent national institution to promote and protect human rights. She asked if the delegation could provide further information, in that connection, on the National Plan of Action on Human Rights that was currently being prepared and indicate, in particular, what financial resources the Government proposed allocating to it.

10. She also asked if the delegation could indicate what steps the State party was taking to ensure that the Convention was circulated as widely as possible; whether the people who had professional contact with children — judges, lawyers, social workers, etc. — received systematic training in the principles enshrined in the Convention; whether children were aware of their rights; and whether the Convention had been distributed to children in an easily accessible form.

11. It would also be useful to know whether the civil society organizations were independent and free to express their views on questions relating to children and young people and whether they received support from the Government; what measures the Government proposed taking to end domestic violence in view of its impact on children; and whether efforts were being made to persuade parents and teachers that there were forms of discipline other than corporal punishment.

12. Ms. Smith asked whether children from Haiti who were not legally resident and the children of asylum-seekers had access to health care and education on the same terms as Bahamian children; to what extent children’s views were taken into account in matters affecting them, including the award of custody; and whether adolescents could consult a doctor without their parents’ consent.

13. She also wished to know the position in regard to minors’ freedom of conscience, their freedom of religion to be precise, since it was incumbent on their legal representatives to decide whether or not they should receive religious instruction in their educational establishment.

14. Mr. Citarella inquired about the underlying reason for the State party’s reservation concerning article 2 of the Convention, and about the exact status of international agreements in domestic law. Were there any plans to collect statistics on the number of migrants in the country, to bring the age at which young people could start work into line with the school-leaving age, and to raise the age of criminal responsibility in order to prevent children being held in detention centres from the age of 10?

15. Ms. Khattab asked why the State party had not adopted any act on granting asylum or refugee status to people who met the criteria set out in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

16. She also wished for clarification of the precise remit of the Department of Social Services, which was responsible, in the Ministry of Social Services and Community Development, for coordinating policies on children, and to know whether the Government intended to allocate an appropriate budget to those policies in order to improve services for children and, in particular, to do something about the excessively large classes in some educational establishments. It would be interesting here to know what position the State party occupied among the countries listed in the human development index.

17. She wished to know whether the State party planned to collect separate data on acts of domestic violence and acts involving other forms of violence against women; whether
children who were not registered at birth belonged to vulnerable groups such as the poor or the Haitians; what the delegation thought about the reports that religious groups had objected to the 2002 Status of Children’s Act and the 2002 Inheritance Act; and what the Government intended to do to combat discrimination against persons with a disability and to give women the right to transfer their nationality to their children.

18. **Ms. Lee** wished to have disaggregated statistics for the period 2001–2003 on all areas affecting children, and to know why only four ministries were involved in defining policies on children, what body coordinated their work and the relationship of that body with the National Child Protection Council.

19. **Mr. Al-Sheddi** asked whether those responsible for drafting the 2002 Status of Children’s Act and the 2004 Act on Early Childhood Care had been drawn inspiration from the Convention on the Rights of the Child and consulted international experts in the field. The delegation might also explain what part the non-governmental organizations (NGOs) played in education, what criteria the Government employed in deciding the annual budget to be allocated to children, and whether it intended to introduce a measure to encourage the registration of births.

20. **Mr. Liwski** asked whether the reduction in the budgets for social services recorded in recent years, particularly in the budgets for vaccination programmes, health services and food assistance for families, was attributable to some form of difficulties in decisions on budgetary allocation.

21. Freedom of association for children was enshrined in the Bahamian Constitution and that was certainly to be welcomed but it would be useful to know how far the Government encouraged children and adolescents to participate in the country’s associations.

22. He wondered whether training programmes for police officers and prison staff included courses on the prohibition of cruel, inhuman or degrading treatment, and whether children had access to a complaints mechanism.

23. **Ms. Ouedraogo** asked whether measures had been taken to prevent discrimination against the children of Haitian immigrants, particularly in the areas of employment and education. Further information would be welcomed concerning the conclusion of the Committee on the Elimination of Racial Discrimination (CERD) that a policy of racial reconciliation between the black and white communities might still be necessary, and its possible effects on children.

24. In view of the high incidence of violence among the young, it would be useful to know what efforts, particularly of an educational nature, the State party was making to deal with it.

