

THE BAHAMAS (Tier 1)

The Government of The Bahamas fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore, The Bahamas remained on Tier 1. These efforts included convicting a trafficker, providing support for victims repatriated abroad, making efforts to provide compensation to a victim, increasing funding for victim services, and coordinating with governments in the region on a virtual forum to share challenges and best practices on prosecuting trafficking and improving interagency collaboration. Although the government meets the minimum standards, it did not initiate any new prosecutions, identified fewer victims, and did not comprehensively implement its victim identification protocol, especially among at-risk groups including Haitian migrants.

PRIORITIZED RECOMMENDATIONS: Increase efforts to investigate, prosecute, and convict traffickers, including officials complicit in sex or labor trafficking, and impose sufficient sentences. * Improve efforts to identify victims and refer them to services, particularly among vulnerable groups, including underserved stateless persons, migrants and asylum-seekers from Haiti and Venezuela, LGBTQI+ individuals, and Cuban nationals working on government-sponsored programs. * Reduce delays in court proceedings. * Train labor inspectors on trafficking, victim identification, and referral to services. * Raise awareness of trafficking risks among vulnerable groups in partnership with NGOs and provide migrants with information on trafficking and workers' rights. * Remove a requirement for migrants switching jobs to obtain a letter of release from their employer. * Take steps to eliminate recruitment fees charged to workers by labor recruiters and ban employee-paid recruitment fees. * Provide a dedicated shelter for trafficking victims. * Improve regular data collection and record keeping, including prosecution statistics. * Provide victims an alternative to speaking with law enforcement. * Provide vulnerable individuals with trauma-informed assistance and interpretation in their language prior to, during, and after screening for trafficking, including through the hotline. * Develop, execute, and publish a robust monitoring and evaluation framework for anti-trafficking policies and efforts. * Provide survivors who have returned home the opportunity to give input on policies. *

PROSECUTION

The government slightly decreased law enforcement efforts. The Trafficking in Persons (Prevention and Suppression) Act 2008 (TIP Act) criminalized sex trafficking and labor trafficking and prescribed penalties up to life imprisonment. These penalties were sufficiently stringent, and with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

The government-initiated investigation of one sex trafficking case involving two suspects, compared with 13 cases (11 for sex trafficking and two for labor trafficking) in 2020 and 16 investigations in 2019. The government did not initiate any new prosecutions, compared with two prosecutions initiated in both 2020 and 2019. The government continued prosecution of one alleged sex trafficker from a previous reporting period and reported another seven suspected traffickers awaited the start of their trials. The government convicted one Bahamian female

trafficker in December 2021 for the sex trafficking of two girl victims under the TIP Act and other laws, the same number as in 2020 and compared with no convictions in 2019. The Chief Magistrate sentenced the trafficker to penalties consistent with a plea agreement, including nine months and three days in prison for each of 12 counts, with concurrent sentences; three years of probation and a \$5,000 fine; and 12 months of counseling; and it required the trafficker to give evidence in a related trafficker prosecution. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking crimes.

The National Trafficking in Persons Inter-Ministerial Committee (anti-trafficking Committee) Task Force maintained an investigative unit. The Royal Bahamian Police Force (RBPF) Missing and Exploited Section investigated sex and labor trafficking offenses; in addition, the RBPF had a specialized Sexual Offenses Unit that handled sex crimes, including sex trafficking. The RBPF representatives on the Task Force, who served as investigators, determined if there was enough evidence to pursue prosecution with the Office of the Director of Public Prosecutions. Trained prosecutors in the Office of the Director of Public Prosecutions worked closely with RBPF investigators to prosecute cases; they also offered legal advice to the victim and the RBPF investigative team. The government reported police, defense, health, and immigration officials continued to execute the government's trafficking response despite the pandemic, including by screening potential victims. Pandemic-related lockdowns in 2020 exacerbated criminal trial delays, but the judiciary continued modernization efforts to address the backlog, including the digitization of records. While the government did not assign any courts specifically to handle trafficking cases, prosecutors brought all trafficking cases before the Magistrate's and Supreme Courts. Experts reported concerns about excessive pretrial detention due to criminal justice system delays, preventing even the most serious criminal cases from advancing in a timely manner. Observers noted the lack of judges and prosecutors in the country contributed to significant backlogs in all cases; courts easily granted bail (due in part to prison overcrowding), even to defendants accused of violent crimes, and law enforcement did not have the resources to fully uphold the law. Immigration officials may have solicited Haitian migrants for bribes to prevent detention. The government provided training to defense officials and law enforcement on case reporting, victim and perpetrator profiles, methods, victim identification, and elements of trafficking. Due to the pandemic, the government conducted most anti-trafficking training virtually. The anti-trafficking Committee participated in numerous international meetings on trafficking, both in person and virtually, which resulted in new networks for collaboration and potential future MOUs.

