



THE COMMONWEALTH OF THE BAHAMAS

The Bahamas' Minister of Legal Affairs, Hon. Elsworth Johnson, explained why the Bahamas decided to ratify the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (UNCAT) during a [CTI regional event in the Caribbean in June 2018](#):

“ At its lowest common denominator, the Convention defends and protects the dignity of the human person and does not take cognisance of race, religion, origin or sex. For the Bahamas, this is the key reason we ratified, because it makes the Bahamas a better place for everyone.”

The Bahamas ratified UNCAT on 31 May 2018,¹ making it the seventh Caribbean State to do so.²

Supporting the fair administration of justice

Rather than considering the ratification of UNCAT as a burden of obligations, the Government of the Bahamas took on the Convention as a roadmap to achieve its objective of fully adhering to the rule of law. By stating that it will embrace cooperation with the international system and the oversight that involves, the Bahamas is stepping up its commitment to a fairer and more just society.

Consolidating the national legal framework

Prior to ratification, the Bahamas already had a strong constitutional and legislative framework and traditions against such harms, albeit still with some gaps. Their Constitution explicitly prohibits torture and ill-treatment, and also provides victims with the right to seek redress. In addition, the Bahamas' Evidence Act forbids the use of confessions or evidence obtained through torture or ill-treatment, while the Extradition Act protects against *refoulement* in certain cases. Although Bahamian law does not yet generally criminalize acts of torture, the Penal Code does include the crime of torture as well as cruelty committed by prison officers.

“States parties in focus” is a series of CTI blogs, prepared by the CTI Secretariat, with a view to sharing inspiration and experiences with other states that are considering ratifying the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and/or its Optional Protocol (OPCAT).

With this legislative review in hand, the Government concluded that the majority of their laws were compliant with UNCAT, and that the Convention would provide an opportunity to undertake further worthwhile reforms post-ratification. Amendments are currently being considered to several texts, including the Penal Code, the Criminal Procedure Code, police legislation and correctional services legislation.

A call for universal ratification in the Caribbean

At the 40th session of the UN Human Rights Council in February 2019, the Bahamas' Minister of Social Services and Urban Development, Hon. Frankie A. Campbell, and former senior ranking police officer, encouraged other Caribbean countries to join UNCAT soon:

“ I would like to reiterate that [despite the challenges,] there is no impediment to ratification. And, if more States in our region do so, this will be a powerful gesture from our own region to the rest of the world about our commitment to human rights and human dignity.”

He thanked the CTI for “its contribution to assisting us with successfully plotting the way toward ratification.”

For States interested in how the CTI can support your efforts towards ratification and implementation of the Convention, please contact info@cti2024.org.

CTI Secretariat
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¹ The Bahamas had previously signed UNCAT in December 2008.

² The other Caribbean States parties are: Antigua and Barbuda, Belize, Cuba, Dominican Republic, Guyana, and St Vincent and the Grenadines.