



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

List of issues prior to submission of the fifteenth to twenty-first periodic reports of the Bahamas*

General information

1. Please provide information on any recent significant developments in the legal and institutional framework through which human rights, and in particular those contained in the Convention, are promoted and protected at the national level. Please indicate how the Committee's previous concluding observations have been taken into account in realizing these developments.
2. Please provide information on the status of the Convention in the domestic legal order and whether it can be directly invoked in domestic courts. Please also provide information on measures taken to increase the visibility of the Convention among the population and to raise awareness of the rights and protection of persons who are entitled to under the Convention.
3. Please provide updated information, including disaggregated data, on the racial and ethnic composition of the State party, including on the composition of non-citizens, such as asylum seekers, refugees, stateless persons and migrants. Please clarify whether there are groups that are officially considered to be national or ethnic minorities in the State party and, if so, which groups, taking into account the Committee's general recommendations No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention and No. 24 (1999) concerning article 1 of the Convention.

Article 1

4. Please provide information on:
 - (a) Whether the definition of discrimination has been incorporated, or if measures are being taken to incorporate it, into the domestic law of the State party and, if so, whether the definition encompasses racial discrimination with all the elements set forth in article 1 of the Convention;
 - (b) Whether both direct and indirect discrimination are, or will be, included in the definition of racial discrimination in domestic law;
 - (c) The extent to which domestic laws provide for differential treatment based on citizenship or immigration and the compliance of that differentiation with articles 1 (2) and (3) of the Convention;

* Adopted by the Committee at its ninety-fourth session (20 November–8 December 2017).



(d) Whether the legal system allows or provides for special measures to secure the adequate advancement of groups and individuals protected under the Convention.

Article 2

5. Please provide information on the legal framework and the policies in place to eliminate racial discrimination and to give effect to the provisions of article 2 (1) and (2) of the Convention.

6. Please provide information on the legislative, judicial, administrative or other measures taken to:

(a) To give effect to the undertaking to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) To give effect to the undertaking to prohibit and bring to an end racial discrimination by any persons, groups or organizations;

(c) To give effect to the undertaking not to sponsor, defend or support racial discrimination by any persons or organizations;

(d) To review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists. In this regard, please provide information on measures taken to amend nationality laws to ensure the prevention of statelessness, including the Constitution and the Nationality Act of 1973, and measures taken to amend the Immigration Act of 1967 and the Employment Act of 2001;

(e) To encourage, where appropriate, non-governmental organizations and institutions that combat racial discrimination and foster mutual understanding.

7. Please provide information on the national institution for human rights, including on its mandate, independence and resources, indicating also whether it is mandated to combat racial discrimination, including through the consideration of individual complaints of racial discrimination. Please also provide information on steps taken to bring the institution into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

8. Please provide information on whether the legal system of the State party allows or provides for special measures to secure the adequate advancement of groups and individuals protected under the Convention. If so, please describe those measures and provide information on the results achieved.

Article 3

9. Please indicate measures taken to properly monitor, prevent and avoid the segregation of groups and individuals protected under the Convention, including Haitian migrants and irregular migrants, as well as migrant workers and non-citizens, in all areas, including education and housing.

Article 4

10. Please provide information on the measures taken to eradicate all incitement to, or acts of, racial discrimination, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention.

11. Please provide information on measures taken to publicly condemn all propaganda and organizations based on ideas or theories of the superiority of one group of persons on

the basis of race, colour, descent or national or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form.

12. Please provide information, including with respect to their implementation, on the legislative measures taken to prohibit:

(a) All dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination;

(b) All acts of violence or incitement to such acts against any group of persons of another colour or ethnic origin;

(c) The provision of any assistance to racist activities, including the financing thereof;

(d) Organizations, as well as organized and all other propaganda activities, that promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law;

(e) Public authorities or public institutions, national or local, from promoting or inciting racial discrimination.

13. Please indicate whether racial motives are considered an aggravating circumstance under domestic penal legislation.

14. Please provide information on decisions taken by national courts and other State institutions regarding acts of racial discrimination, in particular those offences referred to in article 4 (a) and (b) of the Convention. Please also provide statistical data on complaints filed, prosecutions launched and sentences imposed for acts prohibited under article 4 of the Convention over the reporting period, as well as a qualitative assessment of such data.

