



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

Distr.: General
24 December 2012

English only

**Committee on the Elimination of Discrimination
against Women
Fifty-second session**

Summary record of the 1058th meeting

Held at Headquarters, New York, on Friday, 20 July 2012, at 3 p.m.

Chair: (Ms. Pimentel)

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The meeting was called to order at 3.20 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention
(continued)

Combined initial, second, third and fourth periodic reports and the fifth periodic report of the Bahamas (continued) (CEDAW/C/BHS/4 and CEDAW/C/BHS/5; CEDAW/C/BHS/Q/4 and Add.1 and CEDAW/C/BHS/Q/5 and Add.1)

1. *At the invitation of the Chair, the members of the delegation of the Bahamas took places at the Committee table.*

Article 6 (continued)

2. **Ms. Bailey** said that more information was needed regarding the plan of action for implementation of article 6 of the Convention.

3. **Ms. Dixon** (Bahamas) said that the draft plan of action and the protocol were at an early stage of development, but were expected to include the necessary indicators and time frames. The national committee on trafficking in persons met regularly to consider ways of advancing the plan of action and the protocol. The Trafficking-in-Persons Task Force was a cross-sectoral body responsible for implementation of the relevant legislation.

Articles 7 and 8 (continued)

4. **Ms. Griffin** (Bahamas) said that 5 of the 38 members of the House of Assembly (the lower house) and 5 of the 16 members of the Senate (the upper house), were women.

5. **Ms. Campbell** (Bahamas) said that women also played important leadership roles in 8 of the 22 Family Island administrations. The women's branches of political parties actively encouraged women to enter politics. The Government collaborated with non-governmental organizations, former women candidates and women's organizations to educate women on women's issues. The Bahamas had been ranked 39th out of 165 countries by *Newsweek* in terms of quality of life for women, which was a significant achievement. One national daily newspaper carried a weekly section on women's issues, and a new radio programme produced broadcasts by women for women. The Bureau of Women's Affairs had participated in the

creation of a documentary film to commemorate the 50th anniversary of the women's suffrage movement. A symposium on women's issues organized in collaboration with the College of the Bahamas had been broadcast live over the radio. Several leading female politicians had met with schoolchildren as part of "Women as Agents of Change", the theme for the 2011 school year.

6. **Ms. Murillo de la Vega** said that women needed role models for their political careers. Men should also be taught that women had a role to play in politics.

7. **Ms. Campbell** (Bahamas) said that the Bahamian chapter of the Caribbean Male Action Network and the Bureau for Women's Affairs had held a joint workshop to raise men's awareness of gender-based violence. Men had also participated in the symposium on the women's suffrage movement and implementation of the gender policy. The Government intended to make that kind of cooperation more visible in the future.

Article 9

8. **Ms. Schulz** said that, while the State party's efforts to overcome the discriminatory provisions contained in its legislation were commendable, the amount of time taken to prepare for the withdrawal of the State party's reservation to article 9 of the Convention was troubling. By law, Bahamian fathers, including adoptive fathers, could transfer their nationality to foreign-born children, but Bahamian women could only do so if unmarried. Bahamian women, unlike men, were also unable to transfer their nationality to foreign spouses. Further information was needed about the legislation mentioned in the State party's periodic reports as mitigating this inequality.

9. As the earlier attempt to amend the Constitution had failed owing to the lack of information provided to the public, she was interested to hear how that issue would be addressed in preparation for the new referendum. She was also interested to know whether the referendum would seek to establish the complete equality of men and women under the Constitution merely by resolving the problem of nationality transfer and by including sex on the list of grounds for discrimination prohibited under article 26, or whether it would also include other issues raised in the 2003 report of the Constitutional Commission. While citizens were aware of the issue of gender equality, they were not equally aware of other issues. She was

interested to know whether the referendum could result in only selected parts of the proposal being adopted.

10. **Ms. Griffin** (Bahamas) said that, although the Constitutional Commission had first been first appointed in 2002, changes of Government had impeded the holding of a referendum. The newly elected Government had immediately reappointed the Commission in preparation for the referendum. It was not yet known whether the referendum would include the Commission's entire recommendation, but it would be possible to adopt some parts of it and not others.

11. **Ms. Major** (Bahamas) said that even though the Constitution made no provision for a woman to transfer her nationality to her child, the child could apply for citizenship between the ages of 18 and 21. The foreign spouse of a Bahamian woman could apply for citizenship after five years of marriage.

