



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

#### Fifth periodic reports

#### Bahamas

#### Introduction

The Government of the Commonwealth of the Bahamas, as a State party to the Convention on the Elimination of All Forms of Discrimination against Women and in fulfilment of the obligations of article 18, submits its fifth periodic report, for the period 1 July 2009 to 31 December 2010.

The Convention was ratified by the Commonwealth of the Bahamas on 6 October 1993. Through its ratification of the Convention, the Commonwealth of the Bahamas affirmed its intention to develop an inclusive social order in the country which recognizes the need to improve the legal status of women in all aspects of daily life, and to enable greater participation of women in the development of the Bahamas.

#### Reservations to the Convention

The Government of the Commonwealth of the Bahamas does not consider itself bound by the provisions of article 2 (a) ... article 9, paragraph 2, ... article 16 (h) ... [and] article 29, paragraph 1 of the Convention. The Convention on the Elimination of All Forms of Discrimination against Women was ratified by the Commonwealth of the Bahamas on 6 October 1993.

The report is divided into two parts, the first of which gives a general profile of the Commonwealth of the Bahamas with respect to: population; the composition of households; economic characteristics; employment; the International Organization for Migration and the United Nations Development Index.



Part II addresses the 16 articles of the Convention on the Elimination of All Forms of Discrimination against Women, setting out initiatives or developments in the period under review.

The fifth periodic report of the Bahamas was compiled by the Bureau of Women Affairs and the Ministry of Foreign Affairs, in collaboration with the following ministries/agencies and non-governmental organizations: the Office of the Attorney General; the Ministry of Education; the Ministry of Health; the Ministry of National Security; the Department of Labour; the Department of Immigration; the Department of Statistics; the Central Bank of the Bahamas; the College of the Bahamas; the Bahamas Crisis Centre; the Bahamas Family Planning Association; the Women's Advisory Council; the Women's Monthly Forum; and religious organizations.

The wide range collaboration provided, not only lively discussions, but also provocative feedback and comments. In the final analysis, this process enriched the exchange and enlightened those who participated.

The time frame between the present report and the previous one is short, basically a year and one half. As a result, much of the information, contained therein, with regard to developments under some of the articles, remain the same; particularly, given the fact that both reporting periods were completed within the term of the same ruling Government.

Finally, the Government of the Commonwealth of the Bahamas is committed to ensuring that the appropriate mechanisms are in place to foster an environment conducive to promoting equality for women throughout the archipelago of the Bahamas.

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## **Part I**

### **General information about the Commonwealth of the Bahamas**

#### **I. Introduction**

1. The Government of the Commonwealth of the Bahamas upholds and promotes the fundamental human rights of all individuals throughout the Commonwealth of the Bahamas as an integral component of its democracy.

2. The Bahamian Government has made efforts to ensure that Bahamian laws and governmental policies adhere to the principles enshrined in international human rights instruments. The enforcement of these instruments has been crucial to all aspects of political, judicial, economic and social development throughout the Bahamas, and these have become integral features of the Bahamian socio-political landscape.

#### **II. Geographical**

3. The Bahama Islands (area: 5,358 square miles/13,878 km<sup>2</sup>) are the most northern of the Caribbean islands, located between latitudes 20°-27° North and 72°-79° West. Topographically, the islands of the Commonwealth of the Bahamas are mostly flat and consist of coral formations. However, the outermost eastern islands in the Atlantic Ocean are characterized by hilly terrain. The highest point is located on Cat Island at Mount Alvernia, which rises 206 feet above sea level.

#### **III. Historical**

4. The Lucayans are credited with being the first inhabitants of the Bahamas, as they were the people Christopher Columbus encountered when he arrived in the Bahamas in 1492, making the Bahamas the first landfall in the New World.

#### **IV. Population**

5. According to the most recently conducted census of 2010, the preliminary count of the population of the Commonwealth of the Bahamas was 353,658: 170,926 males and 182,732 females. By 2030, the population of the Bahamas is expected to have increased by 20.5 per cent over the 2010 census to 426,300 persons.

6. The population of the Commonwealth of the Bahamas, in 2010, is still a relatively young one with approximately one quarter (25 per cent) under the age of 15, a noticeable decline since 2000 when the share of that age group was 29.3 per cent. Persons 65 years of age and over increased their share of the population from 5.2 per cent in 2000 to 6.1 per cent in 2010.

7. The population growth of the islands of the Bahamas, based on the 2010 census, is illustrated in table 1 (percentage distribution of population by island, 2000 and 2010 censuses) of the report. Twelve islands experienced an increase in

population and seven islands experienced a decline in population during the period for the census years 2000 and 2010. The Bahamas has concentrated population patterns, i.e., the population is widely and unevenly dispersed throughout the Bahamian archipelago. As evident in table 2 of the report, the population of the islands of the Bahamas is most densely distributed in New Providence, with a percentage distribution of 70.39 per cent, and Grand Bahama, with a percentage distribution of 14.63 per cent. Because the Bahamian islands are not contiguous, the uneven distribution appears greater as the people are dispersed among numerous islands and cays.

**Table 1**  
**Percentage distribution of population by island, 2000 and 2010 censuses**

<i>Island</i>	<i>2000</i>		<i>2010</i>	
	<i>Population</i>	<i>Percentage</i>	<i>Population</i>	<i>% Distribution</i>
All Bahamas	303 611	100	352 658	100
New Providence	210 832	69.44	248 948	70.39
Grand Bahama	46 994	15.48	51 756	14.63
Abaco	13 170	4.34	16 692	4.72
Acklins	428	0.14	560	0.16
Andros	7 686	2.53	7 386	2.09
Berry Islands	709	0.23	798	0.23
Bimini	1 717	0.57	2 008	0.57
Cat Island	1 647	0.54	1 503	0.42
Crooked Island	350	0.12	323	0.09
Eleuthera	7 999	2.63	7 826	2.21
Exuma and Cays	3 571	1.18	7 314	2.07
Harbour Island	1 639	0.54	1 702	0.48
Inagua	969	0.32	911	0.26
Long Island	2 992	0.99	3 024	0.86
Mayaguana	259	0.09	271	0.08
Ragged Island	72	0.02	70	0.02
Rum Cay	80	0.03	99	0.03
San Salvador	970	0.32	930	0.26
Spanish Wells	1 527	0.50	1 537	0.43

*Source:* Department of Statistics data.

8. The largest island in the Bahamas, Andros, accounts for almost 43 per cent of the land area of the Bahamian archipelago but only represented 2 per cent of the population in 2010. In contrast, New Providence, the capital of the Bahamas, accounts for a mere 1.5 per cent of the land area but accommodated over 70 per cent of the people in 2010. The two major islands of New Providence and Grand Bahama represented approximately 85 per cent of the country's total population.

**Table 2**  
**Land area and density of population by island, 2010 census**

<i>Island</i>	<i>Area (sq. miles)</i>	<i>Population</i>	<i>Density (population per sq. miles)</i>
All Bahamas	5 382	352 658	66
New Providence	80	248 948	3112
Grand Bahama	530	51 756	98
Abaco	649	16 692	26
Acklins	192	560	3
Andros	2 300	7 386	3
Berry Islands	12	798	67
Bimini	9	2 008	223
Cat Island	150	1 503	10
Crooked Island	93	323	3
Eleuthera	187	7 826	42
Exuma and Cays	112	7 314	65
Harbour Island and Spanish Wells	13	3 239	249
Inagua	599	911	2
Long Island	230	3 024	13
Mayaguana	110	271	2
Ragged Island	14	70	5
San Salvador and Rum Cay	93	1 029	11

*Source:* Department of Statistics data.

9. New Providence has a population density of 3,112 persons per square mile, therefore, the entire island can be considered as an urban centre. Freeport, Grand Bahama, is the only other urban area within the Bahamas and has a population density of 98 persons per square mile. These two urban areas account for 11.3 per cent of the Bahamian land mass and 85 per cent of the population.

**Table 3**  
**Comparison between the 2000 and 2010 population censuses and percentage change**

<i>Island</i>	<i>Population</i>		<i>Change</i>	
	<i>2000</i>	<i>2010</i>	<i>Actual</i>	<i>Percentage</i>
All Bahamas	303 611	352 658	50 047	16.48
New Providence	210 832	248 948	38 116	18.08
Grand Bahama	46 994	51 756	4 762	10
Abaco	13 170	16 692	3 522	27
Acklins	428	560	132	31
Andros	7 686	7 386	-300	-4
Berry Islands	709	798	89	13

<i>Island</i>	<i>Population</i>		<i>Change</i>	
	<i>2000</i>	<i>2010</i>	<i>Actual</i>	<i>Percentage</i>
Bimini	1 717	2 008	291	17
Cat Island	1 647	1 503	-144	-9
Crooked Island	350	323	-27	-8
Eleuthera	7 999	7 826	-173	-2
Exuma and Cays	3 571	7 314	3 743	105
Harbour Island	1 639	1 702	63	4
Inagua	969	911	-58	-6
Long Island	2 992	3 024	32	1
Mayaguana	259	271	12	5
Ragged Island	72	70	-2	-3
Rum Cay	80	99	19	24
San Salvador	970	930	-40	-4
Spanish Wells	1 527	1 537	10	1

*Source:* Department of Statistics data.

## V. Composition of heads of household

10. The 2000 Census revealed that there were 88,107 households throughout the Bahamas, and it was estimated that in 2009 there were 109,270 households — an increase of approximately 24 per cent. Of these households, 106,340 provided information which indicated that 61,610 (58 per cent) were ones in which a male was considered the head. Conversely, 43,730 households responded that a female was considered the head of their household, which represented approximately 42 per cent of the total number of households. New Providence recorded 72,855 total households, of which 58 per cent were headed by males and 42 per cent were headed by females. Statistics further revealed that the number of households headed by women is growing at a faster pace than those headed by men.

Table 4  
**Households and household income: all Bahamas, New Providence and Grand Bahama: 2009**

<i>Island</i>	<i>Number of households</i>	<i>Total household income B\$</i>	<i>Mean household income B\$</i>	<i>Median household income B\$</i>
All Bahamas	105 340	4 036 000 000	38 314	30 318
New Providence	72 855	2 952 700 000	40 528	32 638
Grand Bahama	16 970	637 425 000	37 562	30 000

*Source:* Department of Statistics data.

## VI. Economic characteristics

11. In 2010, the Bahamas recorded a per capita income of US\$ 21,773 ranking it as one of the top three countries with the highest per capita income in the western hemisphere. In 2010, the Bahamas' gross domestic product (GDP) was valued US\$ 7.6 billion and is growing.

12. Between the years 2006 to 2010, the Bahamian economy experienced a marginal decline in GDP at current market prices, due to the financial crisis and subsequent global recession. Estimates for the annual rate of GDP growth are outlined in table 5 below.

Table 5  
**Annual rate of GDP growth, 2006-2010**

<i>Year</i>	<i>Growth of GDP (%)</i>
2006	2.5
2007	1.4
2008	-1.3
2009	-5.4
2010	0.96

*Source:* Revised Department of Statistics data.

## VII. Tourism

13. The Bahamian economy is dominated by services, of which tourism accounts for two thirds of all economic activity followed by financial services, along with comparatively small inputs from the agricultural and industrial sectors.

14. The Bahamas is said to have some of the clearest waters in the world. Its beaches and the marine environment have attracted visitors to the Bahamas even prior to the development of tourism as a major industry within the Bahamian economy. Tourism has become essential to the Bahamian economy over the past fifty years. In 1950, the Bahamas recorded 40,000 visitors and this number had ballooned to 5.2 million in 2010. Over the years, the Bahamian tourism industry has grown in leaps and bounds accounting today for just over 40 per cent of the

Bahamian GDP. Both tourism and financial services are characterized by the provision of high quality service to all persons regardless of racial, ethnic, cultural, gender and religious differences. Therefore, as large sections of the Bahamian population are involved in these industries, they have become accustomed to interacting with a diverse group of persons from throughout the international community.

15. Although the tourism industry of the Bahamas has experienced gains over the past decade, several global factors have begun to affect it significantly. The following contributing factors have negatively impacted the tourism industry throughout the Bahamas in recent times: (1) the economic slowdown throughout the United States, the primary country of origin of visitors to the Bahamas, owing to a steep decline in consumer confidence to a 28-year low; (2) the United States dollar is struggling against other international currencies; and (3) oil prices — the cost of fuel and the price of airline tickets.

## **VIII. Financial services**

16. The Bahamas is among the top offshore jurisdictions worldwide. The Bahamian financial service industry has extensive and long-standing relationships with Canadian, Swiss and American institutions. Even though there are numerous reasons for international financial companies to establish themselves in the Bahamas, the primary reasons centre on: (1) the Bahamas' proximity to major North American and Latin American financial centres; (2) the Bahamas' location within 50 miles of the world's largest economy; (3) sharing time zones with New York City and Toronto (EST); (4) the Bahamas as an independent nation with compliant legislation and a consultative legislative approach; (5) no local taxes on corporate and personal income, capital gains, inheritance or dividends; (6) highly trained industry professionals and an English-speaking workforce; and (7) essential public services and modern infrastructure.

