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**SUBMISSION BY THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS IN RESPONSE TO THE CALL FOR INPUT TO INFORM THE ORAL UPDATE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS AT THE 45TH SESSION OF THE HUMAN RIGHTS COUNCIL
PURSUANT TO PRST 43/1 ENTITLED
*“HUMAN RIGHTS IMPLICATIONS OF THE COVID-19 PANDEMIC”***

The Bahamas recognizes that human rights play an important role in shaping the response to the COVID-19 Pandemic and continues to implement strategies with a human rights approach, including accessing health services, food, shelter, water, sanitation, safety, education, *inter alia* across all the Islands of the Bahamian archipelago.

**Legislative measures**

The Bahamas recognises that any measures taken must be consistent with the Constitution of The Bahamas which guarantees respect and protection of the fundamental rights of individuals in The Bahamas. Moreover, The Bahamas remains ever mindful of the need to uphold its international human rights commitments and obligations.

During the COVID-19 pandemic, the Government of The Bahamas has been facilitating the use of Emergency Orders governed by the Emergency Powers Act, Chapter 34 of the Statute Laws of The Bahamas, under Article 29 of The Constitution. The Emergency Orders have been put in place to provide protection from the spread of the COVID-19 by implementing specific guidelines and curfew(s), whilst providing provisions for supermarkets, pharmacies, gas stations, financial institutions, hardware, and appliance stores to be opened. The Emergency Orders always contain a provision for essential workers to continue working and for the opening and closing of domestic and international borders, as well as the published criteria for COVID-19 testing and quarantine.

Under the Emergency Orders, set restrictions/guidelines of social distancing, wearing of face masks in public, minimum attendance at weddings, funerals, hospital visitations and restriction of unnecessary movements were put in place. To ensure compliance, individuals found in contravention of the Orders/ guidelines could be brought before the courts and face the penalty of a fine, or imprisonment or both.

**Mitigating the impact of COVID-19 including on vulnerable and marginalized communities, including best practices**

Realizing the potential human rights impact of COVID-19, including on vulnerable or marginalised communities:

1. The Government of The Bahamas has allotted some $86 million in direct support, with nearly $60 million allocated in the current fiscal year for social assistance directly related to COVID-19. This expands the social safety net by some $140 million in the wake of COVID-19. In this regard, various ministries have instituted programs/initiatives to mitigate the human rights impact during COVID-19. For example, the Ministry of Social Services, provides social protection assistance (food, rent, medical, utilities, uniform, clothing); the National Insurance Board (NIB) provides unemployment benefits which have been integrated with programs of other key stakeholders for efficiency and accountability (loss wage subsistence); the Department of Gender and Family Affairs, initiated a ‘Safer Home Survey’ to collect disaggregated data from participants and measure effects of the pandemic on the domestic dwelling; the Department also convened an intersectoral national council which included key stakeholders from government, civil society and private sectors to produce service mappings, and address concerns of the most vulnerable and marginalized (women, children, persons with disabilities, indigent, homeless, elderly, abused, orphans, widows, unemployed and teen parents) who are negotiated into the social protection programmes offered by the government. The Ministry of Health has instituted dedicated facilities and Clinic for the Urgent Care of COVID-19 Cases and Referrals. The Ministry of Education established a Virtual Learning Platform to provide for the continuation of schooling for all students within The Bahamas from pre-primary through to secondary during the coronavirus outbreak. Additionally, Education initiatives included installing Wi-Fi on campuses and outfitting schools with Education Management Information Systems (EMIS), distributing tablet devices to students to assist in being able to access additional educational resources to support the teaching and the learning process; the Ministry has also re-directed its food assistance that was usually provided within the school environment and has now been made available as food coupons for families to collect and use to meet the nutritional needs of children in low-socioeconomic status homes. The Youth Apprenticeship Programme, which includes training opportunities in the construction trade to support rebuilding efforts nationally was also expanded. On average 70% of teachers were engaged with students on a class-based level, ensuring that learning continued beyond the walls of the institution. Teachers have further embraced technology, using it to create, edit and upload animated video presentations for broadcast via Cable channel 295. The Ministry of Education broadcasted educational content via both public television and radio to ensure widest access. Additionally, Technical Officers have explored and engaged in multiple virtual meetings, training sessions and lessons, in an effort to remain current and relevant.
2. The Government also put measures in place to mitigate the impact of COVID -19 for Rural/Family Island and SME (Small and Medium Enterprise) Businesses. The Government through its Emergency Food Production Plan led by the Ministry of Agriculture and Marine Resources (MAMR) has also produced an Emergency Food Production Plan to strengthen food and nutrition security in this time of crisis. It includes the assistance to farmers in the clearing of Agricultural Land of which one million eighteen thousand six hundred dollars ($1,018,600.00) has been allocated to farmers throughout The Bahamas. The Ministry also assisted small farmers in re-orienting their marketing to provide value farm box products at a minimum cost to allow the purchase of domestic agricultural products and has purchased gardening kits and distributed them throughout The Bahamas to encourage a proper backyard gardening system.
3. The Department of Gender and Family Planning has put in place measures to ensure economic protection (via salary stimulus, tax exemption concessions, credit financial packages for SME Business and non-reimbursable startup grants for new small-scale businesses).
4. Concessions for Rural/Family Island and SME Businesses include: Constructing a plan of action to keep both subsistence and commercial fishers fully engaged to feed our nation and earn foreign currency and discussions are underway to ensure the reopening of fish markets in a safe manner, as well as, the safe delivery of marine products to stores and customers;
5. Expanded unemployment assistance for self-employed workers in the tourism sector via a special program; which covers sole proprietors and agents without employees who earn most of their income in the tourism sector. Tourism workers such as straw vendors, hair braiders, taxi drivers and jet ski operators will also be able to benefit from this assistance.
6. The Small Business Development Centre also rolled out the Government’s $20 million COVID-19 response program, targeted to provide loans to small businesses, while providing a grace period of four months for payment of approved loans.
7. The government’s Tax Credit and Tax Deferral Employment Retention Programme will provide businesses with payroll support in an effort to retain jobs, as protecting job security for Bahamian workers in the private sector is a key priority for the Government.
8. The Ministry of Finance is allocating $1.8 million to support the Family (Outer) Islands specifically to be used for any COVID-19 related expenditure which is in keeping with the Government’s commitment to reprioritize existing resources and to provide the necessary support to keep communities safe.
9. Government Ministries, in conjunction with civil society have strategized to determine the impact of the Emergency Orders (lockdowns) on women and men.
10. In this vein, relevant government agencies have intensified intervention programmes to address the issue of reports of increase in violence in the family to mitigate against physical and emotional violence. Moreover, The Bahamas, through its Department of Gender and Family Affairs has partnered with the United Nations Population Fund (UNFPA) to assist with addressing the Sexual and Reproductive Health matters.
11. Thus, in this regard, the Department of Gender and Family Affairs will continue to liaise with the Health Sector to obtain disaggregated data and analysis regarding COVID-19 infection and mortality for The Bahamas, so as to inform COVID-19 Strategies. Similar disaggregated data will be obtained from the National Insurance Board of The Bahamas (NIB) to ensure that all persons obtain income due to them. Furthermore, consultation will continue with the Competent Authority in the Office of the Prime Minister to ensure that the human rights implications for Hurricane Dorian Recovery and COVID-19 are taken into account.