25. She asked if the delegation could also indicate whether there were any provisions or any formal structure at national level to ensure that children’s views were taken into account in any decision affecting them directly and thus to guarantee their right to be heard.

26. **Ms. Aluoch** was sorry to see that the section of the Constitution concerning the protection of the rights and fundamental freedoms of all did not expressly mention children, and asked whether it might not be possible to remedy that in the bill on the well-being and care of children and to take the opportunity to harmonize the definition of a child in the various legislative measures currently in force.

27. **Ms. Vuckovic-Sahovic** wished to know more about the cooperation with civil society, as the list of NGOs and structures for assisting children provided in the written replies contained no human rights association in the strict sense of the term. In particular, it was essential to know how far the NGOs influenced the Government and participated in the preparation of policies concerning children, and the amount of budgetary resources
allocated to developing the NGOs, in particular those working for children. Any information on programmes of international cooperation on the subject, and their usefulness, would be appreciated.

28. She asked if the delegation could shed some light on the scale of the phenomenon of urban violence and on the safety of children in the country. Lastly, it was reasonable to ask whether, in a country where per capita income was so high and good access to communications and information technologies could be taken for granted, measures had been taken to protect children who were exposed to the risk of violence on television or on the Internet.

29. Ms. Sardenberg wished to know what had led to the call for a policy of racial reconciliation and whether programmes had been introduced, particularly at family and school level, to raise children’s awareness of the issue.

30. It would be useful to know why the authorities had felt it necessary to transform the former National Committee on the Prevention of Child Abuse into a National Child Protection Council with much wider powers, and to establish quite recently a National Programme for Young People.

31. Lastly, might it not be preferable to consolidate all the provisions on children, which were at present contained in various measures, in one and the same instrument, for example a children’s code, in the context of the preparation of the new act on the well-being and care of children?

32. Mr. Kotrane asked whether the authorities planned soon to establish an independent structure to monitor the implementation of the Convention, for example an ombudsman responsible for defending children’s rights and receiving complaints from children or members of their families about violations of rights and fundamental freedoms.

33. He would like to have detailed information on the definition of a child, particularly the exact age at which a child could be summoned to appear before the courts, and also on the position regarding the proposed amendment of the applicable legislation, as it was a matter of some concern that 10 to 18 year-olds could be sentenced to imprisonment.

34. Education was compulsory up to the age of 16, but the minimum age for engaging in work was 14, which raised the question how young people managed to reconcile paid activities with the obligation to attend school. It would therefore be a good thing for the Government to define the various categories of children clearly; to review its legislation on marriage because at present children could marry with the authorization of the Supreme Court if they were between 13 and 15 years of age and with their guardian’s consent if they were over 15 years of age; and to bring domestic law into line with the international instruments, in particular ILO Convention No. 138.

35. Ms. Anderson considered it very disturbing that many residents in the Bahamas who were of foreign origin were classified as Stateless persons and that young people of 18 years of age had to wait a year to apply for Bahamian nationality.

36. She asked whether measures had now been taken in schools, in accordance with the principle of non-discrimination, to accept pregnant girls and allow them to continue their studies.

37. Ms. Al-Thani asked whether a young offender under 18 years of age could be given a life sentence. She also wished to know how the best interests of the child were actually taken into consideration and upheld in judicial procedures affecting them.

The meeting was suspended at 11.10 a.m. and resumed at 11.30 a.m.
38. **Ms. Griffin** (Bahamas) said that the black and white communities in the Bahamas coexisted on friendly terms. If there were some racist elements, they were few and far between. All the schools and Churches were integrated, and there was consequently no problem of segregation in the country.

39. There was no separate budget for child-related issues, each ministry had its own funds and allocated them in accordance with its priorities. On the whole, however, budgetary constraints did not pose any problem. Food assistance might indeed have decreased between 2001 and 2003, but the social services budget and particularly the family allowances envelope had increased since May 2002.

40. The Bahamas had some difficulties in connection with the collection of data but had some statistical information at their disposal and the census conducted every 10 years enabled them to collect disaggregated data. However, technical assistance in that connection would be most welcome.

41. There was no prison for juveniles in the strict sense of the term but there were two closed training centres (one for girls and one for boys), where young offenders between 10 and 16 years of age were held. Also, the special system of justice established for minors meant that juveniles need not be summoned to appear before ordinary courts.