## **IX. Employment**

17. The unemployment rate for the Bahamas in 2009 was 14.2 per cent; 14.4 per cent for men and 14 per cent for women. The labour force participation rate for that year was 73.4 per cent; 78.4 per cent for men and 69.1 per cent for women.

18. In 2009, the labour force data indicate that 66 per cent of the employed persons were engaged in private sector activities, 20 per cent were employed in the civil service, and the remaining 14 per cent of workers were self-employed.

Table 6  
Key labour force statistics, 1999, 2001-2009

	1999	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total labour force										
All Bahamas	157 640	164 675	167 980	173 795	176 330	178 705	180 255	186 105	191 595	184 020
New Providence	113 240	117 900	119 700	123 380	125 385	128 630	127 090	131 105	135 735	131 245
Grand Bahama	23 900	25 055	25 190	26 350	26 465	27 305	27 445	28 850	29 820	28 235
Employed labour force										
All Bahamas	145 350	153 310	152 690	154 965	158 340	160 530	166 505	171 490	174 920	157 805
New Providence	104 440	109 770	108 255	108 685	111 725	114 660	118 575	120 675	123 960	112 880
Grand Bahama	21 625	23 345	23 580	24 050	24 000	24 305	25 155	26 310	27 125	23 310
Unemployed labour force										
All Bahamas	12 290	11 365	15 290	18 830	17 990	18 175	13 750	14 615	16 675	26 215
New Providence	8 800	8 130	11 445	14 695	13 660	13 970	8 515	10 430	11 775	16 365
Grand Bahama	2 275	1 710	1 610	2 300	2 465	3 000	2 290	2 540	2 695	4 925
Labour force										
Participation rate										
All Bahamas	76.8%	76.2%	76.4%	76.5%	75.7%	76.3%	75.1%	76.2%	76.3%	73.4%
New Providence	77.7%	78.1%	77.6%	78.0%	77.5%	77.5%	79.7%	77.1%	77.3%	74.0%
Grand Bahama	75.3%	75.2%	74.4%	76.0%	74.7%	74.7%	74.6%	76.8%	76.9%	74.2%
Unemployment rate										
All Bahamas	7.8%	6.9%	9.1%	10.8%	10.2%	10.2%	7.6%	7.9%	8.7%	14.2%
New Providence	7.8%	6.9%	9.6%	11.9%	10.9%	10.2%	6.7%	8.0%	8.7%	14.0%
Grand Bahama	9.5%	6.8%	6.4%	8.7%	9.3%	11.0%	8.3%	8.8%	9.0%	17.4%

Source: Department of Statistics.

Notes: Labour force data are not available for the year 2000, which was a census year. The census is a major national project, therefore, no other household surveys are taken by the Department of Statistics that year.

## X. International Organization for Migration

19. In recent years, the Bahamas demonstrating its commitment to tackle migration management particularly in vulnerable migrant populations, has sought practical and durable responses to address the complex challenges of migration through active participation in various programmes, in general, facilitated by the International Organization for Migration (IOM), as demonstrated below.

20. The Bahamas participated in the following IOM-sponsored events: 8th IOM Caribbean Regional Seminar, held from 16 to 20 November 2008 in Saint Lucia; the second Meeting of National Authorities on Trafficking in Persons, held from 25 to 29 March 2009 in Buenos Aires; the 4th Cross-border Seminar entitled "The production system of personalised passports: data collection", held in Port-au-Prince, 12 November 2009; the 8th Annual Caribbean Regional Seminar on Migration, held from 7 to 9 December 2009 in Antigua and Barbuda; and the

4th meeting of the Global Forum on Migration and Development, held from 8 to 11 November 2010 in Mexico.

21. In 2009, IOM, as part of its technical assistance programme in the field of migration, offered to assist with the collection of information on the positive and negative effects of child migration in the Caribbean region, while facilitating discussion and cooperation to better understand and develop policies to respond to the issue. This resulted in the convening of two Working Group sessions on child migration in the Caribbean, convened on 24 and 25 June 2009 in Barbados and on 9 and 10 September 2009 in Georgetown, Guyana, during which Caribbean Community member States, including the Bahamas, exchanged practical experiences, identified strengths and weaknesses and developed suggestions regarding child migration in the Caribbean.

22. The Bahamas anticipates that its participation in these IOM seminars, sessions, etc., would make lasting contributions to its efforts in addressing the complex challenges of migration and in general would enhance regional cooperation in tackling migration management and border security challenges in the Caribbean region.

23. In March 2009, the Bahamas agreed to participate in a one-year pilot project on the reintegration of criminal deportees into the Bahamas. The overall objective of the IOM project, funded by the United States Government, was to contribute to the long-term reintegration of returnees from the United States. The project, which called for inter-agency support and collaboration, facilitated the reintegration of some 75 returned Bahamian nationals into Bahamian society, through the provision of arrival orientation, post-arrival assistance, small enterprise development and business management training, among others.

## **XI. United Nations Human Development Index**

24. In 2010, the United Nations revealed that the United Nations Human Development Index (HDI) value for the Bahamas was 0.784. The HDI value trends overall indicate that the Bahamas has been progressively improving its HDI values, as the correlation between a long and healthy life, access to knowledge and a decent standard of living — the primary dimensions underlying the index — have steadily improved. According to the 2007/2008 report providing trend data between 1980 and 2005, the HDI of the Bahamas has increased more over the 25-year reporting period for which data were available, than most small island developing States worldwide. For the Americas, in 2010, the Bahamas ranked fourth in the top 10 countries with highest HDIs in that region. In 2010, the Bahamas achieved a comparative HDI value to Lithuania and Chile (0.783) and Barbados (0.788). On the “Empowerment” dimension, which comprises political freedoms and civil liberties, the Bahamas received a score of 2 on the democracy measure (where 0 = non-democratic and 2 = democratic). Additionally, with respect to human rights violations, the Bahamas received a score of 2 out of 5 (where 1 = fewest human rights violations and 2 = most violations).

## Part II

### Article 1: Defining discrimination against women

25. The laws of the Commonwealth of the Bahamas with respect to discrimination against women are formulated in the Constitution of the Bahamas.

26. For the purposes of the Convention, the term “discrimination” means, any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, the enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

27. The Convention thus defines discriminatory practices to include any differentiation, whether by way of distinction, exclusion or restriction, on the basis of sex, which aims or has the effect of preventing or hampering the enjoyment by women, whether married or unmarried, of their human rights to the same extent as men. (Assessing the Status of Women, 1996: 11).

28. Chapter III, Article 15, of the Constitution of the Bahamas provides an entitlement for every person in the Bahamas, irrespective of race, place of origin, political opinion, colour, creed or sex, to certain fundamental rights and freedoms. These include: “the right whatever his race, place of origin, political opinions, colour, creed or sex ... to each and all of the following, namely,

“(a) Life, liberty, security of the person and the protection of the law;

“(b) freedom of conscience, of expression, and of assembly ...; and

“(c) protection for the privacy of his home and other property ...”

29. These protections are guaranteed to every person (inclusive of both men and women) and are more amply stated in Chapter III, Articles 15 through 27.

30. Article 15 clearly embodies in the words of our national Constitution, the principle of equality of both Bahamian men and Bahamian women without reservation as to sex. This principle is in fact stated as a fundamental right of each Bahamian as enshrined in the Constitution. Article 15 goes on to specifically state that, “the subsequent provisions of this Chapter shall have effect for the purpose of affording protection to the aforesaid rights and freedoms ...” Protection, therefore, is not only accorded to (1) the right to life, (2) protection from inhumane treatment, (3) protection from slavery and forced labour, (4) protection from arbitrary arrest or detention, (5) the right to secure the protection of the law, (6) protection for privacy of home and other property, (7) protection of freedom of conscience, (8) protection of freedom of expression, (9) protection of freedom of assembly and association, (10) protection of freedom of movement, but also includes, (11) protection from discrimination on the grounds of race, place of origin, political opinions, colour or creed.

31. It would therefore appear that the Constitution clearly affords protection to both Bahamian women and men, from discrimination on the grounds of race, place of origin, political opinion, colour or creed. It is then contrary to the principle of equality of men and women as enshrined in the Constitution to say that either sex has been exempted from any of the above-mentioned protections including

protection from discrimination on the grounds of race, place or origin, political opinions, colour or creed. Protection from discrimination on the grounds of race, place of origin, political opinions, colour or creed is a protection which relates to the principle of equality afforded to both sexes, both men and women, and therefore does not permit discrimination on the grounds of sex. To put it another way, discrimination on the grounds of sex would be inimical to the specific right of every person, “whatever his race, place of origin, political opinions, colour, creed or sex”, to “protection from discrimination on the grounds of race, place of origin, political opinions, colour or creed”.

32. By the provisions of Article 26 (3) of the Constitution of the Bahamas, the word “discriminatory” is defined to mean, “affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another description”. This definition does not derogate from the principle of equality of men and women already existing in the Constitution.

33. Article 26 (1) however states that “... no law shall make any provision which is discriminatory either of itself or in its effect”. Accordingly, provision is made in Chapter 3, Article 28, for any person in the Bahamas who believes that his/her rights have been contravened, to seek redress.

34. Furthermore Article 15 goes on to set this fundamental right above and separate from any limitation which may appear within the Chapter, and states that it is, “subject to such limitations of that protection as are contained in those (subsequent) provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest”.

35. If this be the case, then, it would follow logically that there is a need to reaffirm the principle of equality already existing in the Constitution rather than to modify the manner in which discrimination is defined, for, in light of the above, the Constitution enshrines the fundamental human right of every woman to the protections afforded by each of the foregoing provisions, including the right to protection from discrimination.

36. When the Convention defines discriminatory practices to include “any differentiation ... on the basis of sex”, it takes a slightly different reading of discriminatory practices than that which we posit as defined in the Constitution of the Commonwealth of the Bahamas.

## **Article 2: Obligations to eliminate all forms of racial discrimination against women**

37. As a State party to the Convention on the Elimination of Racial Discrimination against Women, the Bahamas is obligated to ensure equality and non-discrimination for all citizens regardless of sex. The Bureau of Women’s Affairs continues to work to raise the awareness of the need, under the Convention to pursue appropriate measures to prohibit all discrimination against women and to advocate for the

revision and further consideration/discussion with respect to articles 2 (a) and 9, paragraph 2, to which the Bahamas has entered reservations, in accordance with paragraph 230 (c) of the Beijing Platform for Action.

### **Reservations**

38. The Bahamas reserves its right to apply the provisions of articles 2 (a) and 9, paragraph 2, within the limits established by the Constitution and national legislation. The Constitution prescribes judicial process to be observed in the event of the violation of the rights of article 26 (1), which states that "... no law shall make any provision which is discriminatory either of itself or in its effect", whether by the State or by a private individual. Acceptance of this Convention by the Commonwealth of the Bahamas does not imply the acceptance of obligations going beyond those prescribed under the Constitution.

39. The Government of the Bahamas, prior to 2002, sought to activate an impetus for change and mandated a Constitutional Reform Commission, following the referendum of February 2002. The Constitutional Reform Commission published its report in 2003, entitled "The Bahamas Constitution: Options for Change", to raise the consciousness of the electorate, with a view to deepening public knowledge of the Constitution itself and stimulating public interest and debate on Constitutional issues. Legislation has in fact been enacted which does not discriminate against women, in particular:

(i) Section 6 of the Employment Act 2001 — "no employer or person acting on behalf of an employer shall discriminate against an employee or applicant for employment on the basis of race, creed, sex, marital status, political opinion, age or HIV/AIDS ...";

(ii) In the Inheritance Act (2002) succession is determined equally by men and women (Section 4);

(iii) In the Child Protection Act (2007), every child is to be protected from discrimination, violence, abuse and neglect (Section 5 (2));

(iv) While the provisions of international treaties ratified by the Bahamas do not take precedence over domestic law, nevertheless, efforts have been made to import the Conventions adopted by the country into domestic law, as is evident in the enactment of legislation on:

(i) Child abduction, the Hague Convention on civil aspects of child abduction has been incorporated into domestic law;

(ii) Trafficking in persons, the Trafficking in Persons (Prevention and Suppression) Act 2008, which creates criminal offences for trafficking in persons, unlawful withholding of identification papers, transporting a person for the purpose of exploiting such persons' prostitution, protection for the safety of victims and immunity of the victim from prosecution;

(iii) Child protection, the Child Protection Act 2007, which incorporates in Section 4 (c) the right of the child to exercise, in addition to all the rights stated in this Act, all the rights set out in the United Nations Convention on the Rights of the Child.

### **Article 3: The development and advancement of women**

40. In accordance with Article 3 of the Convention, the Government of the Bahamas, through its main agency, the Bureau of Women's Affairs (BWA), works to ensure the full development and advancement of women. This is done through its monthly meetings with women from a wide cross section of the community, networking with other NGOs and advocating for changes that would further enhance women's development.

