

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, if any, on its anti-trafficking capacity; therefore The Bahamas remained on Tier 1. These efforts included convicting and sentencing a trafficker to imprisonment and making efforts to provide restitution to a repatriated foreign victim. The government also adopted legislation to allow victims to testify remotely, including from overseas; provided continued support for foreign victims repatriated abroad; and cooperated with a neighboring country to repatriate three victims. It also trained high-level officials, including five new members of the Trafficking in Persons Task Force (Task Force), and new labor inspectors; carried out more awareness raising; created new hotlines to report trafficking cases; and solicited feedback from underserved groups on anti-trafficking policies. Although the government meets the minimum standards, it did not initiate any prosecutions, continued to identify few victims, and did not provide investigative data.

PRIORITIZED RECOMMENDATIONS: Increase efforts to investigate, prosecute, and convict traffickers, including officials complicit in sex or labor trafficking, and seek adequate penalties for convicted traffickers, which should involve significant prison terms. * Improve efforts to identify victims and refer them to services, particularly among vulnerable groups, including underserved stateless persons; migrants and asylum-seekers from Haiti, Jamaica, and Venezuela; LGBTQI+ individuals; and Cuban nationals working on government-sponsored programs. * Reduce delays in court proceedings. * Ensure the process to find alternate housing for at-risk communities does not create additional vulnerabilities and continue to train surveyors to identify trafficking victims. * Include Haitian Creole and Spanish-speaking services on the trafficking hotline. * 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. * Include representatives of LGBTQI+ groups, Haitian and stateless persons, and foreign diplomatic missions as appropriate in discussions with the National Trafficking in Persons Inter-Ministerial Committee (Anti-Trafficking Committee). * Improve regular investigative data collection and record keeping. * Establish a robust monitoring and evaluation framework for anti-trafficking policies and efforts and consult survivors on policies. * Ensure the Ministry of Immigration digitally shares all official communications and documentation with employer and employee.

PROSECUTION

The government maintained 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 did not report data on investigations, compared with initiating one sex trafficking investigation involving two suspects in 2021, 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 for the second year, compared with two prosecutions initiated in 2020 and 2019. The government continued prosecution of five alleged sex traffickers in three cases from previous reporting periods, compared with continued prosecution of one alleged sex trafficker in 2021. The government reported two cases were awaiting trial in the Supreme Court and one case was awaiting trial in the Magistrate Court, compared with seven suspected traffickers awaiting the start of their trials in 2021. The government convicted one Bahamian male sex trafficker under the TIP Act and other laws in a 2021 case, the same number as the past two years. The Chief Magistrate sentenced the trafficker to penalties consistent with a plea agreement, including 12 months' imprisonment, three years' probation, restitution in the amount of 10,000 Bahamian dollars (\$10,000) each for two victims, and counseling. Courts dismissed a case from 2020 against a

Jamaican female defendant after the three Jamaican victims refused to testify, reportedly out of fear of the suspected trafficker. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking crimes.

The Task Force, an interagency coordination body that tracks victims and specific law enforcement cases, maintained an investigative unit. The Royal Bahamas Police Force (RBPF) Missing and Exploited Section was responsible for investigating sex and labor trafficking crimes; in addition, the RBPF had a specialized Sexual Offenses Unit that investigated sex crimes, including sex trafficking. The RBPF representatives on the Task Force were mid- to high-ranking police officers who served as investigators to 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 victims and the RBPF investigative team. While the government did not assign any courts specifically to handle trafficking cases, prosecutors brought all trafficking cases before the Magistrates and Supreme Courts. Experts reported concerns about excessive pretrial detention because of criminal justice system delays, preventing even the most serious criminal cases from advancing in a timely manner. Observers noted the pandemic and lack of judges and prosecutors in the country contributed to significant backlogs in all cases. The courts easily granted bail, even to defendants accused of violent crimes, and law enforcement did not have the resources to fully uphold the law. NGOs reported that although the country adopted appropriate laws and procedures, lower-level police, immigration officials, and labor inspectors did not implement them because of a failure to understand them, neglect, or complicity. Observers also noted some immigration officials may have solicited Haitian migrants for bribes to prevent detention.

