



## Convention on the Rights of the Child

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### COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-eighth session

### SUMMARY RECORD OF THE 1014th MEETING

Held at the Palais Wilson, Geneva,  
on Wednesday, 19 January 2005, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the Bahamas (continued) (CRC/C/8/Add.50; CRC/C/Q/BHS/1; CRC/C/RESP/67)

1. At the invitation of the Chairperson, Ms. A. Archer, Ms. N. Archer, Ms. Green, Ms. Griffin and Ms. Zonicle (Bahamas) took places at the Committee table.
2. Ms. GRIFFIN (Bahamas) said that, while cultural taboos concerning children with disabilities still existed, emphasis was being placed on improving services for disabled persons in order to eliminate marginalization. The Ministry of Social Services and Community Development had set up the Disability Affairs Division in order to provide better services for persons with disabilities, coordinate cooperation with non-governmental organizations (NGOs), update the register of persons with disabilities, and undertake advocacy work. Draft legislation on disability was currently being discussed in consultation with persons with disabilities and with NGOs. Increasing public awareness of invisible disabilities facilitated the social inclusion of persons with such impairments.
3. The National Insurance Board provided financial assistance to medically certified persons with disabilities. That type of disability allowance was linked to employment insurance contributions and was available only to children between the ages of 16 and 18. The 2004-2005 budget of the Ministry of Social Services and Community Development provided for disability benefits for children between the ages of 0 and 16.
4. The vast majority of persons engaging in sex tourism were adults. Isolated cases of sexual exploitation of minors had been reported and had been prosecuted to the fullest extent of the law. The phenomenon of older men seeking sexual relationships with schoolchildren was cause for concern. Measures taken to address that problem included education, prosecution, awareness-raising activities and cooperation with parents. Great emphasis was placed on promoting parenting skills; in future, attendance of parenting classes would be mandatory.
5. Ms. KHATTAB asked what measures had been taken to encourage children to report acts of sexual exploitation.
6. Ms. GRIFFIN (Bahamas) said that the National Child Protection Council had launched a campaign entitled "Operation Protect our Children" to raise public awareness of child abuse and child rights through a variety of activities. Although children were encouraged to report abuse, there were no police records or statistics confirming that child abuse was widespread in the Bahamas.
7. Ms. KHATTAB said that, according to information received by the Committee, there was a high incidence of police brutality in the Bahamas. That might deter children from reporting abuse.
8. Ms. GREEN (Bahamas) said that there were no known cases of police brutality involving children. The police department's disciplinary unit investigated allegations of such conduct and punished the perpetrators.

9. Ms. GRIFFIN (Bahamas) said that, at their request, children of illegal immigrants could remain in the detention centre where their parents were being held. Such children had access to schooling and health care. However, most children of illegal immigrants were placed in childcare institutions for the period of their parents' detention.
10. Cases involving juvenile offenders were heard in a special juvenile court composed of a court officer, a magistrate who dealt exclusively with juvenile affairs, and a juvenile panel. The hearings were held in camera.
11. Ms. ALUOCH wished to know the maximum length of pre-trial detention for children.
12. Ms. GREEN (Bahamas) said that the maximum length of pre-trial detention for children was 96 hours. During that time, the parents were informed of the child's detention. Attendance of a parent at the trial of a juvenile and the presence of a probation officer during interrogations were mandatory.
13. The Government was contemplating amendments to child-maintenance legislation in order to make procedures more practical and user-friendly, since that might encourage fathers to comply with maintenance orders. The Bahamas had signed reciprocal child-maintenance enforcement agreements with the Caribbean Community (CARICOM) Secretariat, and negotiations on establishing a similar agreement with the United States of America were under way.
14. Bahamian employment legislation provided for limited employment of children between the ages of 14 and 18, as long as such activities did not interfere with their education. The Ministry of Education could intervene in cases of non-compliance with employment legislation, and the Ministry of Labour and Immigration was responsible for monitoring workplaces. Non-compliance was punishable by a fine of up to B\$ 1,000.
15. The CHAIRPERSON asked what measures could be taken to enforce the payment of child maintenance.
16. Ms. GREEN (Bahamas) said that existing enforcement measures included detachment of earnings and imprisonment. However, since imprisonment deprived men of a source of income, the imposition of prison sentences that provided for release during working hours would be considered as a viable alternative.
17. Ms. KHATTAB asked whether the State party had considered setting up a fund for cases in which poverty prevented fathers from paying child maintenance.
18. Ms. GRIFFIN (Bahamas) said that, in such cases, the Ministry of Social Services and Community Development provided financial assistance to mothers. However, detachment of earnings orders were becoming increasingly common.
19. Ms. ZONICLE (Bahamas) said that a review of the Bahamian social safety net had shown that, instead of paying a variety of benefits, it might be preferable to establish a system whereby families received a lump sum.