41. While there has been little change regarding information for this section since the previous periodic report, the Bureau will be observing several milestones over the next two years, which no doubt will impact and enhance the work of the Bureau and the further development of women in the Bahamas. These are the 100th anniversary of International Women's Day (8 March 2011); the 30th anniversary of the Bureau of Women's Affairs (23 June 2011); the 50th anniversary of the Suffrage Movement (June 2012); the 30th anniversary of the first woman elected to Parliament (August 2012); and the 30th anniversary of the Bahamas Crisis Centre (June 2012).

### **Article 4: Acceleration of equality between men and women**

42. The Bureau of Women's Affairs stated in its previous report that it was in the process of developing a National Gender Policy of the Bahamas. This was conducted in conjunction with regional and international agencies. The process entailed a national needs assessment survey, which involved consultation with stakeholders throughout the archipelago of the Bahamas. The needs assessment has been completed and is currently under review. The Bureau is hopeful that the next steps will be approval to begin the drafting of a national gender policy for the Bahamas.

### **Article 5: Sex roles and stereotyping**

43. The issue of gender with respect to certain social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices, customary and all other practices, which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for men and women are being discussed more openly over the airwaves in the Bahamas.

44. In Bahamian society, the male is expected to provide for his family. However, with many households now being headed by females, this role is diminishing. Women are still perceived as caretakers of the family. However, the fact that more women are increasingly becoming heads of their households, is eroding away at this mindset. Nevertheless, there is still work to be done in this area to ensure full equality not only legally but in the mindset and attitude of Bahamians.

45. To this end, the BWA continues to keep this issue at the forefront of the public mind through monthly meetings with women which are attended by a cross section of women from New Providence as well as the Family Islands.

46. Nationally, this issue is frequently discussed in the media by both male and female talk show hosts. Such discussions always invoke lively participation from the public at large.

#### **Health and family life education**

47. Health and family life education (HFLE) is mandatory in public schools and the curriculum has been updated to move away from gender stereotyping.

#### **Violent behaviour between spouses**

48. Women are still the main victims of violence between spouses. However, there has been an increase in the number of men coming forward for help in their relationship, according to the Bahamas Crisis Centre.

49. Initiatives to combat violence against women include:

- The Domestic Violence Act (Protection Orders Act), 2007, is a landmark piece of legislation in that it revolutionizes the intimate partner violence in the country. The Act provides a comprehensive definition of domestic violence; it criminalizes stalking and harassment and empowers the courts to mandate intervention with batterers
- 24-hour hotline operated by the Bahamas Crisis Centre
- Workshops, seminars and speak outs
- Health and family life education curriculum dealing with conflict resolution
- Establishment of a Sexual Offences Unit and Domestic Violence Unit in the Police Force with training provided for these officers
- Legal clinics sponsored by sorority groups to educate women on their rights
- Avid discussions and articles in the electronic and print media
- Establishment of a branch cariMAN in the Bahamas, an NGO spearheaded by men who are working with women's organizations to end gender-based violence

#### **Conflict resolution education for men and women**

50. Conflict-resolution education programmes are offered by religious and other civic groups in the promotion of non-violent interventions. The Ministry of Health through its Mental Health Service offers a six-week Anger Management Programme through its Community Counselling and Assessment Centre. The Roman Catholic Church established a programme for men who batter women, the Royal Bahamas Police Force also promotes mediation training in communities and schools and the Bahamas Crisis Centre has implemented a "Green Ribbon/Peace Campaign" in the public and private school systems.

#### **Promoting awareness of domestic violence among law enforcement officers**

51. Training for police officers to enhance their skills in the intervention of victims of domestic violence has been initiated at the Royal Bahamas Police College in 2010 and is to be offered on a quarterly basis. Complaints of violence against women are received by all police stations throughout the Bahamas, which must

provide written reports. All police stations are mandated to respond to persons reporting domestic violence under the Domestic Violence Act (Protection Orders Act), 2007, Section 27.

52. As a result of comprehensive training in domestic violence, and a review of the Royal Bahamas Police Force's approach to these complaints, the police now actively investigate these matters. The police has now taken the position that all reported matters may only be withdrawn by the complainant before the Magistrate's court, once someone is charged.

#### **Domestic violence shelters**

53. There are three private entities, in partnership with the Department of Social Services, that operate safe houses to assist battered women, but more are needed across the country. The Crisis Centre also operates a 24-hour toll-free hotline for victims of domestic violence in New Providence and the Family Islands. Grand Bahama has a crisis centre, which operates its own 24-hour hotline.

#### **Law enforcement officers' treatment of sexually assaulted victims**

54. With regard to the treatment of sexually assaulted victims, the Royal Bahamas Police Force, over the years, has given greater attention to this matter, in particular, how victims, adults and children are dealt with. The establishment of victim support units in New Providence and Grand Bahama, with highly trained officers who focus on guiding victims of sexual assault through the investigations and provide them with updates regarding the progress of the matter. Support is also afforded victims as it relates to their court appearances.

55. Further, the police has established, at its Central Detective Unit, a fully functional rape suite and a fully functional child-friendly suite. In addition, police detectives have now been trained and are skilled in counselling and social work, including one female detective with a master's degree in clinical counselling. All officers who are trained in this area assist special victims and witnesses (including those involved in domestic related matters) during investigations.

#### **Special measures to deal with the sexual abuse of children in the Bahamas**

56. The criminalization and mandatory reporting of incest and child sexual abuse has been in place since 1991. The Ministry of Labour and Social Development has put in place a National Child Abuse Hotline for over a decade and the appointment of a National Child Protection Council, made up of governmental and non-governmental agencies to address the prevention and protection of children from child abuse. Additionally, the Ministry of Health has implemented the Suspected Child Abuse and Neglect (SCAN) team for the purpose of intervening and treating children under 12 years old who are the victims of child abuse. The Child Protection Act was passed in 2007 and enforced in 2009.

57. There has been greater public awareness about domestic violence and child abuse which has resulted in more reported cases since the previous periodic report in 2009. However, there is a need for more resources to provide more training to persons, especially young people, throughout the Family Islands in the Bahamas.

## **Article 6: Exploitation of women**

### **Trafficking in persons**

58. At the end of 2009, in an effort to educate and train persons on trafficking in persons (TIP) and equip them with the skills to be able to identify and assist victims of trafficking, the Bureau of Women's Affairs in collaboration with the International Organization for Migration (IOM) conducted a number of train the trainers workshops on the islands of New Providence, Grand Bahama, Abaco and Eleuthera. Chissey Mueller, Programme Director for IOM, facilitated all the workshops and she was assisted by Bahamians who had been trained in the first workshop in New Providence.

59. IOM also sponsored the new Head of the Bureau, who took up the post at the beginning of October, to the Counter-Trafficking Conference for the Caribbean, held from 26 to 28 October 2010 in Miami, Florida.

60. The Bureau has also contracted with a producer to make public service announcements on TIP for television.

### **Violence against women**

61. While there are no provisions in the law that define violence against women specifically, all relevant legislation address gender-based violence as criminal and unacceptable behaviour. These legislations include the Sexual Offences Act, 1991 (formally the Sexual Offences and Domestic Violence Act), the Sexual Offences (Amendment) Act, 2008, the Domestic Violence Act (Protection Orders Act), 2007, the Child Protection Act, 2007, and the Penal Code (1924), covers behaviour in the public and private spheres.

62. In addition to legislation reform and public education awareness, the Bahamas has given specific attention to the training of professionals in intervention and support for survivors of violence.

## **Article 7: Political and public life**

### **Equal rights to vote and participation in elections**

63. In the Bahamas, women have the right to vote in any and all elections and to participate in elections on equal terms with men. Women received the partial right to vote in 1961 and full voting rights in 1962. Thus, there are no legal voting restrictions imposed on either women or men to vote in all elections and public referenda or to be elected to all public elected bodies.

### **Percentage of women participating in elections**

64. There has not been an election since the previous submitted report.

### **Public offices held by women**

65. In the Bahamas, women are placed in very senior positions where they have the ability to influence policies and oversee implementation of policies and effect change. As of the time of the present periodic report, in addition to the positions listed in the table below, women also hold positions of: President of the Court of

Appeal, Justices of the Supreme Court (4), Governor of the Central Bank, President of the Bar Council, Chief Medical Officer, and Secretary to the Cabinet.

Table 7

**Women in top public offices and leadership positions in 2010**

Permanent secretaries	
Women	11
Men	7
<b>Total</b>	<b>18</b>

Table 8

**Women in selected public order and safety occupations in 2010**

<i>Position</i>	<i>Number of women</i>
Director of Legal Affairs	1
Director of Public Prosecutions	1
Registrar of Supreme Court	1
Deputy Registrar	1
Stipendiary and Circuit: Magistrates	11
<b>Total</b>	<b>15</b>

66. As stated in the previous periodic report, elections in May 2007 resulted in 5 women (12.2 per cent) being elected to a 41-member Parliament (Lower House) and 8 women (53.3 per cent) being appointed as senators to a 15-member Senate (Upper House). There is only one female in the Cabinet.

Table 9

**Women in top political positions in 2010**

<i>Positions</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Members of the Senate	5	10	15
Members of Parliament	5	36	41
<b>Total</b>	<b>10</b>	<b>46</b>	<b>56</b>
Members of Cabinet	1	16	17

Table 10  
**Women in key positions in Parliamentary Assembly by position in 2010**

<i>Positions</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Prime Minister	0	1	1
Attorney General	0	1	1
Other Ministers	1	16	17
Opposition Leader	0	1	1
Speaker of the House	0	1	1
<b>Total</b>	<b>1</b>	<b>20</b>	<b>21</b>

#### **Factors which prevent women's political participation**

67. No legal impediments exist with respect to the participation of women in the political process as women are active as members and candidates of political parties. Women's representation compared to men is, however, lessened as fewer women are inclined to become involved in front-line politics as they are keenly aware of the "intricacies" of politics.

#### **Women's participation in the design and implementation of development planning at all levels**

68. In the Bahamas, since many women occupy senior-level positions, they are involved at all levels of development planning. Women in the Bahamas have come to outnumber men in the public service.

#### **Women's participation in trade unions**

69. Women do participate in trade unions and participation surpasses that of males. In fact, records indicate that the ratio of parity between women and men is about 3:1; this may vary from trade union to trade union but in some areas of our economy and certainly in the essential services of our economy, women outnumber men in terms of membership. In addition to this, it should be noted that women head two of the largest trade unions in the Bahamas: the Bahamas Hotel Catering and Allied Workers Union, and the Bahamas Union of Teachers. A woman also heads the Trade Union Congress, an umbrella organization.

70. The Bahamas has ratified 32 ILO Conventions, and denounced 3 (in 2001) (Minimum Age Industry Convention of 1919 (No. 5), Convention No. 7 and Convention No. 1). Most of these ILO Conventions benefit women while others provide specific protection for the rights of women workers. Women are therefore able to access the general rights available to all workers.

71. The ILO database on trade unions in the Bahamas reports that there are 57 active trade unions in the country. Analysis of the leadership at the level of president and secretary-general shows that of the 57 unions listed, women accounted for 11.3 per cent as president and 37.7 per cent are general secretaries. In 2009, a woman was elected as the head of the largest trade union in the Bahamas, namely the Bahamas Hotel Catering and Allied Workers Union.

72. As stated, women are heavily represented in the trade union sector, many of whom are holding top positions. The following list some of the women representing trade unions as at 2010: Nicole Martin, President of the Bahamas Hotel Catering and Allied Workers Union; Belinda Wilson, President of Bahamas Union of Teachers; Carmen Kemp, President of Bahamas Utility Service and Allied Workers Union; Jennifer Isaacs Dotson, President of the National Congress of Trade Unions; Katrina Marche and Joy Tucker, Vice President and Assistant General Secretary of Bahamas Public Service Union, respectively; Sonia Hamilton, General Secretary of Bahamas Hotel Employers Association; Adrian Pratt, Vice President of Eastside Stevedores; Juana Roberts, Sally Taylor and Shakeria Carroll, President, Vice President and General Secretary of the Bahamas Doctors Union, respectively; Essiemae McIntosh, Secretary-General of the same union, while Theresa Mortimer held the position of Vice President. Jennifer Dotson is also the President of the Union of Tertiary Educators, while Janet Donnelly is Vice President. The Commonwealth Union of Hotel Services is headed by Michelle Dorsett. The President of the Commonwealth Electrical Union is Leslie Lightbourne, and Ann Hunt is the General Secretary. Joyce Thomas holds the post of General Secretary of the Grand Bahama Public Service Drivers Union. The Vice President, General Secretary and Assistant General Secretary of the Grand Bahama Port Authority Workers Union are Ashley Smith, Maxine Burrows and Lawanda Green, respectively. Lynn Wright holds the position of General Secretary in the Public Officers Union. The three top positions of the Bahamas Nurses Union are held by women. They are President, Cleola Hamilton, Vice President, Jannah Khalfani, and General Secretary, Julia Knowles. In the Optometric Association of the Bahamas, Charlene Wallace is the President and Anita Brown holds the post of General Secretary. Representing the Union of Central Bankers are Vice President, Kandi Cash, and Kaye Rolle, General Secretary. Jennifer Cartwright is the General Secretary of the Bahamas Industrial Manufactures and Allied Workers Union. The President of the Bahamas Financial Services Union is Theresa Mortimer, and Sharon Lockhart holds the position of Assistant General Secretary; Linda Moultrie Missick is Vice President of the Bahamas Educators Managerial Union, and Ghea McPhee is General Secretary of the Bahamas Customs Immigration and Allied Workers Union.