Article 10

12. **Ms. Murillo de la Vega** said that it would be helpful to know whether cultural barriers were impeding women's access to education. The Government should do more to help women whose partners or male relatives opposed their pursuit of education and to improve literacy rates among rural women and among migrant women with limited English proficiency. The delegation should provide gender-disaggregated data on enrolment at all education levels and on absenteeism. She also wished to know the proportion of male teachers in the national education system. Lastly, she was interested to hear whether education programmes taught the importance of equality in the family and reproductive rights.

13. **Ms. Sinclair** (Bahamas) said that women accounted for the majority of school teaching staff and administrators at all levels of the education system. There was gender parity at all levels and all women in the Bahamas, regardless of nationality, had access to education in accordance with the Education Act. Schools with a large number of non-English speaking students had programmes for learning English as a second language. Absenteeism was a recognized problem, but affecting male students more than female students. School attendance offices monitored students who dropped out or were not attending school regularly, and they worked with the police and social workers to identify the reasons for poor attendance. Social programmes provided uniforms and other

services for students from poor families. There was a school on every major inhabited island and distance education programmes were available for those who needed them.

14. **Ms. Major** (Bahamas) said that from 2001 to 2007, women teachers had accounted for 85 per cent of all primary school teaching staff and 70 per cent of the teaching staff at the secondary level, as indicated in *The World's Women 2010* report by the United Nations Department of Economic and Social Affairs.

15. **Ms. Burrows** (Bahamas) said that the Government was offering incentives to attract men to the profession.

16. **Ms. Bailey** (Bahamas) said that the information provided in the State party's reports had given Committee members the impression that girls were more likely than boys to miss school because of household obligations and gender-ascribed roles. The figures provided for teaching staff made it hard to determine exactly how many teachers were women. The high the proportion of male administrators seemed excessive in view of the lower proportion of men among the teaching staff, and indicated their clear advantage with respect to career advancement. The State party had also referred in its report to cultural barriers that prevented women from accessing education. She wished to know how those challenges were being addressed.

17. **Ms. Murillo de la Vega** said that discrepancies between the reports made it difficult for the Committee to interpret the information. She asked whether the Government intended to reconsider the requirement that a woman obtain her spouse's permission to study or work.

Article 11

18. **Ms. Zou Xiaoqiao** said that although women accounted for a higher proportion of graduates from vocational courses, they continued to work primarily in typical female occupations. She wished to know what measures were being undertaken by the State party to address gender segregation in various job categories and to encourage women to take training courses in a wider range of specialties, including those traditionally taken by men. Data on the gender wage gap would also be useful.

19. She wished to know whether a specialized body was responsible for monitoring implementation of the Sexual Offences Act. How many complaints had been filed and what had been the outcome?

20. Restrictions on maternity leave were a matter of concern, in particular the requirement that the mother have completed at least one year of employment and the provision for paid maternity leave to be granted not more than once every three years. She wished to know why the State party did not envisage lifting those restrictions. The State party had not issued a reservation in respect of article 11, which meant that it was under the obligation to introduce paid maternity leave or comparable social benefits without any restriction.

21. **Ms. Sinclair** (Bahamas) said that school curriculums included a course on family life and health, which taught all students, regardless of gender, the necessary attitudes and skills regarding interpersonal relationships. To encourage more women to pursue technical and vocational education, the Ministry of Education was piloting a programme that offered the same training to all students, regardless of gender, to ensure that both men and women were prepared to enter career paths not traditionally sought out by female students. Legislation had been adopted to encourage women to enter male-dominated career fields, and various incentives were available to help female students and encourage employers to hire female graduates.

22. **Ms. Dixon** (Bahamas) said that the gender wage gap persisted in the private sector, rather than in the public sector. Amendments were being considered to the Employment Act to ameliorate the situation. The principle of equal pay for equal work was set out in the Employment Act, and the Bahamas, a committed member of the International Labour Organization (ILO), closely monitored its implementation. The Bahamas Technical and Vocational Institute actively encouraged women to pursue careers in non-traditional sectors and its public awareness campaigns depicted women in non-traditional roles. The recent promotion of three female pilots to the rank of captain by the national airline was an indication of current developments in that regard.

23. **Ms. Major** (Bahamas) said that a large-scale public awareness campaign had been conducted when the Sexual Offences Act was being amended. All

employees had received an information package regarding the rules and regulations pertaining to their job, including the Employment Act, upon being hired. The police force had a special five-member female task force that investigated sexual harassment complaints. No information was available about sexual harassment cases that had come before the courts.

24. **Mr. Bruun** asked whether the State party intended to sign the new ILO Convention No. 189 on domestic workers.

