

Working Group on Arbitrary Detention

Preliminary Findings from its visit to the Bahamas (27 November - 8 December 2023)

I. Introduction

At the invitation of the Government, the United Nations Working Group on Arbitrary Detention (WGAD) conducted an official visit to the Bahamas from 27 November to 8 December 2023. The WGAD was represented by Priya Gopalan (Malaysia, Chair-Rapporteur), Ganna Yudkivska (Ukraine, Vice-Chair) and Mumba Malila (Zambia) and accompanied by staff from the Office of the United Nations High Commissioner for Human Rights. This is the first official visit of the Working Group to the country.

The Working Group extends its gratitude and appreciation to the Government of the Bahamas for the invitation to undertake this country visit and for its cooperation throughout the visit. In particular, the Working Group met with the officials of the Ministry of Foreign Affairs; Office of Attorney General and Ministry of Legal Affairs; Royal Bahamas Police Force; Royal Bahamas Defence Force; Office of Public Prosecutions; Department of Social Services, Information and Broadcasting; Department of Rehabilitative/Welfare Services; the Bahamas Department of Immigration; the Bahamas Department of Correctional Services; the Registry of the Supreme Court and Court of Appeal; the National Anti-Drug Secretariat; the Prerogative of Mercy Board; offices concerned with the rehabilitation of offenders and trafficking of persons; Office of the Public Defender as well as the Ministry of Health and Wellness.

The Working Group would also like to thank the United Nations Country Team, the Resident Coordinator, and their staff for supporting the visit, as well as other stakeholders for the assistance provided.

The observations presented today constitute the preliminary findings of the Working Group. The Working Group will then produce and officially adopt a report about its visit that will be submitted to the UN Human Rights Council at its 57th session in September 2024.

The Working Group visited 10 facilities, including the Bahamas Department of Corrections; Carmichael Road Detention Centre for migrants, police stations; detention facilities for children in conflict with the law; senior citizens care center, children's home as well as the psychiatric, geriatric and substance-abuse services facility at Sandilands Rehabilitation Centre. It was able to confidentially interview over 134 persons deprived of their liberty and furthermore had a supervised interaction with female juvenile detainees.

The Working Group provides its preliminary findings on the deprivation of liberty in the context of the criminal justice system, migration, psychosocial disability, and social care.

II. Good practices and positive developments

Ratification of international treaties

The Working Group lauds the commitment expressed by the Government to uphold international human rights by ratifying core international human rights treaties and extending a standing invitation to all special procedures of the Human Rights Council since 2013. The Working Group recognizes the fact that the Bahamas was among the first countries to ratify the Convention on the Rights of the Child in February 1991.

Furthermore, in May 2018, the Bahamas ratified the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which is a highly commendable step. The Working Group recalls that regular independent oversight over all places of deprivation of liberty is an effective safeguard against arbitrary detention and urges the Government to ratify the Optional Protocol to the Convention against Torture, promptly transpose it into domestic law and establish an effectively functioning national preventive mechanism, in line with the Optional Protocol.

The Working Group also calls for the Bahamas to sign and ratify other international instruments safeguarding the right to personal liberty, such as the Convention for the Protection of All Persons from Enforced Disappearance and its interstate communications procedure. It also urges the State to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view of affirming the de facto moratorium on executions and abolishing the death penalty.

Ombudsman Bill and other legislative initiatives

The Working Groups commends the tabling of the Ombudsman Bill before Parliament in 2023 to establish the Office of the Ombudsman which would be equipped to receive, investigate, and resolve complaints, mediate conflicts, monitor activities and promote education. The Working Group encourages swift enactment of the Bill.

Furthermore, the Working Group recognizes numerous legislative and regulatory initiatives, including the Immigration and Asylum Bill, the Parole Bill, the Mental Health Bill, and the draft Immigration (Detention Centres) Regulations 2023.

Parliamentary Human Rights Committee

The Working Group welcomes the recent establishment of the Parliamentary Human Rights Committee, the first of its kind in the Bahamas and the third such committee in the Caribbean Community.