## **Article 8: International representation and participation**

### **Representation of women at the international level**

73. There are no legal impediments, in the Bahamas, preventing women from representing their Government at international levels and to participate in the work of international organizations on equal terms with men. Efforts are taken by the Government to circulate known vacancies to relevant agencies/NGOs for interested suitable candidates to apply for the relevant vacancy. In addition, where an organization specifically states a preference for women, specific women are identified and encouraged to pursue the position. The selection of nominees, for the organization, is based on various elements/criteria of experience, qualifications and proven competence with the relevant international organization.

74. There are no records to indicate the exact number of Bahamian women working in international organizations. However, the Government is aware that several Bahamian women are employed by the United Nations in a senior capacity. Since women are in the majority in the Public Service/Foreign Service, women

represent the Bahamas at numerous international meetings on a myriad of issues. Thus women are not denied opportunities to represent the Bahamas in international organizations because of their sex.

### **Women in the Ministry of Foreign Affairs**

75. Women in the Ministry of Foreign Affairs outnumber men by a tremendous margin: women employed represent over 80 per cent and men represent 19.6 per cent of all employees within the Ministry. In addition, presently the Permanent Secretary and 67 per cent of heads of department are women. These statistics clearly indicate that women in the Bahamas and particularly throughout the Ministry of Foreign Affairs have achieved tremendous success within the Ministry of Foreign Affairs and throughout the Public Service. Therefore, due to the dominance of women in the Bahamian Foreign Service, and especially in the Ministry of Foreign Affairs, the use of temporary special measures to help address the low representation of women in the Foreign Service has not been necessary for the Bahamas.

Table 11  
**Ministry of Foreign Affairs**

<i>Ministry of Foreign Affairs employees</i>	<i>Percentage</i>
Women	80.4
Men	19.6

### **Women in the Foreign Service**

76. Women account for 71.8 per cent of the positions held in the Foreign Service. Among these, are Her Excellency Elma Campbell, Ambassador of the Bahamas to the People's Republic of China, Paulette Bethel, Permanent Representative of the Bahamas to the United Nations, Katherine Forbes Smith, Consul General of the Bahamas to Atlanta, United States, Rhonda Chipman Johnson, Consul General of the Bahamas to New York, United States, Rhoda Jackson, Consul General of the Bahamas to Miami, United States.

77. Women at the helm in the diplomatic and consular missions account for 41.7 per cent and men for 58.3 per cent, respectively. Women serving as non-resident ambassadors account for approximately 42.9 per cent and honorary consuls at 30 per cent. The table below provides details of women's representation in the Foreign Service of the Bahamas.

Table 12  
**Number of women and men in Foreign Service as at 2007**

<i>Senior posts/positions</i>	<i>Women percentage</i>	<i>Men percentage</i>
Diplomatic and consular representatives	41.7	58.3
Non-resident ambassadors	42.9	57.1
Honorary consuls	30.0	70.0

## **Article 9: Nationality and citizenship of women and their children**

### **Legal rights in nationality**

78. With respect to citizenship, the Constitution of the Bahamas determines citizenship and by virtue of Chapter II, Section 6, provides that every person born in the Bahamas after 9 July 1973 shall become a citizen of the Bahamas at the date of his/her birth if at that date either of his/her parents was a citizen of the Bahamas. Sections 8 and 9 read respectively:

Section 8. A person born outside The Bahamas after 9th July 1973 shall become a citizen of The Bahamas at the date of his birth if at that date his father is a citizen of The Bahamas otherwise than by virtue of this Article (Section) or Article 3(2) of this Constitution.

Section 9. (1) Notwithstanding anything contained in Article 8 of this Constitution, a person born legitimately outside The Bahamas after 9th July 1973 whose mother is a citizen of The Bahamas shall be entitled, upon making application on his attaining the age of eighteen years and before he attains the age of twenty-one years, in such manner as may be prescribed, to be registered as a citizen of The Bahamas: Provided that if he is a citizen of some country other than The Bahamas he shall not be entitled to be registered as a citizen of The Bahamas under this Article unless he renounces his citizenship of that other country, takes the oath of allegiance and makes and registers such declaration of his intentions concerning residence as may be prescribed.

### **Equality in marriage to non-nationals**

79. Inequality still exists in this regard as stated in the response under article 2 of the present report. However, the Government of the Bahamas has passed domestic legislation which mitigates the effects of the Constitution.

## **Article 10: Ensuring equal access for women in education**

### **Access to education**

80. The Education Act (1996) provides for the education of every child in the Bahamas from the age of 5 to 16 years. Tertiary and post-secondary education is made accessible to men and women via: bursaries, grants, Government loans and scholarships and private sector assistance.

81. All the schools throughout the Bahamas are co-educational and girls and boys are able to take the same subjects at primary and secondary schools and at institutions of higher learning. Generally they are made aware of these options by: career guidance counsellors, career expos/fairs and the school's curriculum.

82. All students are free to choose their programme of study providing they meet the entry-level requirements. A "bridge programme" has been developed for those lacking the necessary competencies and skills in the areas of language arts and mathematics to participate in the courses. Upon successful completion of the bridge programme, these students are free to choose their course of study, irrespective of gender.

83. The data showing the percentage of female primary, secondary and university graduates were not available at the completion of the present document.

### **Literacy rates**

84. Regrettably, the Bahamas has not done a literacy survey. Other sources however (*The World Fact Book*) conducted a literacy study in 2003. The target group consisted of persons 15 years and older and it was concluded that 95 per cent of Bahamians were literate. Of this group, 97.7 per cent were male and 96.5 per cent were female.

85. Women in the Bahamas continue to make tremendous strides in most areas of their lives. This is particularly true of education since the end of the twentieth century and the first decade of the current one. Women represent 51.7 per cent of the students enrolled in adult education and literacy classes. Comparatively, there are 105 females to 98 males enrolled in literacy programmes.

86. Some of the challenges/barriers that women face educating themselves are:

(a) Cultural patterns: traditionally women were expected to stay at home and take care of their families. Further, there are women who find themselves at the opposite end of the spectrum in that they have to find employment for themselves to meet family needs. This precludes time for formal literacy enhancement;

(b) Marital/relationship discord: some women have found opposition from husbands, boyfriends and family members who discourage them from enhancing their literacy skills. This lack of support has a varying effect on the individual. When the person registers for classes, they usually express this to the tutor who realizes his/her obstacles and gives as much emotional support as needed;

(c) Job constraints: fortunately some persons, especially those who have Government jobs, are allowed time off to attend classes at National Literacy Services. This is a part of the National Literacy Services work-release programme;

(d) Health issues: complications due to pregnancy would sometimes cause women to withdraw from the programme. Some autoimmune conditions would also affect regular attendance;

(e) Low self-esteem: some persons are embarrassed to admit their literacy deficiencies to family members. Therefore, it hinders them from making a commitment to improve their literacy;

(f) Accessibility to buildings: persons with physical disability find it difficult to access the facilities;

(g) Demographics: interested persons residing in the Family of Islands are unable to participate in this New Providence-based programme. Efforts to establish satellite sites are ongoing.

87. Migrant women have a unique set of dynamics related to them that has to be considered. Those who are interested in literacy enhancement usually have to contend with language as well as literacy. English may not be their first language so an ideal approach would be to consider them qualified for ESL (English as a second language) tutoring. The major difference being the application of cultural studies and a focus on encouraging development of their comfort zone (using the affective filter syndrome), it must be stated that this is not unique to women only but it is

worthy of note. In order to attend classes at National Literacy Services, a spousal permit, work permit, residency card or Bahamian citizenship proof must be provided. Migrant women may not be in possession of any of the above and so the much needed classes may be denied them.

### **Equal representation of girls and boys in tracks**

88. The Government of the Bahamas in collaboration with the Inter-American Development Bank (IADB) in 2005 implemented a Support Programme for Transforming Education and Training (SPTET). The project has recently been relaunched as Investing in Students and Programmes for the Innovative Reform of Education (INSPIRE). The goal is to enhance human capital accumulation through the implementation of initiatives that will result in:

- A relevant education and training system articulated at the secondary and post-secondary education levels
- The transformation and repositioning of the Bahamas Technical and Vocational Institute (BVTI)
- Improved quality and access to early education
- A strengthened capacity in schools to accommodate children with special needs
- Public private partnerships (PPP) in education
- Strengthened managerial capacity of the education system

89. As indicated above, particularly in the first two bullet points, significant investments are being made that would afford students access to quality programmes in the technical and vocational fields of study. These interventions planned will contribute to the creation of a seamless environment in which the education and training required for today's society not only enables individuals to improve their quality of life, but also allows Bahamian enterprises to stay competitive in an ever-changing world. It is expected that these programmes would provide for:

- Expanded access to training opportunities, particularly in the Family Islands
- A better quality secondary and vocational/technical education
- The provision of e-literacy skills to all secondary students as part of the academic core

90. In order to achieve these objectives, among others, the programme contains a component that has a singular focus of developing and implementing a national framework for technical and vocational education and training (TVET). This component will contribute to the creation of an articulated TVET system that is characterized by a permanent relationship with the productive sectors, aligned with the demands of the employment sector, and adherent to standards that allow its graduates to become successful participants in the labour market. Major lines of action include:

- Establishment of a National Workforce Development Council responsible for monitoring the quality of the TVET actor

- Creation of a National Qualification Framework to coordinate manpower planning and articulate skills certification
- Implementation of updated standards for upper-secondary academic and TVET
- Enhancement of BTVI capacity to generate modular, competency-based training programmes that are market-driven and aligned with international standards

### Grants and scholarships

91. The Tertiary/Quality Assurance Section of the Ministry of Education is responsible for scholarships tenable at the College of the Bahamas. The Loans and Scholarships Division of the Ministry of Education is responsible for the administration of scholarships and loans to students pursuing studies at accredited tertiary institutions outside the Bahamas as well as accredited tertiary institutions in the Bahamas (excluding the College of the Bahamas).

92. The Quality Assurance Division administers two scholarships, the National Bursary Scholarship (NBS) and the Teacher Education Grant (TEG). The National Bursary is awarded to Bahamian citizens who achieve five (5) or more Bahamas General Certificate of Secondary Education (BGCSE) passes at grade “C” or higher, including mathematics and English language. The scholarship is awarded for all fields of study except education.

93. The Teacher Education Grant (TEG) is awarded to persons who are pursuing teaching as a career and meet the qualifying academic standard as stated for the National Bursary. During the period 2006-2010, 463 teacher trainees were awarded the Teacher Education Grant. Four hundred and fourteen (414), or 89.42 per cent, of the 463 awardees were females, while 49, or 10.58 per cent, were males. Awardees are selected based on academics.

94. During 2006-2010, a total of 993 scholarships under the umbrella of National Bursary were awarded, of which 679, or 68.38 per cent, were awarded to females, while 314, or 31.62 per cent, were awarded to males. This scholarship is based on merit.

Table 13  
National Scholarship Programme, 2006-2010

<i>Year</i>	<i>Award type</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2006	Merit	1	3	4
	Academic	3	8	11
	Technical	1	4	5
2007	Merit	2	5	7
	Academic	3	11	14
	Technical	5	8	13
	Grant	47	76	123
2008	Merit	6	5	11
	Academic	6	10	16
	Technical	13	3	16

<i>Year</i>	<i>Award type</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2009	Grant	52	84	136
	Merit	1	3	4
	Academic	5	5	10
	Technical	5	5	10
2010	Grant	85	159	244
	Merit	3	2	5
	Academic	4	10	14
	Technical	11	1	12
	Grant	79	163	242

### **Laws and policies to keep girls in school**

95. The Education Act (1996) makes it mandatory for children aged 16 years to attend school. Other institutions such as the Simpson Penn Centre for Boys, the Williamae Pratt Centre for Girls, Providing Access to Continuing Education (PACE) and Success Ultimately Reassures Everyone (SURE) are other institutions that offer instructions to students who are challenged by the traditional curriculum of school.

96. PACE offers education for pregnant teens, while SURE offers education to boys with behavioural problems, who are challenged by the traditional school curriculum.

### **Female teachers at the primary and secondary levels**

97. There are a total of 5,296 teachers in the Bahamas and out of this number 4,149 of them are female teachers. This is representative of 78.3 per cent of the workforce comprising female teachers. In terms of the breakdown of female teachers in the system, the table and charts below illustrate the distribution.

