

Determinants of Anti-Trafficking Efforts

Case Study: The Bahamas

This report is published as part of the 'Determinants of Anti-Trafficking Efforts' Project. The project assesses the links and sequencing of specific factors that have yielded improved political will and capacity in national governments to address trafficking in persons and which have led to sustained and comprehensive anti-trafficking efforts. Through a multi-pronged approach, this project will conduct a review/meta-analysis of the current research and contribute a new data-set through expert interviews, a first of its kind global survey and a series of 14 case studies.

More information including the project outputs are available at:

<https://www.biicl.org/projects/determinants-of-anti-trafficking-efforts>

Report Author: Dr Jason Haynes, National Research Consultant

Report Published: June 2022

Gift of the United States Government



Table of Contents

Executive Summary	1
Introduction	3
Context	5
Determinants of anti-trafficking efforts	12
Particulars of determinants by type of response	25
Particulars of determinant by form of exploitation	36
Particulars of determinants according to trafficked persons' profile.....	37
Particulars of determinants according to perpetrator profile	38
Particulars of determinants by type of trafficking	38
Particulars of determinants by stage of response.....	39
Focus: The adoption of the Guidelines on the Prevention, Suppression and Punishment of Trafficking in Persons, including Victim Identification and Referral Guidelines	41
Focus: Elevation of trafficking in persons to the Prime Minister's Delivery Unit	44
COVID-19	47
Conclusion.....	49

Executive Summary

In June 2021, I was appointed by the British Institute of International and Comparative Law (BIICL) to serve as a National Research Consultant for The Bahamas on the project, 'Anti-Trafficking Determinants'.

The overall goal of the project is to improve anti-trafficking efforts by national governments globally. The research sought to assess the links and sequencing of factors that have led to improved political will and capacity in the Bahamian government to address trafficking in persons. Beyond looking at existing indicators, the project looked to the source and captured the views of stakeholders actively working in counter-trafficking at the national level in The Bahamas, namely one NGO representative and nine representatives of various state agencies. Stakeholders were asked to participate in interviews via Zoom, at which the following key questions were examined:

- What factors have influenced your State to initiate anti-trafficking efforts?
- What factors influence your State to improve its anti-trafficking efforts?
- What factors hinder your State from improving its anti-trafficking efforts?
- What factors influence your State to not improve its anti-trafficking efforts?
- What factors cause your State's anti-trafficking efforts to regress?
- How do the factors influencing governments vary according to the victim's profile, the type of exploitation, and the type of intervention?

The literature review and interviews revealed that several determinants are at play in The Bahamas, namely:

Internal factors:

- The political will of the government
- The favourable economic situation of the country
- Pressure from civil society organisations
- Media framing

External factors:

- International law
- The reputation of the State, having regard to the influence of international monitoring bodies (i.e. US Trafficking in Persons Report etc.)
- Transnational influences (i.e. migration patterns)
- Structural determinants

This research consultancy is part of a two-year project funded by the US Department of State (Office to Monitor and Combat Trafficking in Persons) under a Cooperative Agreement (Award number: SSJTIP19CA0028).

Introduction

The Commonwealth of The Bahamas is an archipelago of nearly 700 coral islands, 30 of which are inhabited. The Bahamas sits in the West Atlantic Ocean, some 100 kilometers south-east of Florida in the United States and 80 kilometers north-east of Cuba.

Country	Population	Administrative Divisions
The Bahamas	332,634	31

The Bahamas is a member of the Caribbean Community (CARICOM) and the Organisation of American States (OAS).

The Bahamas has traditionally been described as a 'source, transit and destination country for human trafficking.'¹ Given its close proximity to the United States, The Bahamas has allegedly been used as a transit point for Haitians, in particular, seeking employment opportunities in the US,² some of whom have fallen prey to exploitation while in The Bahamas. As an attractive destination country, whose relatively strong economic circumstance is a pull factor, The Bahamas has identified victims of trafficking from Haiti, Jamaica, China, The Dominican Republic, Columbia, and Mexico.³

Over the last decade or so, since the passage of the Trafficking in Persons (Prevention and Suppression) Act in 2008, The Bahamas has taken considerable steps toward improving its response to human trafficking, as briefly itemized below in **Table 1**.

Notwithstanding the myriad developments described below in Table 1, this study focuses on two major positive developments that have taken place in the anti-trafficking field in The Bahamas over the last decade, namely:

1. The Guidelines/Protocol on Victim Identification and Referral (adopted in 2012); and
2. The elevation of trafficking in persons to the Prime Minister's Delivery Unit in 2018.

Methodology

¹ Jason Haynes, *Caribbean Anti-Trafficking Law and Practice* (Hart Publishing 2019).