III. Detention in the context of criminal justice

Presentation of an arrest warrant

The right to be presented with an arrest warrant, except in cases where the arrest is made in *flagrante delicto*, is procedurally inherent in the right to liberty and security and the prohibition of arbitrary deprivation under articles 3 and 9 respectively of the Universal Declaration of Human Rights, article 9 of the Covenant, as well as under principles 2, 4 and 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Under section 31 (2) (a) of the Police Force Act 2009, a police officer may arrest a person he reasonably suspects of having committed an offense without a warrant. Even broader power is conferred by virtue of section 104 of the Penal Code. The delegation has observed that this provision is often abused by the police. Circumstances of *flagrante delicto* ("caught in the act") are also interpreted quite widely. As a result, the majority of the detainees interviewed by the Working Group were not presented with any warrant at the moment of their arrest. The Working Group considers that such expanded exceptions to the arrest warrant requirement are not consistent with human rights law. It thus recommends ensuring that warrants are obtained in advance to avoid undermining judicial control of detention.

The Working Group is also alerted to a widespread practice of arrests based on outdated or expired warrants, and release after 24 or 48 hours. It has also received information about the practice of detaining individuals, including those wearing electronic ankle monitors, during certain festive periods, as a policing technique. Such detentions lasting between 24 and 48 hours have severe repercussions, including loss of jobs due to absence from work. The Working Group invites the authorities to provide necessary safeguards against both this practice and its consequences.

Presentation before a judicial authority and alleged police violence

In accordance with sections 18 and 19 of the Criminal Procedure Code Act, competent authorities are mandated to bring arrested individuals before a Magistrate within a period of 48 hours subsequent to their arrest, in order to be apprised of the charges filed against them. Law enforcement authorities can seek an extension of this timeframe with additional 72 hours (previously 48 hours) by making an *ex parte* application to a Magistrate.

In practice, however, the detainees often are kept for significantly longer periods without any notification of charges and judicial oversight. The Working Group interviewed many detainees who spent 7 days or longer in police custody. In its view, such prolonged periods do not satisfy the requirement of bringing a detainee “promptly” before a judge following arrest. It recalls that according to article 9 (3) of the Covenant, anyone arrested or detained on a criminal charge shall be brought promptly before a judge. As the Human Rights Committee has stated, 48 hours is ordinarily sufficient to satisfy the requirement of bringing a detainee “promptly” before a judge following his or her arrest, and any longer delay must remain absolutely exceptional and be justified under the circumstances.

The Working Group furthermore received information about police violence inflicted upon detainees. Some detainees alleged that they were beaten and tortured to extract confessions (with a plastic bag placed over the head being a frequent example). While judges receiving complaints of ill-treatment are obliged to examine if a confession was obtained under duress, and if so to declare it inadmissible evidence, it is imperative for the authorities to respond to allegations of misconduct, ensuring that independent investigations are promptly initiated.

Moreover, the Working Group was informed that in practice, the evidentiary threshold to prove that a confession was a result of ill-treatment is high. The burden of proof rests on the defendant, thus potentially impacting fair trial rights. Notably, the Evidence Act does not oblige a court to have corroborating evidence once an accused has confessed, thus a confession obtained under duress might become the sole basis for a conviction, in gross breach of international human rights standards. The Working Group recalls that under article 14 (3) (g) of the Covenant the burden is placed on the Government to prove that a confession has been freely given when there are *prima facie* allegations of a coerced confession. While the Working Group was informed that suspects interviewed at the Criminal Investigation Department were video recorded, it has also received information that in many instances, these recordings were not made readily available when allegations of a coerced confession arose.

The Group invites the authorities to ensure that the legal system recognizes the potential for involuntary or unreliable confessions, highlighting the need for corroborating evidence to establish guilt beyond a reasonable doubt and ensure a fair and just verdict. The Working Group recalls that a State should guarantee a clear and accessible

system of mechanisms and procedures through which allegations, indications and evidence of ill-treatment can be communicated.

Pre-trial detention

The Working Group recalls that, according to article 9 (3) of the Covenant, detention shall be exceptional rather than the general rule, and anyone detained on a criminal charge has the right to be tried within a reasonable time or released. The Group is satisfied that bail is granted in numerous cases, thus upholding the principle of presumption of innocence. It welcomes the 2020 amendments to the Bail Act that enlarged the scope of Magistrates' power to grant bail, which was previously restricted to certain offences.

Further, having interviewed the detainees, the Working Group concludes that in many cases suspects are detained pending trial as their families are unable to pay the bail. Examples varied from a mother of several children whose husband was unable to pay the bail to a young man who was waiting for his family to sell property to cover the bail. The Working Group is convinced that the pursuit of justice must avoid inequality, and that bail decisions must transcend financial status.