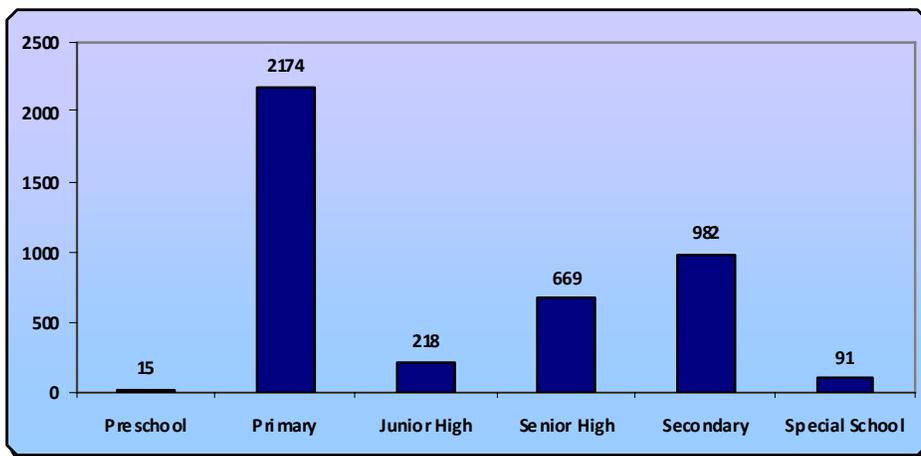
Table 14

### **Percentage of female teachers in the Bahamas by school type**

<i>School type</i>	<i>Total number</i>	<i>Percentage</i>
Preschool	15	0.3
Primary	2 174	41.0
Junior high	218	4.1
Senior high	669	12.6
Secondary	982	18.5
Special school	91	1.7
<b>Total</b>	<b>4 149</b>	<b>78.2</b>

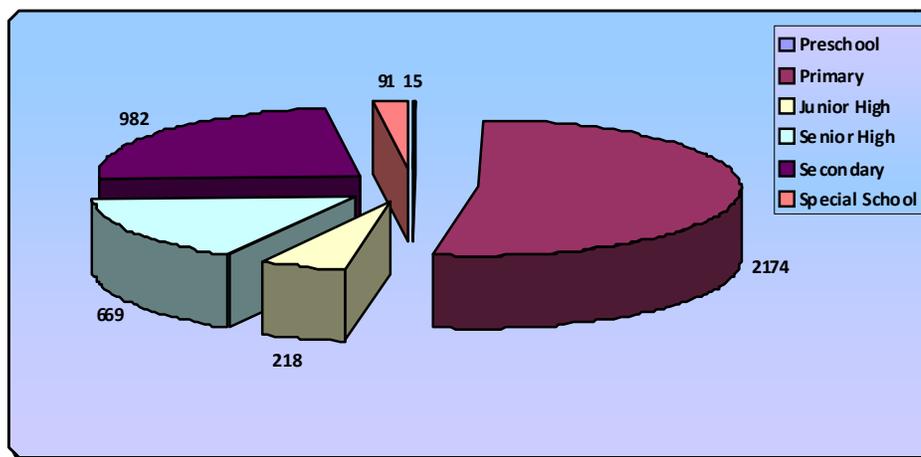
**Distribution of female teachers in the Bahamas by school type**

Bar chart 1



**Percentage of teachers who are women**

Pie chart 1

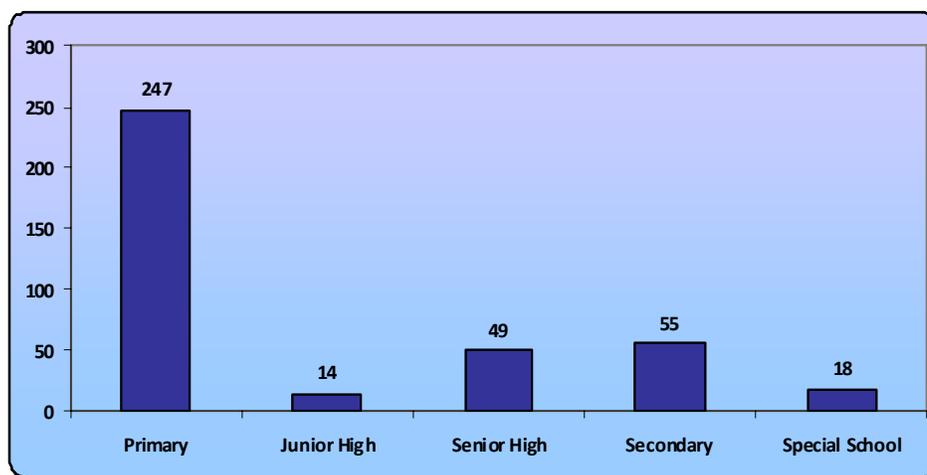


**School principals and heads of departments who are women**

98. There are a total of 605 school administrators in the Bahamas. A school administrator in the Bahamas is reflective of a Principal, Vice-Principal and Senior Master or Mistress. Out of this number, 383 of them are females. This represents 63.3 per cent of the workforce comprising female school administrators. In terms of the breakdown of female administrators the charts below illustrate the distribution.

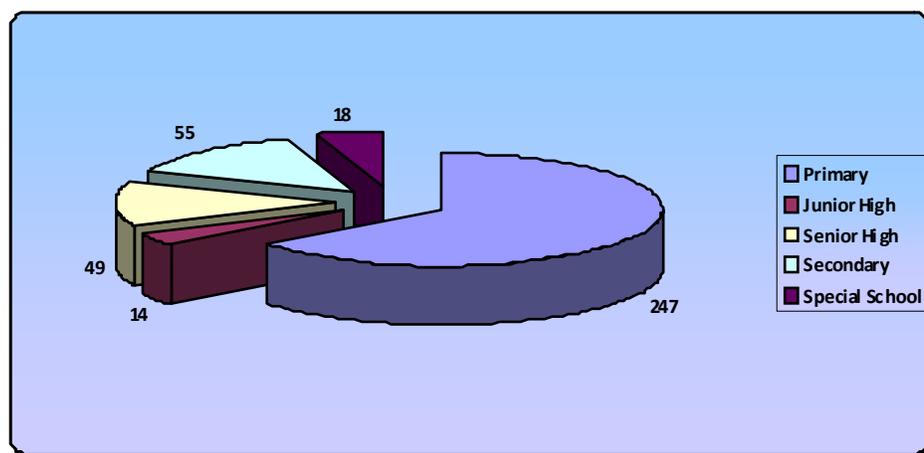
### Distribution of female school administrators in the Bahamas by school type

Bar chart 2



### Percentage of school principals/administrators who are women

Pie chart 2



### Gender equality access to health and family life

99. The primary focus of health and family life education is to empower children and adolescents to make life-enhancing choices; and to assist in combating the negative influences affecting their health and well-being. Therefore, HFLE is taught to both males and females in school in the Bahamas. In HFLE classes, emphasis is placed on the acquisition of life skills, values and attitudes required for full development and active participation in society. While family planning is not offered as a separate topic at the primary level, concepts regarding students' development — the human life cycle, puberty and reproduction — are taught.

100. The primary HFLE curriculum is based on the CARICOM HFLE Regional Framework and is divided into four themes: self and interpersonal relationships,

sexuality and sexual health, nutrition and physical activity and managing the environment.

101. Students will be empowered to make life-enhancing choices through the acquisition of knowledge, life skills, positive values and services required for full development and active participation in society. At the completion of the themes, students will be able to:

- Examine the characteristics of the individual, family, school and community in order to build strong healthy relationships and improve lifestyle choices
- Develop action competencies to reduce vulnerability to risky behaviours, including sexually transmitted infections (STIs), HIV and AIDS (Adapted from CARICOM HFLE Regional Standard 4, 2005)
- Demonstrate healthy food choices and engage in regular physical activity
- Demonstrate lifestyle choices that are in harmony with the environment

102. Issues and content addressed under the four themes include: teen pregnancy, STIs, HIV, AIDS, child abuse and molestation, unsafe/unprotected sex, sexuality, body parts, male and female reproduction, gender equality (female/male similarities and differences), chronic diseases (e.g., diabetes, obesity), substance abuse and drug dealing, crime and violence, negative subcultures and changing values.

103. The curriculum is also designed to facilitate a more child-centred approach to teaching, incorporating character-building and interdisciplinary approaches.

#### **Girls in sports and physical education**

104. Girls have the same opportunity as boys to participate in sports and physical education (P.E.) in schools. However, in the primary schools girls play softball and the boys play baseball. There are no regulations that prohibit the participation of women and girls in sports and physical education.

105. Some students dress according to their religious affiliations. In high schools, Rastas wear longer shorts or long pants during P.E. lessons.

106. The sports facilities are available to men and to women wherever they exist; some islands have more facilities than others.

107. For the Bahamas there is no cultural objection to women in sports. Some of these facilities are:

- Softball and baseball playing fields
- Track and field stadiums
- Basketball gymnasiums
- Community centres
- Soccer playing fields
- Swimming complex

Baseball is played by boys, because scholarships are available.

**Sex stereotyping of women**

108. As most of the textbooks (history) tend to downplay the role of women in many of the major historical events, the Social Studies Unit has instructed teachers to carry out additional research to ascertain the role that women played in these events.

**Career and vocational guidance for women**

109. Career education is a major component in the Guidance Counselling Curriculum from preschool to twelfth grade for all students in the school system. Students are exposed to career information through the following means:

1. Classroom guidance
2. Careers fair
3. Cadet programme
4. Work experience programmes
5. Community service
6. Guest speakers from various careers and college representatives
7. Internet research
8. Job shadowing
9. College fair
10. Scholarship colloquium

**The need of special encouragement**

110. Girls (like boys) in the Bahamas are presently encouraged to take advantage of all vocational opportunities afforded them.

111. Types of encouragement include:

1. To encourage students to explore the wide spectrum of traditional and non-traditional careers
2. To complete the career interest assessment test
3. To explore and develop their talent
4. Assigned to related job sites for their community services hours and work experience

112. Obstacles include:

1. Funding can be a major obstacle for both genders to pursue their college/academic vocational interest
2. Academic preparedness and college/job readiness

113. Measures to address opportunities include:

1. Professional development/retraining for counsellors and teachers in career development

2. Parenting workshops
3. Combining academics and athletics or musical ability for college scholarships

## **Article 11: Employment**

114. Employment and the operation of trade unions fall under the Industrial Relations Act (as amended chapter 321, Statute law of the Bahamas, 1 March 1971).

### **Recruitment and employment practices**

115. There is no discrimination in recruitment and employment practices between men and women in the Bahamas. The provisions of the Employment Act 2001 (as amended) make it illegal for any employer to discriminate in recruitment and employment practices between men and women. Thus men and women have the right to the same employment opportunities including the application of the same criteria for selection in matters of employment.

### **Legislation to eliminate discrimination in employment and wages**

116. As indicated in the previous report, legislation has in fact been enacted which does not discriminate against women in particular, according to Section 6 of the Employment Act 2001:

“(vi) no employer or person acting on behalf of an employer shall discriminate against an employee or applicant for employment on the basis of race, creed, sex, marital status, political opinion, age or HIV/AIDS.”

117. Under the Act, a woman cannot be discriminated against with respect to: employment opportunities, the right to promotion, the right to receive training, job security and all benefits and conditions of service and the right to social security, the right to equal remuneration, the right to job security of individuals infected with HIV/AIDS, the right to protection for women during pregnancy from harmful types of work, the right to maternity benefits and other social security benefits in cases of retirement, unemployment, sickness and paid leave, the right from unfair dismissal on the grounds of pregnancy or on the basis of marital status.

### **Percentage of women in the total waged workforce**

118. Statistics from the Department of Statistics showed that in 2009, women represented approximately 48.9 per cent of the total workforce and that women’s participation rate in the labour force was approximately 69.1 per cent.

### **Professions dominated by women or by men**

119. The two professions still dominated by women are teaching and nursing, in addition to the other fields mentioned in the previous periodic report.

### **Apprenticeships**

120. Women are free to follow careers of their choice. Training is provided at BTVI in various technical fields, and women are eligible to register and participate in any

and every course, that is available to their male counterparts. Advisers are available to help all potential students through the process.

#### **Equal pay legislation**

121. This is covered under the Employment Act of 2001.

#### **Work-related benefits**

122. The National Insurance Act governs work-related benefits, as stated in the previous report.

#### **Maternity leave and employment security**

123. Employment security is not affected by pregnancy under the Maternity Leave Law.

#### **Maternity leave provisions**

124. Information related to the following has not changed since the previous periodic report: parental leave, dismissal of women for pregnancy, paid leave, provisions for flexible working patterns, marital status and job security, health and safety laws, restrictions on women's employment, childcare facilities, legal measures regulating the operation of early childhood facilities, percentage of employers providing childcare, after-school care, breastfeeding policy for the workplace.

### **Article 12: Equality in access to health care**

#### **Measures to eliminate discrimination against women in health care**

125. Women's health receives special attention, especially in the area of reproductive health services, which is quite comprehensive. This includes information on reproductive health as well as the role of men in this process. The Government has also incorporated the family life and health education (FLHE) curriculum into all grade levels of school from grades 1 to 12.