² Ian Bennett, "The Migration of Peoples from the Caribbean to the Bahamas" (2014) 60(1) *Caribb. Q.* 157.

³ 'Trafficking in Persons Report 2021: The Bahamas' (United States Department of State, 2021).

After selection by the BIICL Team, I engaged in a literature review of the desk materials relative to trafficking in persons in The Bahamas. I thereafter compiled a list of fifteen (15) key stakeholders working actively in the anti-trafficking field in The Bahamas. I then made contact with these stakeholders in order to set up meetings.

On the basis of the literature review, I drafted a short note on two key developments in the anti-trafficking field, which was submitted to the BIICL team for approval. Upon the conclusion of a full literature review and stakeholder interviews, this report was drafted, having regard to the outline of the case study provided by the BIICL team.

Limitations of the Study

There were several limitations of this study. First, although the BIICL team requested that fifteen¹⁵ interviews with stakeholders be conducted, I was only able to conduct five interviews (one with a civil society organization and four with government representatives). Five members of the Royal Bahamas Defence Force (BDF) preferred to submit written responses to the BIICL research questions.

Another limitation of the study was that although several requests were made for a focus group session with civil society and government officials, respectively, none of these requests was favourably countenanced by stakeholders.

Yet another limitation was that, because of the frequency with which staff have been changed at the various national anti-trafficking agencies over the last ten years, there was a some degree of unfamiliarity among some stakeholders with respect to anti-trafficking developments that have taken place in The Bahamas over the last decade.

A final limitation of the study was that there was a relative dearth of literature on trafficking in persons in The Bahamas. With the exception of a handful of press statements, policy papers, and reports of international agencies, including the US Department of State, there was very little academic commentary on the state of trafficking in persons in The Bahamas.

Context

The Bahamas signed onto the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) on 9 April 2001 and ratified it on 26 September 2008. In addition to its ratification of the Palermo Protocol, The Bahamas has also ratified and/or acceded to a number of other conventions, some of which explicitly prohibit trafficking in persons (e.g., the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC)), while others address the root causes of trafficking in persons. A full list of the conventions to which The Bahamas has acceded or ratified can be found on the website of the Office of the United Nations High Commissioner for Human Rights.⁴

As a dualist jurisdiction under international law, The Bahamas implements the provisions of the Palermo Protocol through its Trafficking in Persons (Prevention and Suppression) Act 2008 (TIP Act). The preamble to this Act reads:

An Act to facilitate The Bahamas fulfilling its obligations under the United Nations Protocol respecting the trafficking in persons and to provide comprehensive measures to combat that activity.

In keeping with the 'acts', 'means' and 'purpose' elements of the Palermo Protocol in respect of the definition of the trafficking of adults, the TIP Act provides, in section 3, that a person who recruits, transports, transfers, harbours or receives another person by threat or use of force or other form of coercion, abduction, deception or fraud, the abuse of power or a position of vulnerability or the giving or receiving of a benefit in order to obtain the consent of a person who has control over another person for the purpose of exploitation commits an offence. Exploitation is defined exhaustively to mean:

- (a) keeping a person in a state of slavery;
- (b) subjecting a person to practices similar to slavery;
- (c) compelling or causing a person to provide forced labour or services;
- (d) keeping a person in a state of servitude, including sexual servitude;
- (e) exploitation or prostitution of another;

⁴ United Nations Treaty Body Database, 'The Bahamas' (Office of the High Commissioner for Human Rights) <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=12&Lang=EN>.

(f) engaging in any form of commercial sexual exploitation, including but not limited to pimping, pandering, procuring, profiting from prostitution, maintaining a brothel, child pornography; and

(g) illicit removal of human organs.

On summary conviction, a person convicted of the trafficking of an adult shall be subject to a sentence of not less than three years and no more than five years imprisonment; and on information, to life imprisonment or to a term not less than five years.

Under the TIP Act, child trafficking is committed in circumstances where the accused person engages in any of the 'acts' itemized above for the purpose of exploitation; there is no need to establish the 'means' element.

The sentence imposed in respect of a person convicted of trafficking in persons may be increased, pursuant to section 8 of the Act, in circumstances where aggravating factors exist, such as the use of a dangerous weapon; where the victim suffers serious bodily injury or is exposed to life-threatening illness; or where the offence is committed by a person in a position of authority.

The TIP Act, in addition to the main offences described above, also creates other trafficking-related offences, namely unlawfully concealing, removing, withholding or destroying a person's travel or identity document for the purpose of committing or facilitating trafficking in persons (section 4); and knowingly transporting or conspiring to transport or attempting to transport in The Bahamas or across borders for the purpose of prostitution (section 5).

Apart from periods of imprisonment, the TIP Act envisages that a person convicted of trafficking in persons may be subject to a forfeiture order in respect of money, valuables and other movable and immovable property used or intended to be used or obtained in the course of the crime. Confiscation of the benefits gained from the proceeds of the crime may also be ordered.