Another concerning observation was that some of the suspects are held on remand together with convicted persons in the maximum-security wing. This violates the presumption of innocence. Article 10 of the Covenant and rule 112 of the Nelson Mandela Rules require the separation of pretrial detainees from convicted persons and that they be treated in a manner respectful of their non-convicted status. In addition to sharing cells, they are subject to similar prison conditions such as yard time and other restrictions. Such conditions are not conducive to the preparation of their defence, in violation of article 14 (3) (b) of the Covenant.

Alternatives to detention

The Working Group welcomes the use of electronic ankle monitors, which reflect the authorities' efforts to uphold the presumption of innocence. However, it received information that in recent years, suspects of murders wearing such monitors have been killed while released. The Working Group also received consistent testimony of the malfunctioning of these monitors. In one instance, an individual was arrested for bail violation despite having made a telephone call to the private service provider to complain about the malfunction. Moreover, the police station check-ins that rely on biometrics to monitor those on bail, do not provide confirmation to verify their attendance.

A recently introduced online bail application process for detainees is a progressive step to streamline and expedite this process. However, the Working Group found significant issues with its practical implementation, noting technical malfunctions. The online form does not contain all criteria relevant to bail and is also subject to processing delays. In one instance, a detainee who applied in January 2023 from prison received a response seven months later.

The Government is encouraged to improve the bail system's technical functioning, and also to examine a range of alternatives to pretrial detention. The Working Group was informed of the pending draft Parole Bill – that apparently would lead to an automatic release pending trial of everyone charged with an offence punishable with less than 2-year imprisonment - and urges the Government to expedite the enactment of such legislation.

Right to counsel and access to lawyer

Article 19 of the Constitution provides that any person who is arrested or detained “shall be permitted, at his own expense, to retain and instruct without delay a legal representative of his own choice and to hold private communication with him”. The Working Group interviewed numerous detainees who were deprived of any legal representation at the initial stages of the proceedings because they did not have the financial means. As a result, individuals who lack the socio-economic resources to secure private legal representation face an increased likelihood of arbitrary detention.

Moreover, the Working Group met numerous detainees who were not informed of their right to counsel at the outset of their detention, at the police station and were subsequently unable to access counsel as their case progressed including during trial at the magistrate level. Further, those convicted by the Magistrates Court and thus without access to *pro bono* counsel, were unaware of their right to appeal and unable to exercise it in the 7-day time frame given. In one instance, the Working Group came across an individual serving a life sentence who did not have a lawyer throughout all stages of criminal proceedings.

Further, the Working Group was informed that whilst legally represented suspects have a right to consult with their lawyer prior to a police interrogation, their right to have a lawyer present throughout such an interview is frequently denied. The Working Group considers that suspects have the right for their lawyer to be physically present during the initial police interrogations and throughout subsequent pre-trial proceedings and that this physical presence is essential to ensure effective and practical legal assistance.

Despite the *ad hoc* availability of legal representation at the Magistrates Courts through the legal aid clinic attached to the Eugene Dupuch Law School Clinic and *pro bono* assistance from members of the Bar Association, much broader access to state-funded lawyers is needed. Only during the trial at the Supreme Court, pursuant to the filing of a voluntary bill of indictment (VBI), does the Supreme Court appoint a lawyer to represent the defendant free of charge from the Public Defender’s Office or the Crown Brief System. The Public Defender’s Office grapples with an overwhelming caseload and is under-resourced with only 6 attorneys available. The Working Group calls on the authorities to improve access to legal assistance by strengthening significantly of the Public Defender’s Office.

The Working Group recalls that article 14 of the Covenant explicitly addresses the guarantee of legal assistance in criminal proceedings in paragraph 3 (d) which includes the right to be assigned legal counsel. Further, according to principle 9 and guideline 8 of the UN Basic Principles and Guidelines on remedies and procedures on the right of anyone deprived of their liberty to bring proceedings before a court, persons deprived of their liberty have the right to legal assistance by counsel of their choice, at any time during their detention, including immediately after the moment of apprehension. Assistance by legal counsel in the proceedings shall be at no cost for a detained person without adequate means.