42. On the question of citizenship being transferred to children by their mother, and discrimination against women in general, the relevant provisions of the Constitution were under review, but revision was an arduous process as a referendum had to be held to obtain popular approval.

43. The Bahamas’ reservation concerning article 2 was under review in the general context of constitutional reform and a report on that point would be issued shortly.

44. **Mr. Citarella** asked for detailed information about the Simpson Penn Centre for boys, pointing out that a 9 year old-child was currently held there following conviction by the court. Could the delegation could also comment on the observation in the CERD report that the Bahamas would not accept obligations going beyond constitutional limits?

45. **Ms. Green** (Bahamas) said that the Ministry of Justice was preparing a bill on children designed to consolidate the various legislative measures currently in force and to harmonize the definition of a child, which would in future be “any person under 18 years of age”. The Ministry of Justice wished to see the age of criminal responsibility to be raised to 12 years.

46. Children under 14 years of age were permitted to work only in specific sectors and only after school hours. The Ministry of Education was empowered to intervene if the work had a detrimental effect on the child’s academic results. The legislative reforms might in any case lead to the abolition of child labour.

47. **Ms. Zonicle** (Bahamas) explained that in order to deal with the difficulties in collecting statistics, the Department of Statistics had decided to cooperate closely with the Committee.

48. Corporal punishment was widespread and was deeply embedded in the public psyche but the Ministry of Justice was determined to raise parents’ awareness of the problem and to encourage them to employ other forms of discipline.

49. The incidence of violence among the young had indeed increased and a pilot programme had therefore been set up to assist young people who had behavioural problems at school or who had dropped out of school. Other programmes of that kind had been launched for young men with behavioural problems. It was also hoped to launch a similar programme for girls because they were appearing in increasing numbers before the juvenile courts.
50. Ms. Ferguson (Bahamas) stressed that all children in the territory between 5 and 16 years of age had the right to receive an education, irrespective of their nationality. For children who had just entered the country and were not fluent in English, the Catholic education system offered an immersion programme, and the Ministry of Education had appointed an officer responsible for English as a foreign language who took the necessary steps to ensure that teachers were properly qualified to deal with children who had language problems. Non-Catholic pupils — Rastafarians, Jehovah’s Witnesses or Muslims — could be exempt from the requirement to attend religious instruction classes, but only at their parents’ request.

51. Class sizes varied considerably from one area to another and classes in some areas, particularly the large cities, were excessively large. Pupils with a secondary school certificate were encouraged to continue their studies to ensure, among other things, that more teachers would be available in future.

52. Most children with disabilities were educated in special institutions but a loan was currently being negotiated with the Interamerican Bank to fund the inclusion of as many disabled children as possible in the ordinary system, and teachers would have to be given the necessary training for that.

53. The National Association for the Disabled, the Zonta Club (which was particularly interested in gender equality issues) and the parents’ association Eyes Wide Open were among most active NGOs.

54. Young people had opportunities to state their views in the pupils’ councils established in all secondary schools since 1998 and students were invited to Parliament for that purpose. Computers were available in all educational establishments and most of them were linked to the Internet. All teachers had taken a course in computer science, to enable them to make the most of that opportunity.

55. Racial tensions did not constitute a major problem in the Bahamas, but there was nevertheless a special programme on the subject, a book had been produced for distribution in primary schools, and the school curriculum, particularly religious instruction, was to be reviewed.

56. The programme Providing Access to Continued Education (PACE) included provision for pregnant girls to continue their studies in a special centre during their pregnancy before returning to an ordinary educational establishment after the birth of their babies — though not necessarily the one they attended before, because of the stigma still attached to single mothers.

57. An act on nursery schools had recently been promulgated, establishing the criteria on which they were to be approved. The public authorities were in constant touch with private nursery schools which received public grants. All the teachers in State nursery schools had been trained, compared with only 60 per cent in the private sector, but the Government was aware of the problem and was dealing with it. About 92 per cent of 3 to 4 year-olds attended nursery schools and 11 new such schools had opened in the past year.

58. The education budget had risen. All pupils were given a uniform and the most disadvantaged also had a free meal provided by the social services.

