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**PANEL I**

**Synergies between national-level implementation of the Beijing Declaration and Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women**

Written statement\* submitted by

The Honourable Melanie Griffin  
Minister of Social Services and Community Development  
The Bahamas

\* The paper has been reproduced as submitted.

Madame Chair, Distinguished Delegates, Panelists, members of the NGO community, Ladies and gentlemen, good afternoon.

I am indeed honored to have been invited to participate in today's panel discussion and to share the experiences of the Government and people of The Bahamas regarding the synergies between our implementation of the Beijing Declaration and Platform For Action and the Convention on the Elimination of All Forms of Discrimination Against Women.

For those of you who may not be aware, The Bahamas is an archipelago comprised of approximately 700 islands located between the United States of America's southeast state of Florida in the north and Cuba in the south. Thirty of our islands are inhabited and at the last census of 2000, the population was 303,611. Women comprise 50.5% of the work force.

As a country, we are committed to the full participation of our women in all areas of the community. The Bahamas became a State Party to CEDAW in 1993. We acknowledge that this Convention in concert with the Beijing Platform for Action and the Millennium Development Goals are major documents that pave the way for gender equality and peace.

While many have perhaps taken a more systematic and organized approach to the implementation of these documents, ours has been somewhat fragmented, yet it has produced tangible results. We hope to be able to take a more systematic approach in the future, to consolidate and build upon these achievements

The implementation of CEDAW and the Beijing Platform for Action cannot occur in isolation, but rather, they must be implemented in concert with each other and also with reference to other international instruments.

It is clear that synergies do indeed exist between the implementation of the Beijing Declaration and Platform for Action and CEDAW and these synergies provide opportunities to enhance and strengthen implementation. To capitalize on these synergies, it is essential to collaborate with all sectors of the country, whether other relevant government agencies or civil society organizations.

As a country, our attention has spanned several areas, however, for today's discussion I wish to focus on the revision of laws, women's health, violence against women and constitutional reform.

### **Revision of Law: Labour**

While we have undergone reviews of several laws and enacted new legislation, I believe that there is perhaps one particular Act, which is a prime example of the use of both CEDAW and the Beijing Platform for Action at the national level. This is the Bahamas Employment Act 2001. Under the CEDAW Convention and in particular

Article 11, rights are being sought for women regarding employment. We are encouraged in the Platform for Action to pay particular attention to firstly ratifying international conventions like the ILO Conventions and enforcing them.

It was therefore not sufficient to establish labour policies because we are aware that policies can vary, hence legislation was enacted to provide increased maternity leave benefits from eight to twelve weeks, establish equal pay for equal work, grant parental leave, establish minimum wages and address unfair dismissal.

Unfair dismissal has several categories, one of them being that a woman cannot be dismissed because she is pregnant or for any reason related to her pregnancy. The law also provides additional protection to pregnant women from work that is hazardous.

The introduction of this package of Labor Laws was not carried out in isolation, but rather, it entailed extensive dialogue with many actors that included trade unions, NGOs, relevant government agencies and employers.

### **Revision of Law: Inheritance**

Law reform has not been confined to the area of labor only, but it has also been extended to inheritance. At the time of accession, this area and several others posed a challenge to The Bahamas and therefore reservations were registered.

The reservation pertaining to this area was made to Article 16 (h) of CEDAW. Article 16 of CEDAW requires States Parties to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on the basis of equality of men and women - the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration”.

The Inheritance Law of The Bahamas at that time was governed by the rule of primogeniture, which did not permit women to inherit from a person who died intestate, until or unless the entire male line of the family had been exhausted. To address this inequity in the law, we received international funding from the Organization of American States Inter-American Commission of Women, which assisted us in hosting town meetings in the majority of the inhabited areas of our archipelago. This process brought volunteers from the legal profession together who facilitated discussions on the existing legislation and solicited views from participants. They were also at the forefront as guests on television and radio talk shows, and they were the ones who actually went to the meetings of some of the NGOs (not only women’s groups) to get the information out to the public. Here we learnt that education is indeed important and that people have to be aware of what is going to have an impact on them. The responses to these meetings were not always what was anticipated, but they provided the avenue we needed for open dialogue that would address not only Article 16 (h) of CEDAW but also strategic objective 1.1 of the Human Rights section of the Beijing Platform for Action.