**Challenges**

i The Government of The Bahamas made the decision to close its borders to international commercial flights and commercial vessels early during the COVID crisis to help contain and prevent the spread of the virus. With the opening of its Borders 1st July, the country experienced an increase in the spread of the virus and thus the decision was made to close the borders again to international commercial flights and commercial vessels. Due to the fact that tourism is the main industry[[1]](#footnote-1), in The Bahamas the closure of the borders has also contributed to the closure of some tourism businesses or ‘layoff’ at major hotels contributing to an increase in unemployment.

At a time when it may need concessionary loans, the categorization of The Bahamas as a high-income country, without considering its vulnerabilities or exogenous factors, makes it ineligible for such loans. The contraction in tourism and unplanned increase in Government expenditure, will also adversely impact The Bahamas’ foreign currency reserves, its ability to service external debt, and its ability to pay for vital imports and access global capital markets. As a net food importer importing approximately ninety (90) percent of its food, food security becomes a major concern. Additionally, the continued so-called “blacklisting” of States, despite ongoing efforts to cooperate in this area, exacerbates the socioeconomic challenges already being faced in the context of the COVID-19 pandemic.

ii. The Bahamas, like other Small Island Development States (SIDS) also grapples with the effects of climate change. The lived reality of the extensive negative impact of climate change on SIDS, was manifested during Hurricane Dorian in September 2019 and resulted in unprecedented catastrophic destruction, with damages estimated at $3.4 Billion USD. Reconstruction efforts from Hurricane Dorian have also been hampered as a result of the decreased amount of workers who are able to work on a site at a given time, and a limitation on supplies that can be brought into the country due to closed borders.

iii. The Bahamas has already, and continues to, experience Hurricanes and tropical storms in the 2020 Hurricane season. It has become evident that the requirements of social distancing during and after the aftermath of natural disasters will prove to be of major concern as during storms, many residents will have to turn to shelters for protection; however, the risk of COVID-19 being transmitted is increased when individuals are confined to small places with large numbers of people. Recovery efforts will also be hampered as there will be restrictions on volunteers and possible increased risk of transmitting the disease. Throughout the 700 Islands and Cays, with closure of airports, restriction of movement, and the disruption of income streams, Family (Outer) Island communities are feeling isolated.

There are challenges that come with guaranteeing the human rights of all, especially those most vulnerable and marginalized including, women and girls, persons with disabilities, homeless, elderly, orphans, persons residing in institutions, survivors of all forms of violence and abuse, unemployed and the youth. Nevertheless, the government of The Bahamas strives to ensure the safety, well-being and human dignity of all residents.

1. Tourism contributes over 43 percent of The Bahamas’ gross domestic product and over 52 percent of employment [↑](#footnote-ref-1)