PROTECTION

The government slightly increased efforts to protect victims. The government identified one Colombian adult female sex trafficking victim during the reporting period, compared with two victims in 2020 and five victims in 2019. Authorities implemented a formal protocol to guide front-line responders in identifying both sex and labor trafficking victims and referring them to services. The protocol had a detailed, victim-centered approach to the screening process, including the use of qualified interpreters of the same gender to assure reporting and comprehension of all communication. However, observers reported uneven application of the protocol, especially with vulnerable populations such as undocumented Haitian migrants and stateless children. In addition, due to a lack of training on the protocol, authorities may have detained some unidentified trafficking victims. The government reported it screened all migrants

arriving by sea for trafficking indicators and screened migrants arriving by land as they came into contact with authorities. Immigration officers referred potential victims to the RBPF for further investigation. However, observers reported authorities did not use formal protocols to screen all migrants and continued to abuse migrants – particularly those of Haitian descent. Authorities reported screening individuals for trafficking indicators during routine checks of nightclubs. The government did not report screening Cuban medical workers for trafficking indicators.

Authorities provided care including rent or accommodation, food, travel expenses, stipends, and school supplies and uniforms for four victims, including the adult Colombian female, one Bahamian female, and two Bahamian children. The government also repatriated the Colombian victim. The government's spending on trafficking victims' care and prevention activities apart from the pandemic was 48,462 Bahamian dollars (\$48,462), compared with 41,351 Bahamian dollars (\$41,351) in the previous reporting period. The government also provided 26,930 Bahamian dollars (\$26,930) for rent and food assistance needs resulting specifically from the pandemic, compared with 47,651 Bahamian dollars (\$47,651) for the provision of such care to four victims in the previous reporting period. The government had a formal process to guide officials in transferring victims to governmental or non-governmental options for short- or long-term care.

The Department of Social Services (DSS) oversaw the support for victims by service providers, attorneys, and law enforcement. The Department could also provide furniture, payment of utility bills, placement in school, medical care, psychological and psychiatric attention as needed, counseling, transportation, assistance with shopping, securing legal documents, resumé preparation, job placement assistance, facilitation of payment of stipends, and wiring of money abroad. The government provided legal aid to victims only for each victim's trafficking case. Department of Health practitioners screened patients for trafficking indicators and could refer patients for further evaluation or care. The government typically provided most services for victims, but NGOs could also provide services to victims, including housing, food, meals and water, hygiene supplies, clothing, financial assistance, medical and psychiatric care, and a non-threatening, neutral environment for authorities to conduct interviews. Authorities placed referred child victims in a DSS childcare facility. The government did not have a dedicated shelter for trafficking victims; however, the government could provide accommodations to victims or refer them to an NGO for shelter. Authorities continued to place victims in NGO-managed shelters shared with domestic violence victims. The government considered victim preference when determining the appropriate shelter, and victims could choose not to reside in a shelter. The government did not report any cases of victims with disabilities; however, the national anti-trafficking budget included resources to make accommodations, if necessary. Shelters did not restrict the movements of victims, allowed them to leave for employment, and provided advisory services. The government provided services to victim-witnesses for the length of the trial and continued to provide services after completion of the trial until the victim was either resettled within the country or, if applicable, in the country of origin. Victims who chose to return to their country of origin also received continued financial support.