#### **Efforts to ensure women have equal access to health-care services**

126. Both women and men have equal access to health care in the Bahamas. Women and men have equal access to vaccinations, immunization and access to pharmaceutical drugs. Women are, however, underserved in accessing emergency contraceptives, such as the 72-hour pill, and natal care during and after abortions. Services for pre-menopausal and menopausal women are inadequate.

127. In a few very scarcely populated Family Islands communities, specialized health-care services are limited. However, citizens/residents on every Family Island have access to primary health care through health clinics. Further, in 2010 telemedicine was introduced to the Family Islands, which increased access to specialty services.

**Prenatal health care**

128. The percentage of women receiving prenatal care remained high during the period under review, as a result of the reproductive health policy of free services and strategically placed health-care facilities. Ministry of Health statistics show that in 2010 the average number of antenatal visits per client to public health clinics was 8.1 and the per cent of antenatal clients seen by 16 weeks gestation was 53.5 per cent, an increase from 7.6 and 44.7 per cent, respectively, in 2009.

**Antenatal and post-natal reproductive health services**

129. These services are available free of charge in all Government clinics. Physical exams, including pap smears, STI screening and breast exams are also offered in addition to a variety of family planning methods. Efforts have also been made to increase access to other reproductive health services. There is now a full-time Family Planning Coordinator who oversees family planning in all Government clinics across the Bahamas. Clinic hours have been extended to accommodate persons who need to access services in the evening. The male health initiatives of the Maternal and Child Health Unit of the Ministry of Health were established to address the concerns of men. The programme also aims to encourage men to take responsibility for their reproductive health, encourages them to be supportive of their partners and to play an active role in the health of their children.

130. Collaboration between the Bahamas Family Planning Association and the Government is focused on implementing an adolescent reproductive health programme to reduce teen pregnancy and STDs in adolescents. Some of the initiatives include: training for health-care workers in the area of family planning, referrals for counselling and purchase of contraceptives from the association.

**Nutrition support for pregnant and lactating women**

131. During pregnancy, women have access to comprehensive perinatal services inclusive of: routine iron, folic acid and multivitamin supplements. This service is provided free of charge to clients on the islands of the Bahamas at public health facilities. Private facilities for persons wishing to access them are also available. The percentage of mothers exclusively breastfeeding when discharged from the hospital increased to 83.8 per cent from 38.0 per cent. This increase can be attributed to the promotion of breastfeeding initiatives provided to women before and during pregnancy through mass media, community forums and breastfeeding sessions. Based on data from Public Health monthly reports among infants who were seen by health-care professionals, at one month of age, 31 per cent had been exclusively breastfed for four weeks. Efforts continue to promote exclusive breastfeeding for the first six months of life.

132. Ministry of Health Chronic non-communicable disease prevalence and risk factor survey 2005 data show that the major nutrition-related conditions in the age group 15-64 years were hypertension (26 per cent) and overweight or obesity (70 per cent).

**Infrastructure: organization and facilities**

133. The archipelagic nature of the Bahamas presents some infrastructural challenges, as the Government is required to duplicate infrastructure and services to

numerous islands. However, policies and procedures have been put in place to address this challenge. Successive Bahamian Governments continue to implement effective health administrative policies and improve physical and socio-economic facilities to ensure that citizens/residents in all the islands can access health-care services — even those with the smallest populations.

134. Health infrastructure has expanded during the period under review. Ministry of Health statistics indicate that in 2010 there were four main hospitals (3 public and 1 private), with 1,054 beds, providing a ratio of 30.4 per 10,000 population. There were 61 polyclinics and main clinics situated in New Providence (10) (Grand Bahama) (8) and (Family Islands) (43). The total number of satellite clinics for all of the Bahamas is 34. Some satellite clinics were closed due to population shift, as there was no longer a need for them in the specific areas. The percentage of the Government's budget for health (2009/2010) was 14.37 per cent. The per capita expenditure on health care was \$620.48.

135. There has been an increase in the number of polyclinics as well as the construction, renovation and expansion of other health-care facilities. This includes the mental hospital and a geriatric hospital located on New Providence as well as a general hospital with comprehensive essential obstetric care capability located on Grand Bahama. With expanded polyclinics, maternal and child health clinics, and satellite clinics distributed at strategic locations throughout the islands, access to health care has further improved.

136. Health personnel supporting the delivery of health include physicians and nurses. There are 830 physicians in the public and private sectors, with a corresponding rate of 24 per 10,000 population. In the public sector only, there were 964 registered nurses (28 per 10,000 population) and 451 trained clinical nurses (13 per 10,000 population).

137. Public health programmes are geared towards improving the health of women, children and the elderly and include preventive as well as routine medical care. The main initiatives are:

(a) The Maternal and Child Health Programme, which includes reproductive health, child health, high-risk infant programme, school health, lactation management, adolescents, suspected cases of abuse and neglect (SCAN), and nutrition programmes;

(b) The Expanded Programme on Immunization (which includes immunization of women against tetanus, rubella and hepatitis B);

(c) The Communicable Disease Programme and the Chronic Non-communicable Disease Programme.

#### **Female mortality and morbidity**

138. Data from the Ministry of Health (2008) showed that the five leading causes of mortality for women per 100,000 population were: ischaemic heart diseases (47.8); hypertensive diseases (47.3); cerebrovascular diseases (40.3); diabetes (29.4); and breast cancer (25.4). Among men, the leading causes per 100,000 population were: ischaemic heart diseases (49.2); HIV diseases (AIDS) (47.9); cerebrovascular diseases (47.3); hypertensive diseases (46.1); and assaults (homicides) (41.9).

139. Hypertension and obesity are major causes of morbidity for women. As cardiovascular disease (CVD) is the greatest disease burden in terms of morbidity and mortality for men and women, the Government introduced the Chronic Non-communicable Disease (CNCD) Programme which has four functional units which focus on primary and secondary prevention, management, and surveillance of cardiovascular disease, diabetes mellitus, cancer and asthma. The Healthy Lifestyle programme focuses on early detection and risk factors of chronic non-communicable diseases.

### Maternal mortality

140. The Maternal Mortality Ratio (MMR) adjusted was 55 per 100,000 live births (3 deaths) in 2008. Although there have been exceptions, the number of maternal deaths in the Bahamas usually ranges from one to four per year. According to the World Health Organization (2006) report, cases of maternal mortality have been on a steady decline and the country is projected to reach the Millennium Development Goal (MDG) targets by 2015. Efforts to prevent maternal deaths and sustain gains have focused on pregnancy health, management of chronic non-communicable diseases in pregnancy and early intervention for high-risk pregnancies.

Table 15  
Maternal mortality statistics for the Bahamas

<i>Year</i>	<i>MMR (Number and rate per 100,000 live births)</i>	<i>Births attended by skilled health personnel (%)</i>	<i>Crude death rate</i>
1990	1 (16.3)	99	5.3
1994	1 (16)	99	5.6
1995	4 (64)	99	5.9
1996	0 (0)	99	5.4
1997	0 (0)	99	5.9
1998	1 (17)	99	6.1
1999	1 (19)	99	5.5
2000	2 (37.8)	99	5.4
2001	10 (18.7)	99	5.7
2003	2 (39.6)	99	5.3
2004	2 (39)	99	5.4
2005	5 (90)	99	5.6
2006	0 (0)	99	5.2
2007	4 (68)	99	5.4
2008	3 (55)	99	5.5

*Sources:* Perinatal Information System, Public Hospitals Authority; Registered Deaths, Department of Statistics.

### Infant and child mortality rates

141. Infant mortality is the death of a child before his or her first birthday. The infant mortality rate (IMR) in the Bahamas was 20.0 per 1,000 live births in 2010.

The Ministry of Health (MOH) is increasing efforts to reduce the number of infant deaths through the technical advisory group on maternal and child health.

Table 16  
**Infant mortality statistics for the Bahamas**

<i>Year</i>	<i>Infant mortality rate</i>	<i>Mortality rate</i>
1990	24.4	5.3
1994	19.7	5.6
1995	19.0	5.9
1996	18.4	5.4
1997	16.4	5.9
1998	14.0	6.1
1999	15.8	5.5
2000	14.8	5.4
2001	12.7	5.7
2002	16.7	5.9
2003	17.2	5.3
2004	17.3	5.4
2005	19.6	5.6
2006	18.1	5.2
2007	17.6	5.4
2008	17.9	5.5
2009	21.1	—
2010	20.0	—

*Sources:* Health Information and Research Unit, Ministry of Health, and Department of Statistics.

142. The child mortality rate refers to deaths among children under 5 (0-4) years, and the rate is lower among girls than boys. For the latest available year (2008), the child mortality rate per 1,000 live births was 12.4 for girls and 26.3 for boys.

#### **Women's life expectancy**

143. In the Bahamas, women live longer than men. Life expectancy at birth for the period 2000-2005 was 69.5 years. In 2005, it was 74.5 years for females and 67.9 years for males. The gap between females and males is 6.3 years for the period 2005-2010. In 2000, it was 77.3 for females and 70.7 for males.

#### **Crude birth and death rates for men and women**

144. The crude mortality/death rate per 1,000 population was higher for males than females. For females, it was 4.8 and for males, 6.2 in 2008. In the Bahamas, the mortality rates have been relatively stable, around 5 to 6 per 1,000 population between 2002-2008. Over the period 2005-2007, crude deaths rates among females per 1,000 population were 4.9, 4.7 and 4.6, respectively, while for males, corresponding rates per 1,000 population were 6.4, 5.9 and 6.2, respectively.

**Average number of live births per woman**

145. The total fertility rate was 2.3 in 2007.

**The unmet need for contraceptives**

146. Current data was not available.

**Contraceptive prevalence**

147. Results from the Bahamas Living Conditions Survey (2001) showed the contraceptive prevalence among women 15-49 years to be 44.6 per cent. Further research is needed on contraceptive prevalence and the unmet need for contraceptives.

**Reproductive health services**

148. There are no legal or cultural obstacles to women accessing reproductive health services. There is a fully subsidized Government programme which provides expanded contraceptive choices: oral contraceptives, condoms, injectables and intrauterine contraceptive devices. Women are offered screening services for breast and cervical cancer, sexually transmitted infections and immunization against tetanus, rubella and hepatitis B. All women without regard to marital status have access to family planning services without having to seek authorization from any other source. However, the husband's authorization is, in practice, sought before the wife can have tubal ligation or sterilization. Contraceptives are offered after delivery and no consent is required from the spouse.

**Perinatal services**

149. Comprehensive prenatal services with routine iron, folic acid and multivitamin supplements are provided free of charge to clients on the islands through public health facilities as well as for a fee at private facilities. All women accessing services are examined by trained midwives, general practitioners and when necessary obstetricians. Ninety-nine per cent of all deliveries are at the tertiary level. There is a comprehensive parenting programme for both antenatal and post-natal women and their partners. Advanced imaging and haematological screening are readily available and access to surgical intervention is provided when necessary.

**Lactation management programme**

150. This programme encourages the creation of breastfeeding-friendly environments throughout the Bahamas. Women are encouraged to exclusively breastfeed their children for at least the first six months of life. In 2002, legislation increased provisions of maternity leave and provided twelve (12) weeks paid maternity leave every three (3) years, facilitating women in their bonding process. Home visiting services are routinely provided for women and their infants during the first 10 days postpartum and breastfeeding counsellors are available to assist breastfeeding mothers.

**School health services**

151. All public schools benefit from this programme, which seeks to improve the health status of children (from primary to high school). Annual physicals are performed on students enrolled in grades 1, 6 and 10, which minimize their need to miss classes for annual physicals and immunization. Health education, promotion and maintenance are provided with the follow-up care for the chronic non-communicable diseases. Curative care and counselling cases are referred to the appropriate agency when necessary.

**Adolescent health services**

152. The Adolescent Health Programme provides prenatal and reproductive health services, encourages the attendance of both male and female clients, although the clientele is mainly female. Clients under the age of 18 years require parental consent for contraceptive services. However, condoms are readily available to all. A select number of at-risk teenage girls are afforded implant contraception at no charge to the client. The Department of Public Health liaises closely with the Ministry of Education, community and religious groups in order to provide holistic services.

**Rape services**

153. The majority of clients are females although the service is offered to both sexes. The service is two-tiered for children and adults. A special unit has also been established to address rape, on the whole. The Suspected Cases of Abuse and Neglect (SCAN) Unit, deals with children, while women are channelled through the Emergency Department and the Crisis Centre (NGO) for counselling. Privacy issues are taken into account when dealing with victims, thus all victims are afforded consultation in a private room, offered counselling, STD screening (including HIV), antiretroviral therapy and emergency contraception.

**Women workers in the health sector**

154. The majority of workers in the health sector are women, most working as nurses, technicians, as well as, doctors. Sex-disaggregated data of the health sector workforce was not available. Additionally, it is not only the Government of the Bahamas that provides secondary and tertiary health-care and rehabilitation services. An extensive all-embracing network of private health care is available by means of many private physicians — general practitioners and specialists — and dentists as well as private hospitals and clinics.