The result of the collaboration is that new Inheritance Legislation was finally enacted in 2002 which now permits men and women to inherit equally. The Bahamas can now consider removing the reservation to Article 16 (h).

### **Women's Health**

Women's Health with special attention to reproductive health is another area that has received attention through both spectrums. Both CEDAW and the Beijing Platform look at providing access to health and providing services and information on reproductive health and also the role of men in this process.

I would like to note that the government has incorporated the Health and Family Life Curriculum into all grade levels from one to twelve.

Reproductive health services are also available in all government clinics and are offered free of charge. 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 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 must access services in the evening.

The Male Health Initiative, a component of the Maternal and Child Health Unit of The Ministry of Health, was established to address the concerns of men and to encourage them to take responsibility for their reproductive health. This program also encourages men to be supportive of their partners and to play an active role in the health of their children.

I wish to note here the collaboration between the Bahamas Family Planning Association and the Government that focused on implementing an Adolescent Reproductive Health Programme for the reduction of Teen Pregnancy and STIs in adolescents. The initiative was sponsored by the Japanese funding agency through the Inter-American Development Bank and a quarter of a million dollars was provided inclusive of material and salaries of persons working in the project.

### **Violence Against Women**

There is no article in CEDAW that is devoted exclusively to violence against women, however, General Recommendation number 19 does outline specific measures to be addressed by member states. The Beijing Platform for Action has outlined various measures to combat violence against women. In this area specific attention has focused on training, protection and support, in addition to public education.

**Training:**

One of the actions undertaken to address violence against women was to provide training to key segments of the community, particularly the Police.

The Police have now introduced a mandatory component on domestic violence in the training program offered to their new recruits. Efforts to provide this training to serving officers are ongoing.

**Protection and Support Services:**

Women who are victims of violence are able to access assistance through the Department of Social Services' Family Services Division and also the Family Violence Unit. Both entities offer similar services that include counseling of families and individuals and mediating in matters referred by the courts however the Family Violence Unit is housed on the premises of the public hospital to facilitate easy access by those persons who require medical attention.

Women may also be referred to the local Crisis Centre of The Bahamas that receives an annual grant from the government. The government also provides accommodations for the Center.

In most instances, women who are victims of violence and in particular, spousal abuse are not inclined to leave their circumstances because they have no place to go. The Nassau Chapter of Links Inc., a female NGO, with the assistance of a corporate partner, British American Insurance Corporation, and the Government recently constructed a Safe House for Women.

This facility, which was officially opened in 2003, is a first for The Bahamas and the government has committed to providing an annual grant of seventy-five thousand dollars (\$75,000.00) to further assist the home.

**Public Education:**

The government through its Bureau of Women's Affairs has provided public education in this area and has partnered with the Zonta Club of Nassau, (women's ngo) the Rotary Club of West Nassau, (men's ngo), the Domestic Violence Unit of the Royal Bahamas Police Force and the Crisis Center to take the concerns of domestic violence into the community.

This partnership, which was launched in 2002 under the theme "The Action Team", conducted community fora on the island of New Providence. These fora consisted of presentations from professionals and lay persons who work in the field and focused on the problems that exist in the country in this area, the success stories of rehabilitating batterers, the roles of the church and the police in addressing the problem and the sharing of information on how to access help from various agencies.

## **Constitutional Reform**

Under the Platform for Action, paragraph 218 notes the concerns of having governments register reservations to human rights instruments. In paragraph 232 (b) and in Article 2 (a) of CEDAW, governments are encouraged to provide constitutional guarantees to prohibit discrimination against women. Additionally, Article 9 (2) requires state parties to grant women equal rights with men with respect to the nationality of their children.