Conditions of detention

Poor detention conditions have been observed in some parts of the Department of Correctional Services, the country’s criminal justice detention facility. While the facility was undergoing refurbishment in parts, and the Working Group was informed that there

are plans to open a new facility, overcrowding in the maximum-security ward is currently a serious issue. During its visit, the Working Group observed that detainees in this section lacked adequate bedding, sleeping on the floor or on very thin mattresses in very close quarters, with up to 4-5 men in small cells. Moreover, slop buckets were used and stored in these overcrowded cells. The provision of running water and adequate sanitation is urgently needed. The Working Group received information that some detainees suffered vision loss due to their detention in darkness.

The Working Group is also extremely concerned that while it was shown medical facilities, it received recurrent complaints about detainees' inability to access medical care, including specialist care. The delegation also interviewed detainees who had been drug-dependent upon admission and had not received any treatment. The Working Group refers to its [study on Arbitrary Detention relating to Drug Policies](#) noting the importance of a treatment plan by health professionals and the availability of harm reduction services. The Working Group recalls rule 24 of the Nelson Mandela rules concerning the provision to detainees of the same standards of health care that are available in the community.

The Working Group received consistent testimony about limited yard time, 10-20 minutes twice a week, but even this was not always observed. It is paramount that time in the fresh air be provided to all detainees on a daily basis, as required by rule 23 of the Nelson Mandela Rules. Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits. The Working Group concludes that conditions of detention do not meet international standards. Holding detainees in such conditions may adversely affect their ability to effectively participate in proceedings and to present an effective defence and appeal.

The Working Group is furthermore deeply concerned that inmates have not been allowed in person family visits since the outbreak of COVID-19. The Working Group was informed that inmates could contact their families by telephone, but this is dependent on their families placing money on their telephone account. Moreover, many phones in the maximum-security section did not function. In the remand section, detainees have no access to phones and must request that prison officers communicate any messages to their family or lawyer. Consistent testimonies indicated that such requests were often not heeded and hindered their ability to contact their family and seek legal representation. Such restrictions run counter to principle 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and rules 43 and 58 of the Nelson Mandela Rules. The Working Group urges the authorities to urgently reinstate family visitations. The Working Group finds that the absence of any conjugal visits in the correctional facility affects family situations and jeopardises the return to society. Furthermore, the Group expresses its concern on the practice of separating newborn babies from detained women.

The Working Group was informed that two female detainees were placed in solitary confinement as a disciplinary measure for two weeks at the beginning of the year. The Government should ensure that solitary confinement measures respect the provisions of the Covenant and of the Nelson Mandela Rules. The Working Group also refers to standards set out in its Deliberation No. 12 on women deprived of their liberty.

While the Working Group received information about the Correctional Services Review Board, most inmates it spoke to were unaware of any complaints mechanism. The Working Group received testimony from one inmate who complained about an assault by a prison guard to no avail. The Working Group was informed of the absence of an independent complaints mechanism in prison, such as a confidential hotline, as well as

an independent monitoring body to periodically monitor the conditions of detention in prisons.

Undue delay

The number of detainees awaiting trial in the correctional facility is considerable. The Working Group met numerous detainees awaiting trial after their bail was denied. In one such case, a detainee has been in custody for over a year and his trial is only scheduled for January 2025. Another individual had been in pre-trial detention for 14 months and was still awaiting his trial date. The Working Group also met some post-conviction detainees awaiting the review of their cases following an appeal, who either did not have their trial dates set or their appeal hearings have been scheduled for as late as 2025 and 2028. Everyone charged with a criminal offence has the right to be promptly brought before a judge and to be tried without undue delay. Under international human rights law, detained persons are entitled to stand trial within a reasonable time or to be released, under article 14 (3) (c) of the Covenant.

Child and juvenile justice

Section 109 of the Child Protection Act sets the minimum age for criminal responsibility at 10 years of age. Although according to Section 136 no child under the age of 12 years shall be received into a juvenile correctional centre or a place of detention, the Working Group shares the concern expressed by the Committee on the Right of a Child that this age is too low and should be raised to at least 14 years, consistent with international standards.

Whilst the Child Protection Act (Section 112) provides that where a child is apprehended the police shall as soon as practicable contact the parent or guardian and shall cause him/her to be detained in a juvenile correction centre until brought before a court, in practice parents often have to drive from one police station to another to establish a child's whereabouts.