**Traditional health workers**

155. No data were available.

**Compulsory family planning**

156. There are no laws or policies that require the compulsory use of family planning measures. However, family planning is encouraged through the Maternal and Child Health Programme and the Bahamas Family Planning Association.

**Abortion**

157. Abortion is currently illegal in the Bahamas.

158. The Government of the Bahamas still uses the Penal Code of 1924 as the locus standi for all matters concerning abortions. The code is very limited in its reference to abortions and allows for abortions to be lawfully permitted under specific circumstances relating explicitly to the preservation of the mental and physical health of the woman and to save the life of the woman. The Code does not prohibit abortion in cases of rape, incest or other exceptions.

159. The Penal Code of the Bahamas of 1924, as revised (Sections 316, 330 and 334), provides that any act done in good faith and without negligence for the purposes of medical or surgical treatment of a pregnant woman is justifiable although it causes or is intended to cause abortion or miscarriage or premature delivery or the death of the child. Although the Code does not define what constitutes medical or surgical treatment, in practice, the law is interpreted very liberally. Abortions are reportedly performed on the grounds of foetal deformity and rape or incest, as well as on health grounds.

160. Abortions are usually performed within the first trimester, although they are often allowed up to 20 weeks of gestation. The abortion must be performed in a hospital by a licensed physician. Government hospitals bear the cost for non-paying patients. Violation of the law is punished by imprisonment for 10 years (Penal Code, Section 316).

#### **HIV/AIDS and sexually transmitted diseases**

161. HIV and AIDS continue to be a concern in the Bahamas. The number of cases declined to 242 in 2010 and women accounted for 50.6 per cent of the new cases identified. In 2008, AIDS ranked as the fourth-highest cause of death among women and the second for men in the Bahamas. Based on data reported on persons living with HIV/AIDS (PLWHA), the prevalence of HIV/AIDS is 2.2 per cent. The incidence of HIV has been declining since 1994 and has been notable, particularly for females and males 25-44 years of age. In addition, among pregnant women on treatment, there has been no transmission of HIV from mother to child since 2003. These have been commendable gains for the national AIDS programme and for women.

162. The HIV/AIDS programme has a mission to provide care for all residents of the Bahamas. It has a needs-specific approach for group or individual needs. Interventions for women include its focus on HIV-positive antenatal women and provision of treatment for these clients to prevent mother-to-child transmission and reduce infant mortality. HIV screening with client consent is included among the services offered to pregnant women.

163. There is access to reproductive health and family planning services at every community health facility where there is a provider. Family planning and antenatal care services are offered free of charge at these facilities. The foundational thrust of community health services has been towards women and children, and these service offerings are multifaceted.

164. The Bahamas HIV programme provides prevention treatment, care and support to all persons infected with HIV in the Bahamas, and pregnant women and young children have always been considered priority care groups. HIV-positive pregnant women and women with young children were the first recipients of antiretroviral

medication, commencing October 2001. Prior to that in 1995, HIV-positive pregnant women were the first to receive oral and intravenous AZT.

165. The Providing Access to Continuing Education (PACE) programme was established to provide support for pregnant adolescent females. This programme addresses the health needs of this group and, through the adolescent health programme, offers counselling to those who are HIV-positive. The HIV Centre provides treatment and care, and all other specially designed services are rendered by Adolescent Health Centre/PACE.

166. Future projections of the extent of the HIV/AIDS epidemic and Bahamian women would suggest that it cannot be made with any precision; the outcome for the future ultimately rests with the regulatory bodies and other stakeholders to provide a strengthened multisector response.

167. Measures introduced to increase public awareness of HIV and AIDS included: antiretroviral therapy for women and men who are HIV positive; prevention of mother-to-child transmission; antenatal treatment for pregnant women; policy to provide information, education, communication and prevention (IECEP) to the most at-risk groups; policy to expand access to vulnerable communities; percentage HIV-positive women and men receiving antiretroviral and the percentage of most at-risk populations reached by prevention programmes. Target populations are men who have sex with men, sex workers and injecting drug users.

168. Women attending antenatal clinics receive counselling and testing for HIV as well as information to raise awareness of the risks of infection. The Government also provides total funding for AZT treatment to HIV-infected pregnant women which reduces infant mortality rates from HIV infection. Women have also received specialized training on HIV but there are no other programmes that specifically address the issues of gender and HIV. Legislation makes it a criminal offence for anyone wilfully infecting another person.

#### **Family planning and male involvement**

169. The Bahamas has the highest health expenditure per capita of the Latin American and Caribbean (LAC) region (maintained above US\$ 567 per capita since 1998). Family planning services have been available in all Government clinics since 1997 and also at the Bahamas Family Planning Association clinic. Services offered include a full range of contraceptive methods, as well as counselling, education, information and physical tests. In 1997, the Government also established a programme to improve the quality of prenatal and neonatal health care. Sex and family life education is now mandatory in school curricula. The Government has changed the regulations regarding adolescent pregnancy: girls can continue their formal education through the Providing Access to Continuing Education (PACE) programme and a process is in place to allow their transition back into high school or vocational training school post delivery.

170. The Government of the Bahamas collaborates with the Family Planning Association with respect to family planning; there are now family planning sessions in public health clinics to this effect. An age-sensitive sexual education programme is now in the curriculum of all schools.

171. The Government of the Bahamas has instituted various programmes aimed at promoting healthy lifestyles. These include the promotion of good nutrition and

healthy lifestyles through the establishment of a community-based healthy lifestyle programme. An assessment of the causes of morbidity and mortality among Bahamian women has been undertaken and recommendations are being considered. These represent progressive initiatives to advance women's health. The Healthy Dozen Club, a component of the Healthy Lifestyle Programme is one such initiative. The programme is geared towards promoting positive lifestyle changes among members of subpopulations (schools, worksites, churches, etc.) with a special focus on increasing physical activity, and improving individuals' skills in making healthy food choices. The programme is well supported and driven by women.

172. Other health sector challenges to be addressed include: nutrition disparities between boys and girls, special health services for women and for men and the need to increase the resources to improve women's health throughout their life cycle. The health needs of older women are not adequately addressed and this is urgent, given the longer life expectancy projected overall but particularly for women.

### **Article 13: Ensuring equality for women in economic and social life in the Bahamas**

173. The National Insurance Act, 1972 (Chapter 350) provides for partial income replacement to qualifying workers, inclusive of both women and men (and in some instances the dependent survivors of workers) during specified contingencies. These payments include nine (9) benefits and four (4) assistance payments. There are only two benefits and one assistance payment that make any specific reference to gender: the maternity benefit and survivors benefit. The maternity benefit will only be paid to females; and in the case of the survivors benefit and survivors assistance to a widow being pregnant by her late husband, may qualify her for the monthly payments.

174. Other than the above-mentioned measures, the laws governing social security benefits and assistance are the same for both men and women.

175. There are, as mentioned above, nine benefits and four assistance payments. Women meeting the contribution and other conditions may qualify for them as men do and the payments are the same. These nine benefits are: disablement, funeral, invalidity, injury (and free medical care), maternity benefit and grant, retirement benefit and grant, sickness, survivors benefit and grant and unemployment benefits.

176. The four assistance benefits provided by national insurance are: invalidity, old age non-contributory pension, sickness and survivors assistance.

#### **Access to bank loans, mortgages and other forms of financial credit**

177. There are no restrictions in the Bahamas with respect to women having access to financial credit. Legislative safeguards ensure equality for all individuals to have access to financial credit. Access to credit is contingent upon an individual's financial ability to provide collateral, if required, as well as one's ability to repay the loan. Further, women are eligible to access credit without authorization from their spouses or male guardian.

178. Further, more women are presently employed throughout the Government of the Bahamas. The Government, in tandem with financial institutions throughout the country, has agreed to enable individuals employed with the Government

preferential access to credit through salary deductions which are guaranteed by the individual's employment in the Bahamian Public Service.

### **Right to participate in recreational activities, sports and cultural life**

179. Women in the Bahamas encounter no legal or known cultural impediments from participating in recreational activities or becoming involved in culture. Bahamian women are world-class athletes, particularly in the area of track and field, where they have won Gold, Silver and Bronze medals at several various Olympic Games in the women's 400 x 100 metres, the women's 200 metres, and the women's 400 metres, among other medals.

180. The most senior public servant position of the Ministry of Youth Sports and Culture, Permanent Secretary, is held by a woman. Additionally, the post of the Director of Culture is also held by a female. With respect to cultural activities, women have the right to participate in the cultural activities of their choice. Further, women are also free to participate in the entertainment field. There are less females than males involved in the entertainment business.

## **Article 14: Rural women**

181. As indicated in the previous report, the Bahamas has a small rural population. The majority of the population of the Bahamas of 353,658 people is concentrated on the island of New Providence (246,948), and Grand Bahama (51,756). Women living in rural areas are afforded the same rights as women living in urban areas in keeping with the Constitution of the Bahamas; their location might be different but their rights are the same.

### **Rural women's participation in development planning**

182. Despite the small number of population on most of the Family Islands, residents are able to participate in the elaboration and implementation of development planning at the local Government level, at the church level, school PTAs, Rotary clubs, and other community-based organizations. Although there are no crisis centres in the Family Islands, the Bahamas Crisis Centre has conducted Family Island Conferences, over the years, to train resource persons, such as police officers, doctors, teachers, nurses and others as critical responders to persons who are victims of sexual and domestic violence. This is an ongoing programme.

### **Rural women's access to adequate health-care facilities**

183. The fact that the Bahamas is an archipelago poses some challenges for the country, as it is necessary for the Government to duplicate infrastructure in the various islands. Despite this fact, however, the Government has built clinics, and assigned medical personnel on every Family Island to ensure that every Bahamian and resident of each Family Island have access to adequate modern health-care facilities and trained physicians and nurses. As is normally the case, if residents in rural communities require specialized care, measures are in place for the Family Island doctor to refer their patients to the public hospitals in New Providence or Grand Bahama; patients may be referred to a private hospital, as well, if they so desire. In the event of trauma cases that require urgent specialized care, medical

helicopter services are available to dispatch patients to the nearest trauma facility in Grand Bahama, New Providence, or in some cases, Miami, Florida.

### **Rural women's ability to obtain education and training**

184. As in the case of access to health care, school students both male and female also have access to education to ensure that students, regardless of the number, are able to follow the same curriculum as students in New Providence and Grand Bahama. Women in the Family Islands, though, face some challenges with respect to attending and obtaining higher levels of education in their respective areas, as most of the institutions of higher learning are situated in New Providence and Grand Bahama. The Bahamas Agricultural and Industrial Corporation (BAIC) offers training to help develop or enhance the talents in hand and craft items or other Bahamian products to women in these areas.

185. Many of the rural areas sustain themselves through agriculture by growing food for consumption and transporting their agricultural products to bigger markets by boat to New Providence and Grand Bahama. Residents are able to plan when to ship their products, as ships visiting these islands follow a set schedule. Residents are able to make Bahamian straw products, such as handbags and hats, or various designs from wood carvings, and ship these products to New Providence or Grand Bahama to be sold, which are now more in demand. Many residents are also involved in the fishing industry and sell their fresh fish in New Providence or Grand Bahama. More Bahamians are returning to their respective native islands as they posit that the quality of life in these communities far outweighs the disadvantages of life in the urban areas. All Bahamians and residents have equal access to adequate living conditions; all Family Islands, no matter how remote, are equipped with electricity, sanitized water, transportation and modern communications.

## **Article 15: Equality before the law and in civil matters**

### **Equality in treatment**

186. Under the law, women are treated equally with men with respect to their legal capacity to conclude contracts and administer property by virtue of Article 15 of the Constitution, which outlines the fundamental rights and freedoms of the individual and that those rights are secured regardless of his or her race, place of origin, political opinions, colour, creed or sex. In addition, provision is made in the Married Women's Property Act, Chapter 129, that contracts entered into by married women shall bind them separately. That section provides that:

Every contract hereafter entered into by a married woman, otherwise than as agent —

(a) shall be deemed to be a contract entered into by her with respect to and to bind her separate property whether she is or is not in fact in possession of or is entitled to any separate property at the time when she enters into such contract;

(b) shall bind all separate property which she may at the time or thereafter be in possession of or entitled to;

(c) shall also be enforceable by process of law against all property which she may thereafter discover to be in possession of or entitled to:

Provided that nothing contained in this section shall render available to satisfy any liability or obligation arising out of such contract any separate property which at that time or thereafter she is restrained from anticipating.

### **Women's administration of property**

187. Women and men have equal rights before the law to administer property. Section 6 (1) of the Interpretation and General Clauses Act, Chapter 2, provides that "words and expressions importing the masculine gender include the feminine". The Administration of Estates Act, Chapter 108, which makes provision for the administration of a deceased person's property defines the terms "administrator" and "personal representative", making reference to the masculine gender. Relying on section 6 (1) of the Constitution, which states that words and expressions importing the masculine gender include the feminine, it means therefore, that women have the same rights as men to administer property and can be executors or administrators of an estate. The Executors Act, Chapter 119, makes provision for the disposal of the undisposed residue of the effects of a testator. Under this legislation no restriction is placed on women.