59. Pupils took public examinations in the 3rd and 6th years and then in the 9th and 12th years, the latter being an internationally recognized school leaving certificate. Spanish had been introduced as a compulsory subject in the early years and computer science was on the curriculum from the 9th year on. The system of mentors enabled new teachers to receive advice from experienced teachers. There were also vocational guidance counsellors in the schools.
60. Literacy programmes had been introduced for adults and families, as well as scholarship programmes designed to enable pupils living on islands where a full secondary education was not available to study on another island. Daily distance learning programmes were also broadcast on television. Video cassettes on best teaching practices were available in schools. Teachers could take part in in-service training activities. Some chose to receive special training to teach vocational subjects or work with classes where there were children with special needs.

61. Ms. Andrea Archer (Bahamas) said that the efforts made in previous years had enabled vaccination coverage to be raised to such a high level (92 per cent) that there was now less need for it, hence the reduction in the funds allocated to it. Most of the islands had a dispensary and the country had three large hospitals. All children had free access to health care without discrimination of any kind.

62. Ms. Griffin (Bahamas) stressed that the fact that the National Committee on the Prevention of Child Abuse had been replaced by the National Child Protection Council did not indicate a lack of interest in the problem but, on the contrary, a determination to extend the remit of the body in question with a view to ensuring that children enjoyed even more comprehensive protection.

63. Amnesty International was the only human rights organization in the country, although there were also human rights activists campaigning in a personal capacity. Civil society received strong support from the State, in the form of grants and information. There was no ombudsman at present but the National Child Protection Council did a good deal of the work that an ombudsman would be required to do.

64. Children had access to information through information centres and libraries, all of which were equipped with computers and which organized extracurricular activities in some cases. More centres of that kind had been established in the context of the Urban Renewal Programme.

65. The Chairperson asked how matters stood with regard to respect for children’s views in judicial proceedings and whether the State party was giving any thought to protecting children against images circulating in films or on the Internet which might be harmful to their development.

66. Ms. Griffin (Bahamas) replied that parents were strongly encouraged to make use of software filters, and a television channel broadcasting content that was deemed to be harmful had been prohibited from broadcasting on a number of occasions. However, it was not easy to regulate the sector.

67. Ms. Vuckovic-Sahovic pointed out that, in addition to prohibiting the most harmful content, initiatives were also needed to help children to consider the images with detachment or to understand them better.

68. Ms. Green (Bahamas) said that children generally had an opportunity to be heard by the courts in cases affecting them, including in adoption proceedings.

69. Ms. Smith noted that courts might hear children, whereas under article 12 of the Convention they were required to do so in all cases, at least in the case of children above a certain age. The gap was symptomatic of an attitude to children that was traditional in Bahamian society and was also to be found at school or within the family.

70. Ms. Green (Bahamas) said that children’s participation and respect for their views were principles that were recognized in the Bahamas at all levels, including institutions providing alternative care. Among other things, children had an opportunity to speak in radio programmes and they were interviewed by social workers in cases involving family disputes, particularly in connection with the award of custody.
71. **Ms. Andrea Archer** (Bahamas) added that they could consult a doctor without their parents’ permission and they had free access to centres providing information on reproductive health and issuing contraceptives.

72. **Ms. Al-Thani** asked whether the childcare institutions on the State party’s list were faith-based institutions, whether the Government exercised any form of control over them and which children were placed in them (orphans, children with a disability, and victims of domestic violence).

73. She wished to know whether the Child Protective Services Unit and the Child Abuse Unit effectively covered the same ground and whether much use had been made of the helpline established to encourage people to report cases of abuse and what action was taken after calls were made.

74. Considerable efforts were being made to ensure that children with a disability attended school but it was also necessary to know whether they had access to culture and sport, particularly with the aid of appropriate transport facilities, and whether they participated in decisions affecting them. The Government provided financial assistance for people with a disability over 18 years of age through the invalidity benefits programme, but it was also necessary to know what happened to the under-18s.

75. The quality of public health services appeared to vary from one island to another and the figures for breastfeeding were a matter of some concern — the objective that had been set being still very low (10 per cent). The establishment of the Adolescent Health Centre was a welcome initiative but it would be useful to know whether girls were aware of its existence and could get there easily.

76. On the prevention of HIV/AIDS, it was not clear whether screening and antiretroviral treatments were accessible to all, including foreign nationals. She would like to know whether awareness campaigns were being organized to combat discrimination against people suffering from AIDS and whether any measures were planned to take care for AIDS orphans and protect their rights.