25. **Ms. Bailey** noted that ILO had called for an amendment of the Employment Act, as it defined pay rates more narrowly than ILO Convention No. 100 on equal remuneration for women and men, thus limiting the application of the principle of equal pay for work of equal value. She wished to know how the State party was addressing that concern.

26. **Ms. Sinclair** (Bahamas) said that the Department of Labour was conducting consultations to determine the extent to which ILO Convention No. 100 should be incorporated into Bahamian legislation.

27. **Ms. Major** (Bahamas) said that the Employment Act provided for a 12-week paid maternity leave once every three years. The State party had no intention of reviewing the legislation.

28. **Ms. Dixon** (Bahamas) said that the Bahamas had ratified the ILO Convention No. 103 on maternity protection in 2001.

29. **Ms. Griffin** (Bahamas) said that the domestic workers enjoyed the same protection as any other workers under Bahamian labour laws.

30. **Ms. Arocha Domínguez** said that the Committee would appreciate receiving more information about the State party's provisions for the needs of women, children, the elderly and minority groups in its preparations for natural disasters, which were common in the Caribbean region. Noting that the second leading cause of death among women in the Bahamas was malignant tumours, she was interested to know what special programmes existed for their prevention and early detection. It would be helpful to know more about the way the Ministry of Health coordinated with other Government agencies in promoting sex education and HIV/AIDS awareness, and whether the public was receiving information about the relevant services, including contraception. She asked about the availability of up-to-date information regarding the

extent to which the demand for contraceptives was being met. As some forms of contraception helped prevent the spread of sexually-transmitted diseases, it seemed odd that, as indicated by the statistics provided in the State party's periodic reports, contraceptive use in the Bahamas had decreased between 1988 and 2001, just as the AIDS epidemic was on the rise.

31. **Ms. Rasekh** said that an explanation was needed as to why no legislation had been adopted to guarantee equal access to health care for women, as required under the Convention. Despite the State party's success in combating the HIV/AIDS epidemic, the infection rate remained higher among women than among men. Some cases of infections among women had been the direct result of rape or incest. She wished to know whether the intentional transmission of HIV/AIDS had been criminalized and how many cases had been brought before the courts. She wished to know whether the State party was considering decriminalizing same-sex relationships, as men who had sex with men were deterred from being tested for HIV, thus contributing to higher infection rates among women.

32. A response was still needed to the Committee's request for data concerning illegal abortions. Given the high rate of teenage pregnancy, it was likely that illegal abortions were being performed. The State party had also stated in its reports that rural women had limited access to health care services. It would be helpful to learn more about the situation of those women. She asked whether the programme providing retroviral treatment for pregnant women who were HIV-positive could be extended to all women.

33. **Ms. Griffin** (Bahamas) said that there was broad coordination among Government agencies and with local governments, non-governmental organizations and churches in preparation for natural disasters. Women, children and the elderly were given priority in emergency shelters.

34. **Ms. Francis** (Bahamas) said that the national emergency management programme ensured that all islands were able to respond to natural disasters. Defence force officers were assigned to individual islands when a disaster was announced and they had the necessary tools to coordinate their response efforts.

35. Abortion was allowed only in certain exceptional situations and was then provided in a safe environment. No data was collected on those types of abortions or on

illegal abortions and there were no plans to amend the abortion legislation.

36. Efforts were being made to address teenage pregnancy, including through the Focus on Youth self-development programme offered in schools, which taught life skills and the use of contraceptives, Health clinics offered family planning counselling and provided contraceptives free of charge, including contraceptives that helped control the spread of sexually-transmitted diseases. Thanks to the programme that provided retroviral drugs to pregnant women, there had been no recent cases of mother-to-child transmission of HIV in the Bahamas. The Clinton Foundation was funding an HIV training and awareness programme for health care workers.

37. **Ms. Sinclair** (Bahamas) said that sex education programmes were included in the family life and health and consumer sciences curriculums in school. A special programme for pregnant teenagers allowed them to continue their education during pregnancy and have access to social support services after the birth. The Focus on Youth programme sought to teach young people how to make wise choices regarding their sexual behaviour and contraceptive use.

38. **Ms. Major** (Bahamas) said that women had equal access to health care services. The intentional transmission of HIV was a criminal offence, but there had been no prosecutions.

39. **Ms. Campbell** (Bahamas) said that the national AIDS programme held successful "testing parties" and conducted campaigns targeting men who had sex with men. The programme also monitored patients' adherence to treatment and provided free testing, medication, counselling and free male and female condoms.