The government participated in an operation with Caribbean and Latin American countries and INTERPOL targeting migrant smuggling and human trafficking criminal networks. The government reported it completed a draft National Operational Plan for these crimes in conjunction with INTERPOL

and other international partners. The government increased its training for government officials on: the UN TIP Protocol; Bahamian legislation and investigative processes; trafficking definitions and types, root causes, and indicators; the Task Force's mandate, roles of different agencies, and how to report cases; victim screening, identification, referral, and care; medical SOPs; traffickers' profiles, recruitment, and operational methods; and combating child sex tourism and child marriage. However, observers noted that although the government provided substantial training, officials did not fully implement guidelines with regard to protection and prevention.

PROTECTION

The government maintained efforts to protect victims. The government identified six potential victims, of which three were confirmed victims, including a Colombian woman and a Jamaican woman exploited in sex trafficking and a Guyanese woman exploited for labor trafficking; this compared with one Colombian woman identified as a sex trafficking victim in 2021, two victims in 2020, and five victims in 2019. A foreign embassy identified one potential sex trafficking victim who returned to her country of origin of her own accord prior to involvement of Bahamian authorities. The government repatriated two of the victims it identified. The government reported it also cooperated with Jamaican authorities to repatriate three Jamaican victims identified in previous reporting periods who subsequently declined to participate in the prosecution of traffickers. The Department of Social Services (DSS) provided access to medical care and financial support for three confirmed victims and housing for two victims, along with monthly stipends for one adult victim and counseling and vocational services for two child victims. The DSS could also provide housing; food; clothing; transportation; assistance with shopping; legal assistance; resume preparation; job placement assistance; security monitoring, including home visits, especially in cases involving children; furniture; school placement; and the wiring of money abroad. The government provided legal aid to victims only for each victim's trafficking case and not for other legal matters. The government's spending on trafficking victims' care was 33,467 Bahamian dollars (\$33,467), compared with 48,462 Bahamian dollars (\$48,462) in the previous reporting period. The government also provided 26,930 Bahamian

dollars (\$26,930) to victims in the previous reporting period for rent and food assistance and needs resulting specifically from the pandemic.

Authorities implemented a formal protocol to guide front-line responders in identifying 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. The government identified the six potential victims through regular screenings of vulnerable individuals. Observers, during previous reporting periods, reported uneven application of the protocol, especially with at-risk populations, such as undocumented Haitian migrants and stateless children; the government and other observers reported the extensive training of officials aimed to address these concerns. 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 DSS was responsible for victim care and oversaw victim support by service providers, attorneys, and law enforcement. Department of Health practitioners screened patients for trafficking indicators and could refer patients for further evaluation or care, but authorities did not report doing so. 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; the government, NGOs, and international organizations (IOs) reported effective coordination on victim services.

The government did not have a dedicated shelter for trafficking victims; however, the government could provide accommodations for victims or refer them to an NGO for shelter. Authorities placed referred child victims in a DSS childcare facility. 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 provided safety information to victims who lived independently. The government did not report any cases of victims with disabilities; however,

the national anti-trafficking budget included resources to make accommodations, if necessary, and also reported services were available for LGBTQI+ individuals. Shelters did not restrict the movements of victims and allowed them to leave for employment. 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 in the country or, if applicable, in the country of origin. The government worked with an IO to provide longer-term support. Victims who chose to return to their country of origin also received continued financial support until resettled; the financial support was not contingent on participation in trials.

Courts could order traffickers to provide restitution in criminal cases; victims could also take civil action against the trafficker for compensation. The government did not maintain a victim compensation fund. Two child victims from the case that achieved a conviction in the current reporting period received restitution payments. The Task Force made multiple attempts to deliver a compensation payment to a foreign victim from 2020 in cooperation with a foreign embassy and an NGO.

Victim participation in trafficking investigations and prosecutions was voluntary, although encouraged. A victim provided evidence in a case that resulted in a guilty plea. The government reported three confirmed victims from the current reporting period in addition to the three confirmed victims from 2020 refused to participate in the investigation or prosecution of the traffickers. However, a foreign embassy reported one potential victim filed a complaint and gave evidence to the police before returning to her home country; the embassy reported it was in contact with the victim who was cooperating with the investigation and awaiting further contact from the RBPF. Observers noted the victim had returned to her home country to be near friends and family after expressing concern about the possible long length of a trial and her desire not to stay in the country alone; observers also noted foreigners' difficulties integrating into Bahamian society and the high cost of living may have caused victims to return home instead of participating in trials. The law granted victims immunity from prosecution