Under the Act, several provisions seek to advance the rights and interests of trafficked victims, namely:

- Section 6 empowers the court to order a convicted person to pay restitution to the victim of the offence.
- Section 9 provides that in the prosecution of trafficking in persons case, the alleged consent of a person to the intended or realized exploitation is irrelevant, and that evidence of a victim's past sexual behaviour is irrelevant and inadmissible for the purpose of providing that the victim engaged in other sexual behaviour, or to prove the victim's sexual predisposition.
- Section 10 provides for the non-criminalization of trafficked victims for offences they have been forced to commit as a result of having been trafficked.

- Section 12 mandates that the authorities take all steps necessary to identify victims of trafficking and provide reasonable protection to them to prevent their recapture by traffickers and their associates.
- Section 13 establishes a witness protection programme for eligible victims of trafficking.
- Section 14 provides for discretionary leave to remain in the jurisdiction.
- Section 15 provides for *in camera* hearings for vulnerable victims of trafficking.
- Section 16 obliges the competent authorities to provide appropriate information to victims of trafficking regarding their legal rights and the progress of relevant court and administrative proceedings.
- Section 17 empowers victims of trafficking to present their views and concerns, including through an interpreter, at appropriate stages of criminal proceedings against traffickers.
- Section 20 obliges competent authorities to collaborate with NGOs and the international community.
- Section 18 empowers magistrates to grant a warrant for the effective investigation of trafficking in persons cases.
- Section 19 imposes a period of imprisonment on persons who threaten, assault, or obstruct the police when acting in the execution of their duty relative to the investigation of trafficking in persons.

Metric	2011	-12	-13	-14	-15	-16	-17	-18	-19	-20	-21
Number of potential victims of trafficking (VoT)	0	0	1	64	50 (screened) 7 actual VoT	49 (screened) 3 actual VoT	37 (screened) 5 actual VoT	60 (screened) 1 actual VoT	28 (screened) 2 actual VoT	965 (screened) 5 actual VoT	2
Investigations	3	1	10	15	13	12	11	12	2	16	13 (11 sex, 2 labour)
Prosecutions	0	0	1	2	3	3	1	4	2	3	2
Convictions	0	0	0	1	2	0	0	1	1	0	1

Table 2: Data on Victim Identification

Source: United States annual Trafficking in Persons Reports (2010 – 2021)

Case law on trafficking in persons

The Government of The Bahamas' 2019–2023 National Anti-Trafficking in Persons Strategy (2019–2023 Strategy), published in 2018, reports that seven cases have been successfully prosecuted to date.⁵ Requests for an updated list of prosecutions were unsuccessful.

The first and most important trafficking in persons case to date involved a Jamaican national, Chevanese Sasha-Gaye Hall, who was convicted of four counts of trafficking in persons, including two counts of unlawful withholding of identification papers. Two foreign female victims of trafficking were involved in this case involving sexual exploitation. On 25 June 2014, the Bahamian Supreme Court sentenced her to fifteen years on each of the four counts of trafficking in persons. She appealed to the Privy Council and was successful. In *Attorney General v Hall*,⁶ the Privy Council ruled that the Attorney General had no power, under section 258 of the Criminal Procedure Code, to prefer a voluntary bill of indictment against the accused in circumstances where the TIP Act created, in sections 3 and 4, offences triable either way without the accused having any right to elect trial by jury. In this context, the procedure followed by the Attorney General was held to have been invalid, and the Privy Council accordingly called upon parliament to intervene to correct his lacuna. It noted, in this regard:

*Whether the Attorney General ought to have power to prefer a voluntary bill in the case of category (ii) offences, thus removing the necessity for a preliminary inquiry before the magistrate, is a matter of policy for Parliament; a comparatively simple legislative amendment can achieve that result if Parliament so decides.*⁷

Parliament responded to the Privy Council's reasoning in 2017 by adopting an amendment to the Criminal Procedure Code that affords prosecutors the option to prosecute trafficking cases directly before the Supreme Court without the necessity of going first to a lower Magistrate's Court.

Mapping of key stakeholders and actors in the anti-trafficking field

The TIP Act gives the Minister of National Security lead responsibility for trafficking in persons matters. The other government ministers with varying levels of responsibility for trafficking in persons are:

- the Minister with Responsibility for Social Services; and
- the Minister with Responsibility for Immigration.

⁵ Government of the Commonwealth of The Bahamas, 'National Anti-Trafficking in Persons Strategy and Action Plan (2019 – 2023)' (Ministry of National Security, 2018).

⁶ [2016] UKPC 28.

⁷ Ibid [46].