20. The nine-year old boy who had been held in the Simpson Penn Centre had been placed in that institution only temporarily before being moved to a children's home.
21. The CHAIRPERSON asked how informal employment of children was monitored.
22. Ms. GRIFFIN said that the informal employment of children in a family-run business generally did not interfere with their education. The delegation would welcome any suggestions on ways to monitor other informal-sector employment.
23. The Committee would be informed of the results of the investigation into the fire at the Willie Mae Pratt Centre for Girls as soon as the investigation was concluded.
24. Ms. ZONICLE (Bahamas) said that placement of children in institutions was used as a last resort and was regarded as a temporary measure. Childcare institutions were operated by a number of different organizations in cooperation with the Department of Social Services, which provided administrative and financial support. Children in institutions were assigned a social worker to support the rehabilitation and reintegration process; children placed in foster care were assisted by either a social worker or a childcare assistant. Recent legislation on residential care facilities provided for the establishment of a competent authority and an inspectorate to oversee the care and protection of children in institutions.
25. The Child Abuse Unit of the Ministry of Social Services was competent to assess reports of child abuse, while the Child Protective Services Unit was responsible for finding appropriate placement for the child. The Ministry operated a child abuse hotline; cases of abuse could also be reported to the 24-hour hotline operated by the Crisis Centre or to the police.
26. Ms. AL-THANI asked how children were informed of the existence of such hotlines.
27. Ms. ZONICLE (Bahamas) said that the number of the toll-free hotline was in telephone directories and appeared on bumper stickers and posters. Children also learned of those hotlines in the context of activities to prevent child abuse.
28. Under the proposed new childcare and child protection legislation, uncontrollable behaviour would no longer be an offence. Placing uncontrollable children in institutions was a last resort, and alternative methods of dealing with them through social work and counselling were being sought. When such methods failed, the children were placed on probation and, if there was no improvement, they were referred to the juvenile courts.
29. In order to address the problem of the breakdown of the family, parenting sessions were organized by the Department of Social Services; parents who received regular benefits were invited to attend the sessions free of charge. Parenting sessions normally lasted seven weeks, after which parents were encouraged to form their own support groups. Community counselling centres, NGOs and churches also provided advice and ran programmes that dealt with special areas of concern.
30. Ms. OUEDRAOGO asked to what extent children's rights were taken into account in the parenting sessions.

31. Ms. ZONICLE (Bahamas) said that one of the parenting sessions was devoted exclusively to children's rights. Parents were always encouraged to put the interests of children first.
32. The CHAIRPERSON asked whether the placement of uncontrollable children in institutions was always based on a court order. He enquired about the procedures applicable to children in need of protection, and whether placement on a voluntary basis was possible.
33. Ms. ZONICLE (Bahamas) said that children were almost always placed in correctional centres and childcare institutions pursuant to a court order.
34. Ms. GRIFFIN (Bahamas) said that sometimes children could be placed in childcare institutions on a voluntary basis when their families had financial or other problems.
35. Ms. SARDENBERG wished to know the origin of the term "uncontrollable children", and asked whether that term would be retained in the new childcare and child protection legislation.
36. Ms. ZONICLE (Bahamas) said that the term originated in English law.
37. The CHAIRPERSON said that, according to paragraph 173 of the report (CRC/C/8/Add.20), parents who wished to visit their children in institutions must submit a request through the Department of Social Services. That system did not seem to encourage parental visits.
38. Ms. ZONICLE (Bahamas) said that the system was intended to protect children whose parents tried to remove them from the institutions too soon. Parents who arrived at the institutions without prior notification were allowed to visit their children at the discretion of the directors of the institutions.
39. Ms. A. ARCHER (Bahamas) said that budget cuts had not adversely affected the immunization programme, under which the pentavalent vaccine was now administered to all infants under 1 year old. Clinics with qualified doctors and nurses operated in all the Family Islands. Travelling doctors and air ambulance services provided specialized and emergency care.
40. A major breastfeeding campaign had been launched. Women who gave birth in hospitals were strongly encouraged to breastfeed. There were no statistics on the breastfeeding of infants after they were discharged from hospital.
41. Health-care workers received specific training in children's rights, although not with direct reference to the Convention. In that connection, the Committee's recommendations would be given due consideration.
42. There was free and universal testing for HIV/AIDS. Key achievements of the national strategic plan on HIV/AIDS included the expansion of the programme to prevent mother-to-child transmission, and the availability of antiretroviral drugs at all public health-care facilities. The cost of antiretroviral drugs had been significantly reduced through international and bilateral cooperation. Efforts to raise awareness about HIV/AIDS had been stepped up.