Article 5

15. Please provide information on measures taken to ensure that claims of racial discrimination by individuals are investigated thoroughly and that claims made against officials, notably those concerning discriminatory or racist behaviour, are subject to independent and effective scrutiny. In particular, please provide information on measures taken to ensure that claims against law enforcement officials concerning the ill-treatment of, and other abuses against, migrants in detention centres, in addition to involvement in migrant-smuggling operations, are properly investigated and are subject to independent and effective scrutiny.

16. Please provide information on the implementation of general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system.

17. Please provide information on the enjoyment of the rights set out under article 5 of the Convention by ethnic or ethno-religious minorities, migrants and non-citizens.

18. Please provide information on measures taken to:

(a) Ensure equal protection of the security and integrity of victims or potential victims of racial discrimination by adopting measures for preventing racially motivated acts of violence against them; ensure prompt action by the police, prosecutors and the judiciary in investigating and punishing such acts; and ensure that perpetrators, be they public officials or other persons, do not enjoy any degree of impunity. Specific information should be provided regarding measures taken with regard to trafficking in persons and irregular migrants;

(b) Prevent the use of excessive force by the police against persons belonging to groups protected under the Convention, in particular in connection with arrest and detention. Specific information should be provided on measures taken regarding the illegal use of force against migrants in detention centres;

(c) Ensure that non-citizens are not returned or removed to a country or territory where they are at risk of being subject to serious human rights abuses, including torture and cruel, inhuman or degrading treatment or punishment. Information should also be provided regarding the identification of victims of trafficking and persons in need of humanitarian protection and measures taken to amend current laws, including the Immigration Act of 1967, to ensure this right, and the enactment of a refugee and/or migrant legislation.

19. Please provide information on measures taken to:

(a) Eliminate statelessness and repeal discriminatory provisions in the Constitution and the Nationality Act of 1973. Measures taken to ensure that all children born in the State party are registered, especially children of parents without documents, bearing in mind its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination;

(b) Ensure that all individuals belonging to ethnic or ethno-religious minorities can enjoy their right to freedom of thought, conscience and religion without undue interference;

(c) Combat discrimination in the labour market against migrant workers, especially migrant domestic workers, and ensure that protection of domestic workers and migrant workers is included in the Employment Act of 2001, as well as information on safeguards to ensure that migrant workers are not subject to exploitation. Information should be provided on measures taken to replace work permits with another system that ensures that migrant workers are not subject to exploitation. Data should be provided on the frequency and coverage of labour inspections concerning migrant workers, workplaces and conditions of employment;

(d) Facilitate family reunification for migrant workers;

(e) Ensure equality in hiring, appointment and promotion processes, including for public posts;

(f) Ensure that ethnic minorities, including migrants, take part in cultural life and preserve and develop their culture.

20. Please provide information on the situation of migrants, including Haitian undocumented migrants, and measures taken towards their naturalization, as well as an update on the survey on the living conditions of migrants in the Bahamas conducted by the International Organization for Migration in 2004 and any further studies undertaken since then.

21. Please provide information on measures taken to prevent racial discrimination in the enjoyment of the right to education and training of migrant children and minorities, in particular stateless children. Please provide information on measures taken to eliminate migrant child labour and ensure child migrants' enjoyment of the right to education.

Article 6

22. Please provide information on the legislative, judicial, administrative or other measures that give effect to the provisions of article 6 of the Convention. In particular, please provide information on the practice and decisions of courts and other judicial and administrative organs relating to cases of racial discrimination, as defined in article 1 of the Convention, including cases involving racial discrimination against migrants.

23. Please provide information on the types of reparation and redress, including examples thereof, that are considered adequate under domestic law in cases of racial discrimination and on, inter alia, migrants' access to judicial remedies. Please also provide information on the burden of proof in civil proceedings for cases involving racial discrimination.

Article 7

24. Please provide information on legislative and administrative measures taken to combat prejudices that lead to racial discrimination, including general information on the education system. Please also provide information on steps taken to include in textbooks, at all appropriate levels, chapters about the history and culture of groups protected under the Convention and living in the State party's territory.

25. Please indicate the role of State media in the dissemination of information to combat prejudices that lead to racial discrimination. Please also provide information on action taken to raise awareness among all media professionals of their particular responsibility not to promote prejudice and to avoid reporting incidents involving individual members of groups protected under the Convention in a way that blames such groups as a whole.