Regrettably, Articles 2 (a) and 9 (2) are also sources of concern to The Bahamas and have been registered as reservations to the Convention. Under paragraph 230 (c) of the Beijing Platform for Action, governments are encouraged to limit their reservations and also review them periodically with a view to removing them.

The existing Constitution of The Bahamas continues to favor men in the granting of citizenship to their foreign born spouses. The current laws also discriminate against women regarding their ability to confer citizenship to their minor children born to foreign spouses.

Action was taken to remove this discrimination against women in the constitution. After the conclusion of public discussion on the matter, a referendum was held on February 27<sup>th</sup>, 2002 to amend these and other areas of the constitution. One hundred thirty-five thousand, four hundred and eighty (135,480) persons registered to vote in the referendum and 54.8% of those voting were women.

The referendum was resoundingly defeated. The defeat, however, was not regarded as a rejection of equal rights for women, but rather the results of a process that did not permit the citizenry sufficient time to debate and internalize the proposed changes.

From the aforementioned it can be noted that efforts have been made to address the reservations we have in place.

Currently a Constitutional Reform Commission has been appointed and they have been holding public debate on the amendment of the Constitution. The Government has stated its intent to have extensive dialogue and education carried out before bringing the matter back to the electorate so that the appropriate amendments can be made in law to enable The Bahamas to bring its policies in line with CEDAW, the Beijing Platform for Action and other international conventions.

## **Challenges/Constraints**

The measures I shared today were not implemented without challenges. A major challenge is the ability to duplicate programs in all of the communities throughout the archipelago.

To date, most programmes like the initiative by the “Action Team” and the legal literacy workshops were limited to the capital. Major financial resources are required to ensure that every community receives equal attention and hence limited resources have impeded the progress that could be made in implementing these documents.

I note that governments are encouraged to make adequate financial allocation for implementation, but the reality is that this is not always possible to the extent that we would like it to be. The impact of natural disasters, and particularly in the case of the Bahamas, hurricanes, further derail the limited resources and force governments to make a greater shift in priorities. Funding from donor agencies is a precious commodity that can no longer be accessed in most areas by The Bahamas.

### **Conclusion**

I wish to reiterate the importance of education and awareness-raising. Laws can be changed but here again persons must be educated on the scope of the changes and what impact it will have on them. The changes must be presented to the public in clear and plain language so that it is easily understood.

There is so much that can be accomplished through collaboration and governments must maintain an open channel of communication with the actors in the community to ensure that the limited resources, be they human or financial, are maximized. The talent of members from the various communities coupled with the resources of the Government can advance an awareness campaign tremendously.

We have experienced this with campaigns on violence against women where there was collaboration to participate in the UN Life Free of Violence Campaign. The local Crisis Center worked with the regional offices of United Nations Development Fund for Women and the Government came on board and as a result we had a very successful campaign.

The Caribbean Association for Feminist Research and Action and the Developing Alternatives for Women Now (CAFRA and DAWN) also joined us in educating women representing communities throughout the archipelago of their rights under the laws and international documents. While these were not held recently, they stand as examples in our history where collaboration has been used as a catalyst to propel the implementation of CEDAW, the Beijing Platform for Action and other International Conventions.

Further opportunities to educate the community on the various instruments would also perhaps develop stronger advocates for gender equality, development and peace since NGOs in The Bahamas have generally not been aggressive.

Where do we go from here as a country? We continue the collaboration and partnering. This has proven to be successful in the past.

Unfortunately, The Bahamas has not yet fulfilled its reporting obligation under CEDAW. The assistance provided by the Division for the Advancement of Women to aid countries in meeting their reporting obligations has served to further inform our national process in this area. We do intend to submit our overdue reports in the very near future.

We have learnt from the preparation for reporting to CEDAW that a national blue print is imperative to ensure a more cohesive and comprehensive approach to implementing the Beijing Platform for Action and CEDAW. We will be working diligently towards this and we would encourage all States to formulate and implement such a plan.

As noted, synergies do exist between the two documents and countries cannot truly advance women without taking them and all other relevant international instruments into consideration.

Once again, I thank you for this opportunity to participate in this forum.