43. Ms. AL-THANI asked whether antiretroviral drugs were manufactured in the Bahamas; if so, she wondered whether the Bahamas would consider supplying them at reduced cost to other countries. She said that, according to the initial report, mother-to-child transmission had declined, and she asked how that information could be reconciled with the reported increase in the incidence of HIV/AIDS among children.

44. Ms. A. ARCHER (Bahamas) said that, to her knowledge, the Bahamas did not manufacture antiretroviral drugs.

45. Ms. GRIFFIN (Bahamas) said that the Bahamas benefited from international cooperation under which it had access to low-cost antiretroviral drugs. Mother-to-child transmission was also comparatively low. The increase in the incidence of HIV/AIDS among children was due mainly to the sexual activity of older children.

46. Ms. A. ARCHER (Bahamas) said that she could not provide statistics on the use of drugs, particularly marijuana, among young people. Various educational and rehabilitation programmes were run by the Government and civil society. A programme to discourage children from using drugs had been included in the national curriculum. School nurses could refer children with particular health problems to a special centre for adolescent health. The centre also dealt with reproductive health and could distribute contraceptives to adolescents in confidentiality.

47. Ms. GRIFFIN (Bahamas) said that schools also had resource centres where children could go and discuss matters relating to reproductive health.

48. Ms. ALUOCH requested the delegation to clarify paragraph 140 of the report, according to which delinquent parents were required to attend parenting classes.

49. Ms. GRIFFIN (Bahamas) said that delinquent parents were those who had neglected their parental responsibilities and were obliged to attend counselling or parenting sessions while their children were in care.

50. Ms. FERGUSON (Bahamas) said that, despite the high number of teenage pregnancies in the Bahamas, a stigma was still attached to out-of-wedlock pregnancies. Prior to the implementation of Providing Access to Continued Education (PACE), many pregnant teenagers had dropped out of school. PACE offered such teenagers the opportunity to continue their schooling in a more suitable environment and to attend additional classes on pregnancy, childcare and nutrition. Following the birth of their children, the teenagers in question were allowed to return to school.

51. Ms. GRIFFIN (Bahamas) said that the findings of a study to monitor the success of PACE showed that many of the teenagers concerned had subsequently gone on to further education and successful careers.