The Group was informed that juvenile suspects can be provided with legal counsel at the Magistrates level. This practice, however, remains *ad hoc*. Article 40 of the Convention on the Rights of the Child stipulates that children have the right to legal assistance. Principle 11 of the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems further specifies that legal aid provided to children should be prioritized, in the best interests of the child, and be accessible, effective, and responsive to the specific legal needs of children. The Working Group thus invites the authorities to urgently ensure that children are provided with effective legal assistance at all stages of the proceedings.

The Working Group visited the Simpson Penn Centre for Boys and Willie Mae Pratt Centre for Girls where children aged 12 to 18 years in conflict with the law are sent as an alternative to prison. Whilst the material conditions in these facilities are satisfactory and children there continue their education, it finds it regrettable to observe that some juveniles are confined to juvenile detention centers for minor infractions and offenses related to their status as minors, for example "uncontrollable behavior".

It is of particular concern that children detained in the correctional facility (contrary to juvenile centers) do not have access to regular education. Family visits are allowed in the juvenile centers but not in the correctional facility where all visits were stopped since COVID-19. Moreover, both in the juvenile centers and in the correctional facilities the

administration imposes sanctions for disciplinary offences such as deprivation of phone calls. It is in the child's best interests to maintain regular contact with his or her family.

Under article 37 of the Convention on the Rights of the Child, the detention of a child must be a measure of last resort. In cases in which detention of children is unavoidable, the authorities should ensure that it is carried out in compliance with international standards such as the Beijing Rules and UN Rules for the Protection of Juveniles Deprived of their Liberty.

IV. Detention in the context of migration

The Bahamas maintains a policy of detention and repatriation of irregular migrants. The Immigration Act 1967 governs immigration offences, breach of which can result in custodial sentences. International standards, including those contained in the Working Group's Revised Deliberation no. 5 concerning deprivation of liberty of migrants, hold that the irregular entry and stay in a country by migrants should not be treated as a criminal offence, and the criminalization of irregular migration will therefore always exceed the legitimate interests of States in protecting their territories and regulating irregular migration flows.

The Carmichael Road Detention Centre is the dedicated centre to process and detain migrants who are undocumented or have committed immigration offences such as illegal landing or overstaying their permit. During its visit to the centre, the Working Group spoke to individuals from Cuba, Jamaica, Haiti, Ecuador, and Nigeria.

The Working Group observed that the intake process is computerised. The establishment of the new medical block is also commendable, and nurses inquire daily with detainees whether they require medical assistance. The Working Group received information that migrants whose permits had expired and had family ties or other links to the Bahamas, had the possibility of regularising their immigration status by renewing their permit and this was confirmed by testimony. The Working Group encourages this practice. Further, noting the lack of written regulations governing the operation of the detention center which has been in operation for over 20 years, the Working Group welcomes the draft Immigration (Detention Centres) Regulations 2023.

The authorities informed the Working Group that within 48 hours of arrest, the detainees are given a vulnerability assessment by the Refugee Assessment Unit (RAU) to determine any asylum claims or trafficking concerns. Once these are ruled out, the detainee is brought before a court within 48 hours and is given the option to pay a fine or to serve a custodial sentence. Upon completion of either, the detainee is deported. The Working Group received testimony that money was stolen during their arrest by the arresting authorities, thus preventing some individuals from paying fines and resulting in custodial sentences for immigration-related offences.

The Working Group encourages the practice of the speedy presentation of the detainees before a judge within 48 hours of arrest and notes the establishment of the Detention Centre Working Group, comprising representation from the Office of the Attorney General, the Ministry of Foreign Affairs (MFA) and the Department of Immigration. While the weekly meeting of the Detention Centre Working Group has improved inter-department communication and technical cooperation, and the speedy appearance of migrants before a judge, the Working Group remains concerned about the extent to which

matters of asylum or refoulement are properly addressed. The Working Group urges the Government to swiftly enact the Immigration and Asylum Bill.

The Working Group spoke to numerous detainees at Carmichael Detention Centre who experienced barriers in accessing legal representation there. It received information about the lack of access to interpreters at arrival, and persons seemed to be largely unaware of their rights, including the right to legal assistance (even if they needed to pay for this themselves), consular assistance and to seek asylum. They were also largely uncertain about the process and procedures. There was very limited time available for detainees to contact family members, ranging from 2 to 5 minutes for a phone call. While migrants are entitled to a writ of *habeas corpus*, in practice, lack of access to counsel and lack of procedural knowledge appear to effectively deny such access.