Article 13

40. **Ms. Bailey** said that more information was needed regarding the arrangements for social security retirement benefits for informal workers, such as domestic workers and the self-employed. She asked whether those groups contributed to the pension scheme and whether the non-contributory pension scheme mentioned in the State party's report covered women, particularly elderly women, who had never engaged in paid work. She also wished to know whether women could obtain loans without providing collateral. Women had higher levels of unemployment,

worked in lower-paying sectors and faced higher barriers to obtaining loans from commercial banks. Were there any alternatives, such as cooperatives or microcredit institutions available to women, particularly in the Family Islands? The delegation should also provide information about its low-income housing programme, if one existed.

41. **Ms. Burrows** (Bahamas) said that while overall social security contribution rates were high, it was not the case for self-employed persons. The National Insurance Board had held public education campaigns to demonstrate the benefits of self-employed persons contributing to national insurance. A non-contributory pension was provided to individuals once they reached the required age. A range of social service programmes were available to women who needed assistance with food and shelter. A national housing programme provided Government-guaranteed home loans to individuals who did not have access to loans through commercial banks.

42. **Ms. Dixon** (Bahamas) said that the Bahamas had a strong cooperative movement that offered loans to women, including those in rural areas, at competitive interest rates. The Bahamas Development Bank offered microloans to women entrepreneurs throughout the country and the National Insurance Board encouraged employers to make contributions on behalf of migrant workers, regardless of their immigration status.

43. **Ms. Bareiro-Bobadilla** said that it was important to ensure that disadvantaged and rural women had equal access to health care, education and justice. In view of the lack of crisis centres in rural areas, she wished to know what services were available to women victims of violence. She asked the delegation to provide more information about the ways in which rural women were involved in the planning and development of their communities, as well as any additional information available regarding the planned campaign to increase women's participation.

44. She was interested to know about the status asylum seekers and refugees from Haiti, and the detention conditions at the Carmichael Road Detention Centre. The State party should not penalize asylum seekers for trying to enter the country and should consider the detention of women and children only as a measure of last resort. Lastly, as the State party prepared to ratify the Convention on the Rights of Persons with Disabilities, she wished to know what

accommodations were being made to assist disabled women and children and to protect the rights of the developmentally disabled.

45. **Ms. Griffin** (Bahamas) said that, although the archipelago was spread out over a large area, the Government provided the same services for women and girls in both rural and urban areas. Some services were also provided by trade unions, which had an active presence on the islands. By law, all public buildings had to be accessible to persons with disabilities. Additional legislation would be passed in the coming months to expand the scope of provisions for persons with disabilities.

46. **Ms. Major** (Bahamas) said that women in the Family Islands had the same access to justice as women in New Providence, the main island. Reports could be filed at the local police station or, in some cases, directly with the island administrator. Cases were heard by the Resident Magistrate's Court or the island administrator, or by a Circuit Magistrate's Court in the case of the smaller islands. When a case came before the Supreme Court in New Providence, the Government paid the victim's travel and living expenses.

47. **Ms. Dixon** (Bahamas) said that women asylum seekers were housed separately from men at the Carmichael Road Detention Centre and were not held for extended periods of time. They were provided with satisfactory accommodations and supervised by female officers. The Bahamas followed a set process and collaborated with the United Nations High Commissioner for Refugees in determining asylum and refugee status.

48. **Ms. Campbell** (Bahamas) said that the Government paid the cost of travel and a stipend to members of the National Women's Advisory Council who represented the Family Islands at regular meetings. Family Islands representatives had also been involved in the drafting of the national gender policy. As part of the commemoration of the 50th anniversary of the women's suffrage movement, the Bureau had planned one-day empowerment seminars to inform women about their rights under the Convention and national legislation.

49. **Ms. Rasekh** said that she was curious to know whether a lack of reporting was the reason why individuals who had intentionally spread HIV were not being punished. She asked the delegation to clarify

whether women in the less populated islands had full access to health-care services. With regard to abortion rates, she failed to understand why the Government was not collecting data which could help prevent unsafe abortions and reduce maternal mortality rates.

50. **Ms. Arocha Domínguez** said that no answer had been provided regarding measures taken to prevent and detect the malignant cancers that were responsible for women's high mortality rates. While countries where abortion was illegal often did not collect data on clandestine abortions, the Bahamas did allow the procedure under certain conditions, and yet no statistics were available. The State party's reports presented contradictory and inconsistent information with regard to contraception.

51. **Ms. Griffin** (Bahamas) said that health care was universally available throughout the archipelago and any statement to the contrary found in the reports was inaccurate. Clinics in the Family Islands offered routine health care services, and in particularly serious cases, patients were airlifted to the hospital on the main island.