As the lead ministry of anti-trafficking in persons matters in The Bahamas, the **Secretariat for Trafficking in Persons (TIP Secretariat)** resides within the Ministry of National Security. Two public officers within the ministry lead the government's efforts and serve as the National Coordinators on trafficking in persons.

The **Trafficking in Persons Inter-Ministry Committee (TIP Committee)** was established to coordinate and implement the government's policies on trafficking in persons. It comprises senior government officials from:

- the Ministry of National Security, Foreign Affairs and Immigration
- the Ministry of Social Services and Urban Development
- the Ministry of Health, Transport, Labour and National Insurance
- the Ministry of Education
- the Office of the Director of Public Prosecutions
- the Ministry of Legal Affairs
- the Royal Bahamas Police Force (RBPF)
- the RBDF
- Bahamas Customs Department
- Department of Gender and Family Affairs
- the Ministry of Tourism
- the Eugene Dupuch Law School Legal Aid Clinic

Meanwhile, the **National Trafficking in Persons Task Force (TIP Task Force)** is a working-level body with the role of facilitating coordination between government ministries, agencies and NGOs on trafficking in persons matters, such as the Bahamas Crisis Centre, the Bahamas Red Cross, and faith-based organizations. The members of the TIP Task Force are drawn from the same group as the TIP Committee.

The RBPF representatives on the TIP Task Force comprise a **Special Investigative Unit** that acts immediately to ensure that all partners are engaged when a trafficking matter comes to its attention. The RBPF keeps a record of information on trafficking in persons investigations and cases.

The **Specialized Team of Prosecutors for Trafficking in Persons Matters in the Office of the Attorney General and Ministry of Legal Affairs** works closely with the TIP Task Force, and in particular with RBPF investigators, from the identification of a trafficking victim, so as to prepare appropriately for the prosecution of alleged trafficker(s).

The **Sexual Offences Unit of the RBPF** is a specialized unit with established procedures for dealing with victims of sexual crimes, including victims and potential victims of trafficking in persons. The Specialized Team of Prosecutors in the Office of the Attorney General and

Ministry of Legal Affairs gives legal advice to the Sexual Offences Unit during the course of investigations aimed at assessing the cogency and admissibility of the evidence collected for trial.

The government of The Bahamas provides funding to local NGOs actively involved in the fight against human trafficking, namely the **Bahamas Crisis Centre**, **Links Safe House** and the **Salvation Army**. The **Bahamas Red Cross** also plays a strategic role in partnering with the government on TIP matters.

Meanwhile, from time-to-time, the government engages with various international agencies, including the Honorary Consular Corps, the International Organisation for Migration (IOM), the OAS, the United States Embassy (Nassau), and the Jamaican, Mexican and Columbian governments to address myriad aspects of trafficking in persons. The interviewees indicated that these bilateral arrangements were entered into to demonstrate the government's commitment to collaborating with source countries in the investigation and prosecution of trafficking-related offences, and in the protection of victims against reprisals by traffickers and their associates.

Migration flows as a factor that potentially impacts on anti-trafficking structures

Both the literature review and interviews reported that because of The Bahamas' relatively strong economic position, at least compared to its Caribbean neighbours, it has become a destination country for persons seeking economic opportunities, particularly from Haiti and Jamaica.⁸ In the course of seeking these opportunities, the vulnerability of many of these individuals has been exposed, and some have been subjected to exploitation.

Separately, given The Bahamas' close proximity to the United States, it is felt that it is viewed as an attractive location for persons wishing to use the islands as a transit point in order to get to the USA.⁹

A snapshot of international rankings/assessments

Neither the Global Slavery Index (GSI) nor the United Nations Office on Drugs and Crime (UNODC) Report on Trafficking in Persons contain data with respect to human trafficking in The Bahamas. The United States Department of State has, however, produced rankings in the context of its annual Trafficking in Persons Reports (US TIP Reports), which read as follows:

Year	US TIP Report Ranking
2010	Tier 2

⁸ David Kyle and Marc Scarcelli, 'Migrant Smuggling and the Violence Question: Evolving Illicit Migration Markets for Cuban and Haitian Refugees' (2009) 52(3) *Crime, Law Soc. Change* 297.

⁹ Ermitte Jacques, 'Between Periphery and Center in the Haitian Diaspora: The Transnational Practices of Haitian Migrants in The Bahamas' in Regine Jackson (ed), *Geographies of the Haitian Diaspora* (Routledge 2011)121.