### **Equality in women's disposal of property**

188. In accordance with the Married Women's Property Act, Chapter 129, women have the right to administer property without interference or consent by a male, regardless of whether they acquire it during marriage, or bring their own property into the marriage.

189. Every woman who marries after the commencement of this Act shall be entitled to have and to hold as her separate property and to dispose of in a manner aforesaid all real and personal property which shall belong to her at the time of marriage, or shall be acquired by or devolve upon her after the marriage, including any wages, earnings, money and property gained or acquired by her in any employment, trade or occupation, in which she is engaged, or which she carries on separately from her husband, or by the exercise of any literary, artistic or scientific skill.

### **Women's access to justice**

190. Provisions are available for all women to obtain access to justice, including women who live in rural areas. In the rural areas, civil and criminal cases can be heard by the administrators/magistrate courts in their respective jurisdictions.

191. According to section 8 of the Married Women's Property Act, Chapter 129, women have both the capacity to sue and be sued under the laws of the Bahamas:

Every woman, whether married before or after this Act, shall have in her own name against all persons whomsoever, including her husband, the same civil remedies, and also (subject, as regards her husband, to the proviso contained in section 95 of the Penal Code) the same remedies and redress by way of criminal proceedings, for the protection and security of her own separate property, as if such property belonged to her as a femme sole, but, except as aforesaid, no husband or wife shall be entitled to sue the other for a

tort. In any information or other proceeding under this section it shall be sufficient to allege such property to be her property; and in any proceeding section a husband or wife shall be competent to give evidence against each other, any Act or rule of law to the contrary notwithstanding.

192. Female lawyers are entitled to represent clients before courts and tribunals in accordance with the Legal Profession Act, Chapter 64, which makes provision with respect to the practice of law by persons in the Bahamas, for the admission of persons to such practice, for the creation of a registered associate and legal executive, for the conduct and discipline of registered associates, legal executives and persons admitted to practice, and for matters incidental to or connected with the aforesaid matters and affords the same privileges to women as those enjoyed by men.

193. Women are permitted to serve both in the Supreme Court and the Court of Appeal of the Bahamas. At present there are five female Supreme Court Justices and the President of the Court of Appeal is a female.

#### **Legal aid**

194. Women have equal access to legal services in the Bahamas, both private or at the public expense under the Constitution of the Bahamas, Article 20 of which provides:

(2) Every person who is charged with a criminal offence —

(d) shall be permitted to defend himself before the court in person or, at his own expense, by a legal representative of his own choice or by a legal representative at the public expense where so provided by or under a law in force in the Bahamas.

195. Further, with regard to legal services, the Eugene Dupuch Legal Aid Clinic, the Bahamas Bar Council and the Bahamas Crisis Centre offer free legal services for victims of violence.

#### **Women's freedom of movement**

196. Women and men are accorded the same legal rights of freedom of movement and choice of residence and women have the right to choose the place where they live. There are no customs or traditions that restrict women from exercising their right to freedom of movement in the Bahamas as is enshrined in Article 6 of the Constitution.

### **Article 16: Ensuring equality for women in marriage and family life**

#### **Women's right to marriage**

197. In accordance with the Convention, women in the Bahamas have the same rights to enter into a marriage as their male counterparts. Women also have the same rights to freely choose a spouse and to enter into marriage only with their own free and full consent.

198. Family life is governed by statute law and common law. While the Constitution of the Bahamas does not provide gender equality for women when

marrying a foreign spouse and his entitlement to immediate citizenship, neither as regards the citizenship of their children born outside of the territory of the Bahamas, however, the Government of the Bahamas has enacted substantial legislation to mitigate any constitutional constraints regarding women's equality regarding their rights to marriage, and the transmission of citizenship.

#### **Non-married cohabitants**

199. The types or forms of families that exist in the Bahamas are legal marriages and common law unions. Marriages are recognized by the State.

#### **Marriage protections**

200. Where there has been abuse, the rights recognized under the law of persons who live together as husband and wife extend to obtaining protection orders under the Domestic Violence (Protection Orders) Act, 2007.

201. In addition, under the Status of Children's Act, Chapter 130, children born outside of wedlock are regarded as having equal status to those children born inside a marriage.

#### **Women's rights and responsibilities during marriage**

202. During a marriage, both men and women are under the same obligations during their marriage.

#### **Women's right to choose a profession**

203. Both women and men have the same rights to choose a profession and women do exercise their right to choose a profession. This right is not affected by marriage.

#### **Equal rights to property ownership**

204. Married women have an equal voice with their husbands in the maintenance and disposal of property according to section 2 of the Married Women's Property Act, as previously stated in the section under article 15 of the present report.

#### **Women's equality in divorce**

205. Both women and men have equal rights with respect to the dissolution of their marriage. A petition for divorce may be presented to the court either by the husband or the wife on the same grounds, i.e., adultery, cruelty, desertion, or has lived separate and apart for a continuous period of five years immediately preceding the petition or is guilty of a homosexual act, sodomy or sexual relations with an animal. An exception that may be used by a wife is that a wife may also petition on the ground that her husband has since the celebration of the marriage been found guilty of rape.

206. Divorces in the Bahamas are recorded in the Supreme Court's Registry.

207. Women have a right, an equal right, to maintenance on divorce as well as pending the hearing of the application. According to section 26 of the Matrimonial Causes Act, Chapter 125:

26. On a petition for divorce, nullity of marriage or judicial separation, the court may make an order for maintenance pending suit, that is to say, an order requiring either party to the marriage to make to the other such periodic payments for his or her maintenance and for such term, being a term beginning not earlier than the date of the presentation of the petition and ending with the date of the determination of the suit, as the court thinks reasonable.

208. Further, in section 27, on granting a divorce, nullity of marriage or judicial separation, the court may grant one order or a combination of orders. For example, inter alia, periodic payments for a specified time or lump-sum payments either for the benefit of the other party to the marriage or for the benefit of a child of the family.

209. The Court may grant property adjustment orders, namely, a transfer of property, settlement of property or for a variation of settlement. In determining financial provisions or property adjustment the court, according to section 29 (1) (g) of the Matrimonial Causes Act, Chapter 125, is under a duty to consider a number of matters including the contribution made by each of the parties to the welfare of the family, including any contribution made by looking after the home or caring for the family.

210. The courts recognize the rights of those who live together as husband and wife without legal marriage with respect to property during the relationship and on its breakdown, but there is no legislative provision for the recognition of such.

#### **Women's protections against domestic violence**

211. Previously, the law governing the abuse of wives was set out in the Sexual Offences and Domestic Violence Act, Chapter 99. A new Act, the Domestic Violence Act (Protection Orders Act), 2007, has been passed to repeal and replace those provisions in the Sexual Offences and Domestic Violence Act which address abuse so that not only wives but de facto wives may obtain protection orders against a perpetrator of abuse.

#### **Custody of children**

212. With respect to custody of children, women and men share equal rights irrespective of marital status. Section 7 of the Guardianship and Custody of Infants Act, Chapter 132, states —

7. (1) the court may upon the application of the father or mother of a child, make such order as it may think fit regarding the custody of such child and the right of access thereto of either parent ... .

213. However, custody of children is affected where the court determines that either party to the marriage has wilfully neglected to maintain the child of the marriage.

214. Women have the same rights as men with respect to the guardianship and custody of children according to the Guardianship and Custody of Infants Act, Chapter 132. If the father of a child dies, the mother if surviving shall (subject to the provisions of the Act) be the guardian of the child, either alone or jointly with any guardian appointed by the father. Similarly, if the mother of a child dies, the father if surviving shall (subject to the provisions of the Act) be the guardian of the child, either alone or jointly with any guardian appointed by the mother. Moreover,

section 6 of the Guardianship and Custody of Infants Act provides that “the mother of a child shall have the like powers to apply to the court in respect of any matter affecting the child as are possessed by the father”.

### **Child adoption**

215. With regard to the adoption of children, men and women enjoy similar rights except that according to section 6 (2) of the Adoption of Children Act, Chapter 131 —

(2) An adoption order shall not be made in any case where the sole applicant is a male and the infant in respect of whom the application is made is a female unless the court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

216. According to section 74 of the Matrimonial Causes Act, Chapter 125, the court may make such order as it thinks fit for the custody and education of any child of the family who is under the age of 18 but in practice women usually obtain custody of children.

### **Child maintenance**

217. According to section 33 of the Child Protection Act 2007, a man is obliged to maintain his children. According to section 4 of the Matrimonial Causes (Summary Jurisdiction) Act, Chapter 126, the court may make a matrimonial order containing inter alia:

(g) a provision for the making by the defendant or by the applicant or by each of them for the maintenance and education of any child of the family of weekly payments and of such periodical lump sum as the court may determine ... .

218. Single mothers have the right to appropriate child support from the putative father of a child by virtue of the Child Protection Act. Under the said Act, the mother may apply to the Magistrate’s Court for a Maintenance Order, an Affiliation Order, Section 7:

(2) Where the court has adjudged the defendant to be the putative father of the child, it may also, if it thinks fit in all the circumstances of the case, make an order against him (referred to in this Act as an “affiliation order”) for the payment by him of —

(a) a sum of money weekly and, if the court sees fit, in addition a lump sum payable at such times as the court may determine for the maintenance and education of the child.

219. Where there has been a default in payment the mother may make an application to the Magistrate’s Court and the defaulter is liable to be imprisoned.

### **Age of sexual consent**

220. According to the Sexual Offences Act, Chapter 99, the minimum legal age of consent to sexual intercourse for both men and women is 16 years and consequently any person who engages in unlawful sexual intercourse with a person less than 16 years is guilty of an offence. According to section 20 of the Marriage Act,

Chapter 120, the minimum age of marriage without consent is age 18; however, a person under 18 who intends to marry requires the necessary consent of his parents or guardians unless the Supreme Court certifies that the proposed marriage appears to be proper.

221. In accordance with the provisions of the Registration of Records Act, Chapter 187, and the Marriage Act, marriages are required by law to be registered. The procedure for such registration is enforced and stipulated in the Marriage Act, as follows:

27. Immediately after the solemnization of a marriage the marriage officer before whom it is solemnized shall register it in duplicate, that is to say, firstly in a book to be kept by him for that purpose, called the marriage register, and secondly on a separate form, such registration shall be in the form given ... and shall be signed by the parties married, by two witnesses and by the marriage officer.

28. After such registration of a marriage as aforesaid, the marriage officer shall transmit the duplicate register to the Registrar General and shall without payment of any fee deliver to each of the parties married a copy of the original register of the marriage certified under his hand to be a true copy.

29. The duplicate register transmitted by the marriage officer to the Registrar General shall be filed and safely preserved by him in the general register office.

222. Information regarding the minimum age of marriage, consent to marriage and registration of marriage is contained in the Marriage Act, Chapter 120.

### **Inheritance**

223. In the Bahamas, inheritance is governed by the Wills Act, 2002, Chapter 115, and the Inheritance Act, 2002, Chapter 116. The Wills Act seeks to make provision for inheritance under a will while the Inheritance Act makes provision for inheriting where the deceased has died intestate. Under the Wills Act, a beneficiary is entitled in accordance with the provisions of the will, while the Inheritance Act sets out the order of distribution on intestacy. For example:

4. (1) The residuary estate of an intestate shall be distributed in the manner mentioned in this section, namely —

(a) if the intestate leaves a husband or wife and no children the surviving husband or wife shall take the whole residuary estate;

(b) if the intestate —

(i) leaves a husband or wife and —

(A) one child, the surviving husband or wife shall take one half of the residuary estate and the remainder shall go to the child;

(B) children, the surviving husband or wife shall take one half of the residuary estate and the remainder shall be distributed equally among the children;

(ii) leaves children but no husband or wife, the residuary estate shall be distributed equally among the children and where there is only one child that child shall take the whole residuary estate; ...

224. Also, women are entitled to acquire the matrimonial home in which they reside whether their spouse died testate or intestate. This benefit also applies to men.

225. Additionally, a spouse is also entitled to apply to the court for an order granting reasonable financial provision under section 13 of the Inheritance Act, on the ground that the disposition of the deceased spouse's estate affected by his or her will is not such as to make reasonable financial provision for the surviving spouse.

226. Widows and widowers have special rights and obligations under the Pensions and National Health Insurance Acts, Chapters 43 and 350, respectively.

227. Widows and daughters can receive property under a will as a testator enjoys testamentary freedom.

228. There is no legal or customary restraint on a testator bequeathing the same share of property to widows and daughters as to widows and sons; testators enjoy testamentary freedom.

229. There is no law regulating the marriage of a widow to her deceased husband's brother. There is however the Marriage with Deceased Wife's Sister Act, Chapter 122, which declares that where a man has, whether before or after the passing of this Act, and whether in the Bahamas or elsewhere, married his deceased's wife's sister, the marriage, if legal in all other respects, shall be, and shall be deemed always to have been, legal for all purposes, unless either party to the marriage has subsequently, during the life of the other, but before the passing of this Act, lawfully married another.

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