77. She asked if the delegation could explain the cultural context justifying the section of the PACE programme designed for girls who became pregnant while still at school and give details of the proposed measures to combat sexual exploitation and child labour. Despite explicit legislation on the subject, sex tourism continued to prompt boys and girls to turn to prostitution for economic reasons. Similarly, children still worked, some from the age of 9, to meet their own needs and those of their families. It was clear that practical measures would have to be taken in addition to the legal prohibition.

78. **Ms. Ortiz** asked whether the programmes designed to prevent family break-up had borne fruit and whether the Government had examined the effect of its social policies on that disturbing phenomenon. She also wished to know what parents thought of the rights of the child, whether they regarded those rights as a tool that might help them to raise their children or, on the contrary, as a threat or a source of sanction.

79. It was surprising that children who were deemed to be “uncontrollable” by their parents should be placed in centres for young offenders when they had not committed any offence. In any case, some measure other than imprisonment should be considered, even for offenders.

80. The courts could require a child’s putative father to pay maintenance, raising the question why that right was the only one that was taken into account and not, for example, the child’s right to have a father or to inherit. Could the delegation explain how the “informal” system of adoption worked and whether the State party intended to discourage its use? It would be useful to know when the Adoption Act had been passed and whether foster families had to meet minimum criteria.
81. **Ms. Lee** wished to be given details of children with a disability under 10 years of age, as the statistics that had been provided related only to children between 10 and 19 years of age, and she asked whether those children attended school. Statistics on repeated years and dropping out would also be useful.

82. With reference to the accidental death of three girls locked in their room, she asked whether the staff of institutions holding children who had committed offences or were “uncontrollable” received proper training on the rights of the child. Could the delegation also explain the increase in the number of minors held with adults?

83. **Ms. Khattab** asked whether action was being taken to prevent pregnancy in adolescent girls, whether there were any regional initiatives to combat sex tourism, and whether campaigns were being organized to alert children to that danger.

84. She also asked whether any measures were being taken to curb police violence against children, which was rarely reported, and whether any police officers had been disciplined for acts of that kind.

85. **Ms. Ouedraogo** asked whether programmes concerning parental responsibilities really took the principles enshrined in the Convention into account. On the question of parents who had committed offences in particular, it would be interesting to know whether the programmes to rehabilitate them were evaluated and whether measures were taken to protect the children concerned.

86. The State party assured the Committee that recovery of maintenance was one of its priorities but acknowledged that it had no automatic recovery system and did not explain why attachment of earnings was rarely employed as a method of recovery.

87. Numerous measures had been taken to combat sexual violence but the Government gave no detailed information on how effective they were, nor did it say what was being done to encourage young people to report acts of that kind, particularly in the family circle.

88. She asked whether there were any preparations to deal with disasters, particularly in schools, and whether the subject of environmental protection was addressed in the school curriculum.

89. **Mr. Liwski** was concerned about the reduction in the budget allocated to vaccination, adding that good vaccination coverage could not justify that. He asked whether health workers received instruction on the rights of the child during their in-service training, since the subject was not yet included in university and vocational training courses.

90. He asked what results had been achieved by the great number of bodies and programmes designed to help adolescents to deal with drug addiction, and whether a budget was to be allocated to public programmes or to programmes run by NGOs under State supervision.

91. **Ms. Vuckovic-Sahovic** asked whether refugee children had access to education and other services while they were in temporary accommodation pending possible repatriation.

92. It would be useful to know whether judges and prosecutors were trained in the rights of the child. Detailed information would also be welcome on the representation of children in judicial proceedings and on the legal aid they might need in the course of the proceedings.

93. Could the delegation explain why more girls than boys were placed in childcare institutions, when boys were more often guilty of committing offences?

94. **Ms. Anderson** noted that the legislation dealt at length with the work of children under 14 years of age but contained gaps in the case of 14 to 18 year-olds, particularly in
respect of the definition of hazardous work. The Committee would like to know what part judges and social workers played in categorizing a child as “uncontrollable” and whether any social investigation was undertaken.

95. Ms. Aluoch asked why the numerous programmes designed to raise parents’ awareness of their responsibilities had not produced the expected results. She also asked who reported parents who were offenders, in what circumstances they were required to attend counselling sessions and how long the sessions lasted; since they had to continue working and taking care of their children, that measure could represent a form of punishment. Finally, could the delegation indicate exactly how long a minor could be held before appearing before a judge?

_The meeting rose at 1.05 p.m._