2011	Tier 2 (watch list)
2012	Tier 2 (watch list)
2013	Tier 2
2014	Tier 2
2015	Tier 1
2016	Tier 1
2017	Tier 1
2018	Tier 1
2019	Tier 1
2020	Tier 1
2021	Tier 1

Table 3: US TIP Reports (2010 – 2021)

Determinants of anti-trafficking efforts

International legal frameworks

Very little has been said in the existing literature about international legal frameworks as determinants of anti-trafficking efforts in The Bahamas. That said, The Bahamas' Minister of National Security, the Hon. Marvin Dames, in the context of the 2020 Trafficking in Persons Judiciary Awareness Campaign, is quoted as having said that the training was essential because:

*As a state party to the United Nations Protocol, the Commonwealth of The Bahamas had made a binding obligation and was fully committed to taking the necessary actions required to implement its provisions.*¹⁰

Meanwhile, under a prior political administration in 2015, the then Minister of National Security, Dr. Bernard Nottage, on reflecting on The Bahamas' tier one ranking in the 2015 US TIP Report, was quoted as saying that:

*The Bahamas is a symbol of compliance with the United Nations Trafficking in Persons Protocol.*¹¹

In the context of the interviews conducted as part of the 2021 BIICL study on anti-trafficking determinants, interviewees felt that the Palermo Protocol had played a significant role in influencing improvements in the anti-trafficking field in The Bahamas. According to the chair of the TIP Task Force, Superintendent Tess Newbold:

*...the Palermo Protocol influenced the adoption of the 2008 TIP legislation. It also influenced the adoption of the 2012 Guidelines on Victim Identification and Referral.*¹²

Meanwhile, Interviewee No. 3 noted that:

*The Bahamas is a party to the Palermo Protocol and other international instruments. It sees itself as a globally responsible country. As such, it observes international standards, including respect for the rule of law and human rights and democracy.*¹³

¹⁰ Eric Rose, 'Minister Dames Lauds The Bahamas' First Trafficking in Persons Judiciary Awareness Campaign' *Bahamas Information Services* (19 November 2020).

¹¹ 'Bahamas Receives Top Ranking in Human Trafficking Report' *The Bahama Journal* (30 July 2015).

¹² Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

¹³ Interview with Interviewee No. 3, State Official (Nassau, The Bahamas, 12 August 2021).

In a separate interview, another state official expressed that:

*The Bahamas has a TIP Act that is modelled after the Palermo Protocol. It is almost in identical form to the Protocol. The legislation speaks to aggravating circumstances which help to ensure the deterrence in trafficking cases, particularly cases involving child victims.*¹⁴

Another interviewee, Altida Bowles, Inspector of Police, also reiterated that The Bahamas' TIP Act is modelled after the Palermo Protocol, and that, in this context, it can be said to have adopted a victim-centered approach.¹⁵

Meanwhile, Captain of the RBDF, Shawn Adderley, expressed that:

*The increase in the trafficking in persons and the compulsions of the international community and its obligation as a signatory to the Protocol on the Prevention, Suppression, & Punishment of Trafficking in Persons has influenced The Bahamas to initiate anti-trafficking efforts.*¹⁶

Similarly, two other state officials confirmed that the Palermo Protocol has influenced The Bahamas' anti-trafficking efforts.¹⁷

International reputation

There is overwhelming evidence that The Bahamas' international reputation is one of the key determinants undergirding its improved efforts to combat trafficking in persons.

The Bahamas is one of only a few countries globally that has successfully managed to maintain its tier one ranking in US TIP Reports for six consecutive years.¹⁸ Its success in implementing the recommendations of the US TIP Reports was first heralded in a 2015 statement in the House of Assembly by the then Minister of National Security, Dr. Bernard Nottage.¹⁹ In his statement to parliament, Dr. Nottage revealed that The Bahamas' success in the context of the 2015 US TIP Report was due to its commitment and tangible efforts toward complying with the provisions of the United States' Trafficking Victims Protections Act (TVPA). He expressed that The Bahamas was at the time 'the only country in the region

¹⁴ Interview with Interviewee No. 2, State Official (Nassau, The Bahamas, 12 August 2021).

¹⁵ Interview with Inspector Altida Bowles, Inspector of Police and Member of The Bahamas Trafficking in Persons Task Force (Nassau, The Bahamas, 13 August 2021).

¹⁶ Written submission of Captain Shawn Adderley, Executive Staff Officer, Royal Bahamas Defence Force (Nassau, The Bahamas, 16 August 2021).

¹⁷ Written submission of Interviewee No. 4, State Official (Nassau, The Bahamas, 16 August 2021); Written submission of Interviewee No. 5, Royal Bahamas Defence Force (Nassau, The Bahamas, 16 August 2021).