Under section 9 of the Immigration Act, immigration and police officers are authorised to exercise the power of arrest where they have reasonable cause to suspect that a person other than a Bahamian citizen has committed an offence under the Immigration Act, to arrest that person immediately and without a warrant. At the detention centre, the Working Group met several undocumented migrants of Haitian descent who were facing deportation, some who had been arrested during raids. The Working Group received information about the challenges faced by the persons of Haitian descent to obtain documents to acquire Bahamian citizenship. This increases their risk of detention, deportation, and statelessness.

The delegation interviewed several individuals of Haitian descent facing deportation for overstaying, after being stopped on the street and arrested. The Working Group is concerned about the use of profiling and other potential discriminatory practices in migration control activities, based on how certain ethnic groups or nationalities are targeted for enforcement actions, which increases their vulnerability to detention.

V. Detention in the context of psychosocial disability and social care

People with psychosocial disabilities

The Mental Health Act 1969 provides the current legal framework for both voluntary and involuntary admission to the Sandilands Rehabilitation Centre psychiatric ward, the main facility for persons with psychosocial disabilities.

While acute patients normally spend a short time in the psychiatric facility at the Centre, some chronic patients have been there for over 30 years. Of that population, the Working Group was concerned that the current shortage of community-based services may result in individuals that could be medically discharged remaining at the Centre indefinitely. The Working Group recognises the Government's efforts to enhance community-based care and to shift the focus from tertiary to primary healthcare settings, as reflected in the recent Mental Health Bill 2022.

Before the COVID-19 pandemic, persons who commit criminal acts but are not competent to undergo criminal proceedings due to psychosocial disabilities were mostly placed in a closed facility at the Sandilands Centre for persons with psychosocial disabilities. From 2020 they are placed in two psychiatric wards at the Department of Corrections. Detainees who developed psychiatric conditions during their stay in prison are also moved to these wards. At the time of the visit about 70 persons were held in both wards. The Working Group is concerned by their deplorable conditions of detention not

compatible with inmates' state of mental health. It also visited the facility at the Sandilands Centre which contains the forensic department and held two inmates on remand at the time of the visit. While conditions are basic, the facility is clean, and an outdoor exercise yard is available and utilized. The Working Group agrees with some staff members who consider this facility to be much more suitable for suspects and convicts with psychosocial disabilities.

Care for older persons

The Sandilands Rehabilitation Centre also houses the Government Medical Residential Nursing Care and Rehabilitation Facility providing full-time, in-patient healthcare for older citizens, who cannot be cared for at home. The Working Group visited this Geriatric Hospital as well as the Demetrius Senior Citizens Care Center to ascertain if persons in these facilities are kept there on their free will and was satisfied that this is the case.

Most of the patients at the Geriatric hospital come to the facility during the last stages of their lives to receive palliative care. The delegation observed good facilities and standards of living for these individuals, which is commendable. The Working Group learned that the admission to the Demetrius Senior Citizens Care Center is voluntary. If the application for admission is submitted by a caretaker, the consent of the older person is essential, and residents can be discharged at their own request. The Working Group concludes that both facilities visited are not places of deprivation of liberty and commends the adoption of the voluntary admission approach.

Children under State care

The Child Protection Act 2007 sets out the legal framework for the protection of children's rights. Part VI of the Act requires the State to provide special care and protection for children removed temporarily or more permanently from their families, based on the best interests of the child. The Working Group was informed that the authorities make every effort to resettle children with family members or to make alternative arrangements. There are also facilities available for children who cannot be resettled, and the Working Group has visited one such facility at the Elizabeth Estate Children's Home.

The delegation noted that some residents with developmental disabilities remain in the facility after reaching the age of 18 owing to the lack of assisted living arrangements in the community. It also observed staff tasked with working with children in need of care and commends their efforts in maintaining family bonds and de-institutionalizing children when possible.

VI. Conclusion

These are the preliminary findings of the Working Group. We look forward to continuing the constructive dialogue with the Government of the Bahamas over the following months while we determine our final conclusions in relation to this country visit. We acknowledge with gratitude the willingness of the Government to invite the Working Group and note that this is an opportunity to introduce reforms to address situations that may amount to arbitrary deprivation of liberty.