and protected victims' identities. Courts closed trafficking trials to the public, and the media could not publish the victims' identities. In July 2022, the government passed legislation allowing for victims to testify via videoconference, including from overseas; the government did not report using this method during the reporting period. The law also 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 legal rights. The government prevented re-traumatization by limiting the scope of initial interviews and limiting contact with the trafficker. The government offered the victims an alternative to speaking with law enforcement, such as social workers or NGOs, during investigations and prosecutions of traffickers. The government reported it interviewed potential trafficking victims in a safe place with an interpreter available and provided a social worker as an advocate for the duration of the investigation and prosecution. The government advised victims of government protection services and provided three confirmed victims with a designated caseworker and protection services, including frequent monitoring of them and their families and a police security detail for moving to and from the airport and to and from housing; the government could also provide a police security detail for court appearances, during which a police officer and a DSS representative stayed with the victim. Victims could leave the country or move freely within it while awaiting trial proceedings. The government encouraged victims returning from abroad and participating in trials to bring a family member with them for additional support.

The country lacked a visa classification for crime victims, but the law entitled foreign victims 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 victims 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 with 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. Foreign victims – particularly undocumented Haitian migrants – may not have felt comfortable enough to report crimes to law enforcement officers, who could identify them as victims, because of their fear of deportation.

PREVENTION

The government increased prevention efforts. Ministry of National Security officials led the government's overall efforts to combat trafficking and chaired the Anti-Trafficking Committee, of which membership included representatives from 10 government agencies, NGOs, faith-based organizations, a foreign embassy as a regular observer, and the Task Force. The Anti-Trafficking Committee solicited additional feedback on policies from representatives of human rights organizations, underserved Haitian groups, and LGBTQ+ leaders. The Anti-Trafficking Committee coordinated policy recommendations, disseminated information and public awareness materials, and provided advice on trafficking matters – including strengthening national anti-trafficking initiatives and opportunities for training. The Task Force comprised specially trained victim interviewers from the same Anti-Trafficking Committee agencies who monitored and tracked each investigation and victim. The Anti-Trafficking Committee trained five new Task Force members from the Department of Immigration (DOI), the Department of Rehabilitative Welfare Services, and the Attorney General's Office on trafficking awareness, the anti-trafficking law, the UN TIP Protocol, and the victim identification and care referral process. The Anti-trafficking Committee Secretariat consisted of four full-time, seconded government officials from the Ministry of National Security (Chair), the RBPF, the Ministry of Social Services, and the DSS. The Anti-Trafficking Committee and the Task Force met bimonthly, via in-person and virtual platforms. Governmental ministries, agencies, and departments had operational, specialized anti-trafficking units. The government had an anti-trafficking NAP for 2019-2023. Observers noted in the previous reporting period that victims' desire to return to their home countries as soon as possible limited the effectiveness of survivor engagement.

The government funded anti-trafficking initiatives through the national anti-trafficking budget, which was included in 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 2021 and 2020. The Secretariat of the Anti-Trafficking Committee received 104,601 Bahamian dollars (\$104,601) for victim care in the 2022-2023 budget, the same budget as 2021-2022. The government reported spending 10,580 Bahamian dollars (\$10,580) for awareness campaigns and general office supplies. Funding for trafficking-related work in other ministries came from the general budgets for those ministries or departments. The government added trafficking questions to the National Health Survey for 14-17-year-olds, including those from marginalized communities. Authorities shared statistical information and updates within the Anti-Trafficking Committee and provided updates on the Ministry of National Security website and social media platforms. The government participated in two research projects: one in cooperation with a foreign government and another in cooperation with an IO. Observers, during the previous reporting period, noted the government did not regularly collect data on investigations, prosecutions, and convictions and could not respond to requests for data in a timely or coordinated manner.