¹⁸ 'Bahamas Maintains Trafficking in Persons Ranking' ZNS Bahamas (19 January 2021) <<https://znsbahamas.com/bahamas-maintains-trafficking-in-persons-ranking/>>

¹⁹ 'Bahamas Receives Top Ranking in Human Trafficking Report' *The Bahama Journal* (30 July 2015).

that has achieved a tier-one ranking',²⁰ which suggests that the country sees itself as being in competition with its Caribbean neighbours. This also suggests that the country places considerable weight on maintaining a good international reputation. Dr. Nottage also assured his parliament that the Ministry of National Security would be working actively around the clock to maintain its position on the report with the help of the Ministry of Immigration, Ministry of Foreign Affairs, and the RBPF.²¹ He recalled that the 2011 and 2012 US TIP Reports ranked The Bahamas as a tier two watch list country while the 2013 and 2014 US TIP Reports ranked it as a tier two country with respect to its efforts to combat trafficking in persons. It has been reported that, during a press conference, he attributed The Bahamas' 2015 tier one ranking to the dedication and hard work of officials at the Ministry of National Security,²² and that historically the country was finally privileged to receive the title of a tier one country.²³

Meanwhile, on the occasion of the World Day Against Trafficking in Persons in 2016, the Ministry of National Security issued a release in which it signalled that The Bahamas had 'received this highest status in a report that rates almost all of the countries of the world on their compliance with the minimum standards required under the Trafficking Victims Protection Act (TVPA).'²⁴ The release noted that the country's tier one ranking reflected its continued 'quest to identify and assist victims of trafficking in persons through partnerships with non-governmental and faith-based organizations, the private sector and civil society.'²⁵ The Ministry also assured that it would 'seek to increase the level of responsiveness to the issue through a multiplicity of awareness raising activities in New Providence, Grand Bahama and the Family Islands.'²⁶

Similar sentiments were expressed by The Bahamian government in 2020 on the occasion of the publication of the 2020 US TIP Report. More pointedly, Minister of National Security Marvin Dames, in welcoming the news that The Bahamas had maintained its tier one ranking for the sixth year in a row, noted that this was on account of the government's continued efforts to 'protect trafficking victims and convict human traffickers.'²⁷ While acknowledging the magnitude of his country's success, he however cautioned that 'as each year passes, it certainly gets more and more challenging because it means then the expectations are greater, and people expect more'.²⁸ The Minister, in discussing the US TIP Report's

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ Government of the Commonwealth of The Bahamas, 'World Day Against Trafficking in Persons' (Ministry of National Security, 3 August 2016).

²⁵ Ibid.

²⁶ Ibid.

²⁷ Leandra Rolle, 'Bahamas Keeps its Tier 1 Status on Human Trafficking' *The Tribune* (9 July 2020).

²⁸ Ibid.

recommendations, reaffirmed the government's commitment to convict and appropriately punish human traffickers, and to increase overall prevention efforts.

Interviewee No. 3, one of the government interviewees, in discussing the role of The Bahamas' international reputation in influencing improved anti-trafficking efforts, expressed that:

*[...] if The Bahamas does nothing, then this will have adverse effects on its international reputation. It will impede our getting development assistance. The external push helps to push us some more.*²⁹

Commenting on the role of the annual US TIP Reports, a representative from the NGO community recognised that these reports play a 'great role' in combatting trafficking in persons in The Bahamas.³⁰ Her view was that the 'government takes the recommendations seriously',³¹ and that 'The Bahamas does not wish to be known as a country that tolerates trafficking in persons.'³²

Meanwhile, Superintendent Tess Newbold noted that The Bahamian government has tried its best to implement the US TIP Reports' recommendations. She alluded to the government's hosting of the Judicial Conference in 2020, the setting up of the trafficking in persons hotline (TIP hotline), and the appointment of the TIP Secretariat whose sole responsibility is trafficking in persons matters, as positive developments that were largely due to recommendations included in prior US TIP Reports.³³ She noted that the recent sensitization of the judiciary has resulted in improved prosecutorial efforts and expedited the disposal of trafficking in persons cases.

Another government representative, Altida Bowles, expressed that 'the country is proud of its ranking',³⁴ while two other state officials expressed the view that:

[...] in an effort to remain on the Trafficking in Persons Tier 1 list, the Government of The Bahamas, as part of its anti-trafficking measures, has produced a comprehensive National Anti-Trafficking Strategy called, The Government of the Commonwealth of The Bahamas National Anti-Trafficking in Persons Strategy 2014-2018. The Strategy is intended to engender common understanding and coordinated action among stakeholders and actors and ensure the financial support

²⁹ Interview with Interviewee No. 3, State Official (Nassau, The Bahamas, 12 August 2021).

³⁰ Interview with Interviewee No. 1, Bahamas Red Cross (Nassau, The Bahamas, 19 July 2021).

³¹ Ibid.

³² Ibid.