In the previous reporting period, a court awarded a Venezuelan victim 10,000 Bahamian dollars (\$10,000) in compensation in a civil suit for the first time. The Task Force made multiple

attempts during the reporting period to deliver the compensation payment to the Venezuelan victim in cooperation with a foreign embassy and an NGO from a different foreign country; the process was ongoing at the end of the reporting period. Victim participation in trafficking investigations and prosecutions was voluntary, though encouraged. One child victim-witness participated in the investigation of a trafficker during the reporting period. The law granted victims immunity from prosecution. Courts closed trafficking trials and – as the law mandated non-disclosure of victims’ names, under penalty of prosecution – the media could not publish the identity of a victim. Bahamian law permitted victim testimony via live television links and for the reading of written statements into evidence, but this did not happen during the reporting period. Authorities advised victims of their rights with respect to the law, could appoint a designated caseworker to provide support for the victim, and could provide witness protection. The government prevented re-traumatization by limiting the scope of initial interviews and limiting contact with the trafficker. The government did not offer victims an alternative to speaking with law enforcement, such as social workers or NGOs. The government gave a police security detail for foreign victims moving to and from the airport and for victims moving to and from the designated shelter, including for court appearances, during which a police officer and a DSS representative stayed with the victim. The government encouraged victims returning from abroad for participation in a trial to bring a family member with them for additional support. The country lacked a visa classification for victims of crime, but foreign victims were entitled to the same assistance and services provided to Bahamian victims. Authorities did not tie benefits to foreign victims’ willingness to cooperate with law enforcement or to testify in court, and the outcomes of legal proceedings did not affect victims’ temporary immigration status. Foreign nationals had the option to remain in the jurisdiction with legal status or to return to their country of origin; the government reported it did not deport victims. Foreign victims who decided to stay in the country received assistance in obtaining legal residency for humanitarian purposes, which included a standardized certificate that resembled the asylum certificate but did not identify the holder as a trafficking victim and enabled the holder to work legally. However, foreign victims – particularly irregular migrants – may not have felt comfortable enough to report crimes to law enforcement officers who could identify them as victims. During the reporting period, there were no reported cases of Bahamians being exploited in trafficking abroad, and the Bahamian government did not identify any exploited nationals requiring funding for repatriation. The government trained DSS officials, tourism and hospitality staff, health care workers, and NGOs on victim identification and care and elements of trafficking.

PREVENTION

The government slightly increased prevention efforts. Ministry of National Security officials led the government’s overall efforts to combat trafficking and chaired the anti-trafficking Committee, whose membership included representatives from nine government agencies, three NGOs, a foreign embassy as a regular observer, and the Task Force. The Task Force comprised the same members and activated in response to individual cases; it monitored investigations and prosecutions, victim identification procedures, and victim care. The TIP Committee Secretariat consisted of three full-time, seconded government officials from the Ministry of National Security (Chair), the RBPF, and DSS. During the reporting period, the Ministry of Social Services seconded a victim care officer to work full time with TIP Committee leadership. The TIP Committee members worked on additional cases besides trafficking. The TIP Committee, which continued to meet virtually every other week during the pandemic, briefed the Minister of

National Security weekly on anti-trafficking developments. The TIP Committee coordinated policy recommendations, provided advice on trafficking matters, made recommendations to strengthen national anti-trafficking initiatives, and identified opportunities for training, dissemination of information, and public awareness. Observers noted the government did not regularly collect data on investigations, prosecutions, and convictions and could not respond to requests for data information in a timely or coordinated manner. Governmental ministries, agencies, and departments had operational specialized anti-trafficking units. The government had an anti-trafficking national action plan for 2019-2023. The government pursued changes to policies based on input from trafficking survivors, including increased activities for and engagement with victims during investigations. Observers noted victims' desire to return to their home countries as soon as possible limited the effectiveness of these reforms.

The government funded anti-trafficking initiatives through the national anti-trafficking budget, which was included within the Ministry of National Security's annual budget. The Task Force had a dedicated budget of 95,000 Bahamian dollars (\$95,000), which was the same budget as in 2020 and 2019; full funding remained available during the pandemic. Funding for trafficking-related work in other ministries came from the general budgets for those ministries or departments. The government did not employ any specific methodology to research and assess trafficking during the reporting year apart from information sharing within the anti-trafficking Committee. The government participated in two research projects: one in cooperation with a foreign government and another in cooperation with an international organization.