The Ministry of National Security maintained a dedicated English-speaking trafficking hotline as well as two new DSS hotlines and one new police hotline. These services were in operation 24 hours a day and funded by the national security budget. One NGO had its own emergency hotline to report all forms of physical, sexual, and emotional abuse. All hotlines remained fully operational with English-speaking trained personnel; the government reported hotline calls did not result in the identification of any victims or the investigation of any cases. The government hotline operators had access to translation services. The government advertised the hotline through English-language media, billboards, and some English-, Mandarin-, Creole-, and Spanish-language brochures placed in public spaces. The brochures provided information on trafficking, including child trafficking and labor trafficking, and victims' rights; the government disseminated the brochures

to neighborhood watch groups, clinics and a medical center, the RBPF, the Department of Labor (DOL), the Department of Gender & Family Affairs, the DSS, an NGO, and faith-based organizations. The Anti-Trafficking Committee continued its awareness campaigns on billboards in Nassau, including at the international airport, along with virtual and in-person educational campaigns and training. The government publicly raised awareness via media outlets and in person, including for members of a rehabilitation center, NGOs, faith-based organizations, and schools.

The government reported it screened for individuals in commercial sex. Authorities reported screening individuals for trafficking indicators during routine checks of nightclubs. The government did not report screening Cuban medical workers for trafficking indicators. The government reported it formed an interagency working group to survey irregular communities, predominantly those housing Haitians, Haitian descendants, and displaced Bahamians. The working group trained surveyors on trafficking indicators. The government reported it screened all migrants, including unaccompanied children, arriving by sea for trafficking indicators as they came into contact with authorities. Immigration officers referred potential victims to the RBPF for further investigation and care. Observers noted, because of a surge in migration, authorities lacked the capacity to respond to all requests for sea interdictions, and foreign counterparts completed an initial screening after interdiction before transferring migrants to Bahamian authorities. The government reported the surge in migration led it to construct a second, temporary migrant detention center; the government reported using the same trafficking protocols as in the existing permanent detention center. The government and observers reported consistent screening of Haitian migrants, including at detention centers; IOs reported the government may have more comprehensively screened Cuban migrants than Haitian migrants, who the government primarily considered economic migrants; these organizations reported the government prioritized expediency with regard to deportations.

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 DOL trained labor inspectors on trafficking and hired eight new labor inspectors, doubling the capacity to conduct announced and unannounced job site inspections. No surprise inspections resulted in trafficking investigations. 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 DOI granted work permits that were specific in nature, the DOI included trafficking information for first-time applicants, and the Immigration Board reviewed applications for every job more than six months in duration 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. Workers needed a letter of release, but an employee could apply to the government for an exemption. NGOs reported the government did not have a fully digitized work permit process, and the Ministry of Immigration did not share all official communications with employer and employee, leaving the employee without required documentation and relying on information from their employer. NGOs reported the government deported migrants, including potential victims of labor exploitation and trafficking, for being in violation of their work permits if they reported a labor violation. NGOs reported they could find other employers for migrant workers if they were given a grace period to find alternative employment. NGOs also reported employers of migrant workers withheld workers' passports and wages. The DOL, through the Public Employment Services Unit, worked with private sector organizations to recruit Bahamians for specific projects. The DOL 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 foreigner to work in the country, authorities issued anti-trafficking brochures to the employer, but DOI personnel rarely interacted with the nearly 40,000 prospective foreign workers prior to or after arrival in the country. During the reporting period, the government received no reports of workers recruited through knowingly fraudulent job offers, contract switching, or confiscating or otherwise denying workers access to their identity documents. Authorities began discussions with an IO 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, People's Republic of China, 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 exploit victims in sex trafficking and forced labor, including in domestic service and in sectors with low-skilled labor. NGOs reported sex trafficking victims were more likely to come from Jamaica or Latin America, whereas labor trafficking victims were more likely to be Haitian in situations of debt bondage. The government reported female migrants were particularly at risk during the reporting period; observers noted some recent female foreign victims seeking employment opportunities were well-educated yet unaware of trafficking risks. Certain individuals born in The Bahamas to a foreign father, to a female citizen, or to foreign born parents do not automatically receive Bahamian citizenship or documentation and are at a heightened risk of trafficking. Unaccompanied migrant children, individuals lured for employment, those involved in commercial sex and exotic dancing, undocumented migrants, stateless persons, LGBTQI+ individuals (particularly from outlying areas), 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 them from reporting abuse. In January 2022, the government signed an official agreement with the Cuban government to temporarily host 50 medical workers to provide medical care during the pandemic; the government reported the medical workers were

working in the country during the reporting period. Cuban medical professionals may have been forced to work by the Cuban government. The high unemployment rate resulting from the pandemic – reported to have exceeded 40 percent – may have increased vulnerabilities for potential victims.