³³ Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

³⁴ Interview with Inspector Altida Bowles, Inspector of Police and Member of the Bahamas Trafficking in Persons Task Force (Nassau, The Bahamas, 13 August 2021).

of local and international donors. It is structured on the strategic and operational levels and reflects the guiding principles of Bahamas' efforts to combat trafficking in persons including civil society participation, observance of human rights, interdisciplinary and cross-sectorial approaches and Government ownership. The National Strategy outlines the following strategies to improve the country's anti-trafficking efforts; Strategies for Awareness Raising and Education, Strategies for Reduction of Vulnerability and Strategies for Improved Administrative Controls.³⁵

Decisions by courts

The decisions of Bahamian courts have contributed to improved local anti-trafficking efforts. In particular, the Privy Council decision of *Attorney General v Hall*³⁶ is instructive in this regard. In *Attorney General v Hall*, the prosecution had charged Hall with sections 3 and 4 offences arising out of the TIP Act. The sections under which she was charged were not listed in Schedule 3 of the Criminal Procedure Code (CPC) which, under the heading 'Indictable Offences Triable Summarily', set out indictable offences that a defendant could elect to have tried in a Magistrate's Court rather than in the Supreme Court.

At her trial, Hall objected to the indictment because it was her view that the charges were not among those listed in the Third Schedule and, as a consequence, the Attorney General was not able to prefer a voluntary bill of indictment against her.

The relevant section of the TIP Act reads:

1. (1) Whoever engages in or conspires to engage in, or attempts to engage in, or assists or otherwise facilitates another person to engage in "trafficking in persons" shall –
 - a. on summary conviction –
 - i. be sentenced to not less than three years nor more than five years imprisonment;
 - ii. be subject to forfeiture of property under section 7; and
 - iii. be ordered to pay full restitution to the victim under section 6;
 - b. on conviction on information –
 - i. be sentenced to life imprisonment or to a term not less than five years;
 - ii. be subject to forfeiture of property under section 7; and
 - iii. be ordered to pay full restitution to the victim under section 6.

³⁵ Written Submission of Interviewee No. 4 (Nassau, The Bahamas, 16 August 2021); Written Submission of Interviewee No. 5, Royal Bahamas Defence Force (Nassau, The Bahamas, 16 August 2021).

³⁶ [2016] UKPC 28.

On appeal, the Privy Council identified the nub of the Prosecution's problem, namely that Schedule 3 of the CPC listed certain statutory offences to which the voluntary bill of indictment applied i.e. offences which, by their statutory source, were capable of being tried either summarily or in the Supreme Court. However, the TIP Act offences had not been added to Schedule 3.

After having set out the definition of 'indictable offence' in section 2 of the CPC and having examined section 214 of the CPC, the Privy Council considered that such an offence is one which is triable *only* on information before the Supreme Court. It then noted that, in accordance with section 258 of the CPC, the Attorney General's voluntary bill of indictment could be preferred only where either (1) the offence is triable *only* on information; or (2) it is an offence where section 214 provides the accused with a right to elect trial by jury. The challenge here, however, was that the offences under sections 3 and 4 of the TIP Act were not triable *only* on information, nor were they within section 214 of the CPC, since they were not listed in Schedule 3.

Having regard to the foregoing, the Privy Council held that the relevant sections of the TIP Act under which Hall was charged did not fall within the definition of 'indictable offence'.

The Bahamian Court of Appeal, in the subsequent case of *Commissioner of Police v Michelle Reckley, James Nathaniel Hall, Christopher Symonette, Kylon Vincent and Stefanie Collie*,³⁷ in reflection on the *Attorney General v Hall* decision, noted that:

No doubt in light of the Board's decision in Hall, Parliament enacted the Criminal Procedure Code (Amendment) Act, 2017 which included amongst its amendments the following new definition of the term "indictable offence":

"'Indictable offence' means any offence triable on indictment."

As a consequence of this change in the law those statutory offences of like construction to sections 3 and 4 of [the TIP Act] were deemed to be indictable even if the charge was laid summarily.³⁸

Interviewee No. 2 explained that:

...based on the case law involving Cheveneese Hall, The Bahamas amended its Criminal Procedure Code and TIP Act. The defendant was convicted and sentenced to 15 years imprisonment. The appeal was allowed because the AG did not have the power to issue a voluntary bill of indictment. The Privy Council held that section 3 of the TIP Act was not strictly summary in its orientation. As a result of the court's decision, another category of offence has been created. Section 2 of the Criminal Procedure Code has been amended as well as section 258. The law now allows for

³⁷ MCCRApp. No. 46 of 2019.

³⁸ *Ibid* [66] - [67].