The Ministry of National Security maintained a dedicated English-speaking trafficking hotline in operation 24 hours a day, funded by the national security budget, while an NGO had its own emergency hotline to report all forms of physical, sexual, and emotional abuse. Both hotlines remained fully operational during the reporting period but did not result in the identification of any victims. The government advertised the hotline through English media and some Mandarin, Creole, and Spanish brochures placed in public spaces. The TIP Committee continued its awareness campaigns on billboards in Nassau, including at the international airport, along with virtual and in-person educational campaigns and training. In July 2021, the government recognized World Day Against Trafficking in Persons through public awareness raising activities. In May 2021, the TIP Committee, with support from a foreign government, organized the first annual Regional TIP Forum (TIPCOM) for working-level TIP committee leaders in the Caribbean, who shared challenges and best practices on prosecuting traffickers and improving interagency collaboration, among other topics.

The constitution prohibited forced labor. Bahamian trafficking and labor laws did not explicitly prohibit charging workers recruitment fees, switching contracts, and withholding wages to compel service. The Department of Labor did not train labor inspectors on trafficking or report whether surprise inspections resulted in trafficking investigations, but the trafficking screening questionnaire for labor inspectors asked them to determine if an employee's job situation was different from what was promised or expected and if payment was withheld or deducted. The government reported the Department of Immigration granted work permits that were specific in nature, and that the Immigration Board reviewed applications for every job over six months to prevent the issuance of unqualified permits and to protect against exploitation. The government allowed migrant workers to change employers in a timely manner without special permission but

required a letter of release from the previous employer, which could increase the risk for trafficking. The Department of Labor, through the Public Employment Services Unit, worked with private sector organizations to recruit Bahamians for specific projects. The Department of Labor conducted unannounced inspections to detect forced labor in domestic and global supply chains. When an employer submitted a request for a work certificate for a non-Bahamian to work in the country, authorities issued anti-trafficking brochures to the employer, but staff rarely interacted with the prospective employee prior to arrival in the country. During the reporting period, the government received no reports of workers recruited through knowingly fraudulent job offers, contract switching, and confiscating or otherwise denying workers access to their identity documents. Authorities began discussions with an international organization to establish an MOU on multiple issues relating to migration, including trafficking and its impact on immigrants. The government did not make efforts to reduce the demand for commercial sex acts. The government did not make efforts to reduce the demand for participation in child sex tourism. The government provided anti-trafficking training to its diplomats.

TRAFFICKING PROFILE: As reported over the past five years, traffickers exploit domestic and foreign victims in The Bahamas, and traffickers exploit victims from The Bahamas abroad. Traffickers recruit migrant workers, especially those from Haiti, Jamaica, the Dominican Republic, the People’s Republic of China (PRC), Costa Rica, Cuba, Colombia, Venezuela, the Philippines, and the United States through false offers of employment, through advertisements in foreign newspapers and social media; upon arrival, traffickers subject them to sex trafficking and forced labor, including in domestic service and in sectors with low-skilled labor. The profile of prosecuted traffickers has been primarily female in the past five years. Individuals born to a non-Bahamian father in The Bahamas, to a female citizen, or to foreign born parents do not automatically receive Bahamian citizenship or documentation and are at heightened risk of trafficking. Unaccompanied migrant children, individuals lured for employment, those involved in commercial sex and exotic dancing, irregular migrants, stateless persons, LGBTQI+ individuals (particularly from poor communities), and migrants displaced by Hurricane Dorian have been trafficking victims or are particularly vulnerable to trafficking. In particular, irregular migrants living in informal settlements on the Hurricane Dorian-ravaged islands of Abaco and Grand Bahama, as well as those who fled to New Providence after the storm, exist in what observers call “dark spaces,” which deter reporting abuse. In January 2022, the government signed an official agreement with the Cuban government to temporarily host 50 nurses to provide medical care during the pandemic. Cuban medical professionals may have been forced to work by the Cuban government. The high unemployment rate – reported to have exceeded 40 percent – resulting from the pandemic may have increased vulnerabilities for potential victims.