52. **Ms. Francis** (Bahamas) said that women were provided with cancer screening and diagnosis services at regular clinics. The Cancer Society of the Bahamas helped to provide assistance and also offered free housing to rural women who came to New Providence for treatment. The Society had branch offices on some of the larger Family Islands.

53. **Ms. Major** (Bahamas) said that no complaints had been filed regarding the intentional spreading of an infectious disease and no one had yet been charged under section 8 of the Sexual Offences Act.

54. **Ms. Rasekh** said that there was apparently no gender-specific policy guaranteeing women's access to health. Much of what the delegation had said contradicted information contained in the State party's reports.

Article 15 and 16

55. **Ms. Awori** said that there were apparently no legislative provisions for common-law marriage, as such unions were only recognized in the Domestic Violence Protection Orders Act of 2007 and in a law that accorded equal status to children born out of wedlock. She wished to know what percentage of all marriages were common-law unions and what

protections were provided under Bahamian law to a common-law wife in the case of the union's dissolution. She asked for more information regarding the purpose of the Deceased Wife's Sister's Marriage Act described in the report, which upheld the legality of a man's marriage to his deceased wife's sister. No corresponding law existed governing a woman's marriage with her deceased husband's brother. Did the act offer protection or did it discriminate against women?

56. **Ms. Halperin-Kaddari** said that jurisdiction over family disputes was divided between the Supreme Court and the Magistrate's Courts, creating confusion about access to justice. The 2008 report of the Family Court System Committee had criticized the situation and offered clear recommendations. She asked what had happened to that report and whether there were plans to adopt it.

57. She requested more information about the economic rights of women in both legal and common-law marriages. The only relevant piece of legislation was the Married Women's Property Act, which was based on an amended 1884 law and had been designed for an era in which women lost their property rights upon marriage. In the modern era, women's rights in the event of divorce had to be protected, including their right to an equal share in all property accumulated during the marriage or common-law union.

58. **Ms. Šimonović** said that, although the State party had withdrawn its reservation to article 16 (1) (h) of the Convention, article 26 (1) (c) of the Constitution contained an exclusion from protection against discrimination in matters of personal law, such as adoption, marriage and divorce. A clear reply was needed as to why the reservation to article 2 (a) of the Convention could not be withdrawn.

59. **Ms. Griffin** (Bahamas) said that many Bahamian laws were a throwback to the colonial era and were being gradually updated. The new Government understood the importance of dealing with all the issues related to family disputes under one roof and intended to implement the recommendations of the Family Court System Committee as soon as possible.

60. **Ms. Major** (Bahamas) said that an explanation of the Deceased Wife's Sister's Marriage Act would be provided separately to the Committee. Couples in a common-law marriage only came before the court in the event that they could not agree, amongst

themselves or with the help of a mediator, on the division of property accumulated during their time together. The Marriage Clauses Act contained a provision that granted the woman was granted 50 per cent of all property obtained during the marriage in the event of a divorce. With regard to the reservation contained in article 26 (1) of the Constitution, a referendum was required to make any change to the Constitution. The matter would be included in the upcoming referendums.

61. **Ms. Bailey** said that, since the reservation to article 16(1)(h) of the Convention had been withdrawn without a referendum, the Committee wanted to know why the reservation to article 2 (a) could not be withdrawn in the same way.

62. **Ms. Major** (Bahamas) said that an amendment of the Inheritance Law had allowed the withdrawal of the reservation to 16 (1) (h), but those rights were already protected under the Constitution. With respect to the reservation to article 2 (a), the issue had been addressed in the national legislation, but a change to the Constitution through a referendum was needed before that reservation could be withdrawn.

63. **Ms. Griffin** (Bahamas) said that the preparation of the periodic report, the responses to the list of issues and the constructive dialogue had been illuminating in terms of assessing the ability of the Bahamas to promote gender equality. The lessons and best practices gleaned from the delegation's interaction with the Committee would be applied for the benefit of the women of the Bahamas and serve as a catalyst for a renewed commitment to action on the part of the Government to ensure that women's rights were respected and protected in the Bahamas. The Bahamian Government strove to achieve gender equality and the empowerment of women through fulfilment of the Convention's provisions.

64. **The Chair** thanked the representatives of the State party for a constructive dialogue which had provided further insight into the situation of women in the Bahamas. The Committee commended the State party for its efforts thus far and encouraged it to take all the necessary measures to address the various concerns expressed by Committee members, which would be formally communicated to the Government of the Bahamas in due course.

The meeting rose at 5.45 p.m.