52. Ms. FERGUSON (Bahamas) said that, although teenage pregnancies were still a problem, they had declined as a result of various measures taken by the State and civil society. Such measures included the establishment of adolescent health groups, the holding of counselling sessions, the introduction of a module on safe sex and reproduction in the national biology curriculum, and extra-curricular activities for adolescent girls.
53. Most teenagers dropped out of school because of pregnancy or academic failure. The problem of academic failure had been addressed through the introduction of more vocational subjects in the national curriculum and of examinations that gave students a greater sense of achievement. Truancy and welfare officers were responsible for finding out why children were not attending school.
54. In July 2003, a national commission had been established to investigate special education needs. The preliminary findings of the investigation had indicated that there were 250 children between the ages of 4 and 12 with disabilities; 184 of those children were educated at special schools. It was difficult to provide accurate statistics on disabled children who were cared for at home. All children with mild disabilities were integrated into mainstream education and encouraged to take part in sports and other school events.
55. Ms. ORTIZ asked what the difference was between the formal and informal systems of adoption.
56. Ms. ZONICLE (Bahamas) said that, under the informal system, children were cared for by relatives and there was no monitoring by the Department of Social Services. The formal system involved legal adoption through the courts.
57. Ms. GREEN (Bahamas) said that legal adoption through the courts was irrevocable.
58. The CHAIRPERSON enquired whether any special allowances were given to relatives who adopted children under the informal system.
59. Ms. ZONICLE (Bahamas) said that it was necessary to apply for such allowances which, in most cases, were not granted because the relatives were considered to have sufficient means to support the informally adopted child.
60. Ms. GRIFFIN (Bahamas) said that a disaster preparedness committee managed programmes to deal with natural disasters, particularly hurricanes. The National Emergency Management Agency had carried out important work after the past hurricane season. Draft legislation to increase the powers of the Agency was currently under consideration. All the relevant bodies, such as the Ministry of Health, the Ministry of Education and the police, were involved in measures to prepare for and deal with the consequences of natural disasters. Owing to the scale of devastation, the Urban Renewal Programme had been extended to the whole of Grand Bahama Island. As a result, immediate relief had been brought to the affected population, and the high profile of community police officers had significantly lowered the crime rate in many areas.
61. Ms. OUEDRAOGO asked whether environmental protection was part of the school curriculum.

62. Ms. GREEN (Bahamas) said that environmental protection formed a major component of the school science curriculum.

63. The CHAIRPERSON asked whether legislation on mandatory reporting was limited to sexual abuse. He wished to know whether the State party had established a definition of hazardous work in accordance with International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The reporting State should provide updated information on its proposed national plan of action for children.

64. Ms. GRIFFIN (Bahamas) said that, while mandatory reporting was currently limited only to sexual abuse, legislation would be adopted to cover all forms of physical abuse. However, owing to increased awareness of child protection in the Bahamas, more cases of physical abuse were being reported.

65. While there was no specific definition of hazardous work, the Government would consider the question of work that was harmful to children's morals and physical and mental health.

66. Staff from a number of ministries, NGOs and civil society organizations had participated in the preparation of the initial report. The same group of stakeholders would be called on to assist in drafting the national plan of action for children.

67. Ms. ORTIZ asked whether the child or the abuser was removed from the home in the case of reported sexual abuse.

68. Ms. ZONICLE (Bahamas) said that, under such circumstances, the child was removed from the home. If the authorities deemed that it was unsafe for the child to return home, he or she was sent to stay with a relative or placed in a children's home if no appropriate family member could be found. A protocol for those circumstances was being drafted. Children at risk of abuse were removed from their homes, since that was believed to be in the best interests of the child.

69. Ms. ANDERSON asked whether current or proposed legislation provided for the removal of the perpetrator rather than the child.

70. Ms. GRIFFIN (Bahamas) said that children were removed from the home since, even when perpetrators were arrested, they could be released on bail and would then have access to the children concerned.

71. Ms. GREEN (Bahamas) said that a bill on the introduction of protection orders in cases of domestic violence and other circumstances was currently under consideration.

72. The CHAIRPERSON asked whether the increase in juvenile delinquency in 2002 had been an exception or was indicative of a trend.

73. Ms. GRIFFIN (Bahamas) said that the reason for the increase had not been analysed. A possible explanation was that more crimes had been detected as a result of the Urban Renewal Programme in inner city areas.



74. Ms. AL-THANI, Country Rapporteur, said that, in its concluding observations, the Committee would note its concern at the lack of an independent monitoring system to protect children's rights. The Government should ensure that its national plan of action for children received sufficient budget allocations and staffing resources to achieve its objectives. Data collection should be improved.

75. Discrimination was another area of concern, particularly in relation to migrant children and children entering the State party illegally. Efforts to improve the level of birth registration should continue. Further measures were required to prohibit violence within and outside the family, and to ban corporal punishment. While the Committee commended the State party on its efforts to integrate children with disabilities into society, it stressed that transport and public buildings should be made more accessible to such children. Other areas of concern were teenage pregnancy, child labour and sexual exploitation.

76. Ms. GRIFFIN (Bahamas) said that the Government looked forward to receiving the Committee's concluding observations and implementing its recommendations in order to ensure that the Bahamas was part of a world fit for children.

The meeting rose at 4.55 p.m.