*the AG/DPP to proffer a voluntary bill of indictment directly before the Supreme Court without having to go through the Magistrates Court's Preliminary Inquiry Procedure.*³⁹

Reflecting on the recent amendment to the CPC, another interviewee, Tess Newbold, expressed that 'the amendment has helped to fast-track TIP cases.'⁴⁰

Economic situation of The Bahamas

The Bahamas has the highest GDP in the English-speaking Caribbean: \$13.58 billion USD (2019). Because of the country's relatively strong economic position, it has been able to not only make budgetary allowances for trafficking in persons prevention efforts, but also protection efforts, including victim care and subsidies for NGOs, that assist victims of trafficking. The table below is illustrative.

The assistance afforded victims by way of government expenditure has included line items such as shelter, food, stipends, clothing, medical assistance and psychological counseling, immigration relief, legal and transportation assistance, support during court proceedings, and witness protection, including a constant presence of police or RBDF as escort or protection outside shelters.

Both interviewees and the US TIP Report of 2020 noted that the effects of Hurricane Dorian in The Bahamas in 2019 were among the worst experienced for any natural disaster in the country. Hurricane Dorian struck the Abaco Islands as a category 5 hurricane on September 1, and a day later hit Grand Bahama Island at the same category. The hurricane then stalled over Grand Bahama for another day, finally pulling away from the island on September 3. Damage amounted to US\$3.4 billion, and there were at least 74 deaths in the country. As a result of this hurricane, government spending on trafficking in persons efforts was reduced; in 2019, the government gave \$69,509 to four NGOs that offered services to trafficking victims, compared to \$240,000 in 2018.

Year	Budgetary allocation: victim care (Bahamian Dollars)	Budgetary allocation: subsidies to NGOs (Bahamian Dollars)
2015	\$47,600	Figure of \$47,600 not disaggregated; includes subsidies for NGOs.
2016	\$42,000	Figure of \$42,000 not disaggregated; includes subsidies for NGOs.
2017	\$59,450	\$180,000

³⁹ Interview with Interviewee No. 2, State Official (Nassau, The Bahamas, 12 August 2021).

⁴⁰ Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

2018	\$82,060	\$240,000
2019	\$125,710	\$240,000
2020	\$95,000	\$69,509
2021	\$47,651	Data not available

Table 4: The Bahamas’ budgetary allocations to victim of trafficking care and NGO subsidies

Source: US TIP Reports 2015 – 2021

Political will

The government of The Bahamas has demonstrated its political will to combat trafficking in persons in a number of ways. First, it enacted a comprehensive piece of legislation in the form of the TIP Act, which seeks to implement the provisions of the Palermo Protocol. Among other things, the Act defines trafficking in persons along with the ‘acts’, ‘means’, and ‘purpose’ elements; introduces robust penalties; makes provision for victim support and assistance; delineates the role of government and civil society agencies; and gives legislative basis for trafficking in persons prevention efforts.

Interviewee No. 3, one of the government interviewees, pointed to the government’s untamed commitment to combating trafficking in persons by using the TIP Act to ‘bring accused persons to the court through aggressive investigation and prosecution.’⁴¹

According to Superintendent Tess Newbold, the TIP Act has, in turn, been the determinant behind the government’s adoption of:

- the 2012 Guidelines on the Prevention, Suppression and Punishment of Trafficking in Persons (the Guidelines). The preamble of the Guidelines reads:

*The Guidelines therefore reaffirm the Government’s commitment to implementing its obligations under national and international law to deal decisively with this modern day form of slavery.*⁴²

- the 2016 Standard Operating Procedures (SOPs). The preamble of the SOPs reads:

These Standard Operating Procedures have been created for the Inter-Ministry Committee of Trafficking in Persons development in cooperation with the Government of the Bahamas to strengthen effective and appropriate responses to trafficking in persons.

⁴¹ Interview with Interviewee No. 3, State Official (Nassau, The Bahamas, 12 August 2021).

⁴² ‘Guidelines for the Prevention, Suppression and Punishment of Trafficking in Persons’ (Government of The Bahamas, 2012) 1.

The SOPs outline the response of the Government of The Bahamas (Government) to cases of trafficking in persons and are intended to strengthen effective and appropriate responses to trafficking in persons.⁴³

- the 2019–2023 Strategy and National Action Plan of 2018. The preamble of the 2019–2023 Strategy reads:

In the framing of the 'National Anti-trafficking in Persons Strategy', the Government has taken account of the actions undertaken by the international community and the international multi-lateral organization to counter trafficking in persons.

*The Government of The Bahamas retains ownership of its national anti-trafficking strategy and as such, is responsible for its design and implementation. In this regard, the Government assumes full participation, responsibility and accountability in determining the objectives, implanting the activities and meeting the outcomes of the Plan.*⁴⁴

The government's political will to effectively address all aspects of trafficking in persons is also manifested in the myriad institutions which it has over the years set up to address various aspects of trafficking in persons. By way of example, the government has established the TIP Committee to strategically coordinate efforts against trafficking in persons in The Bahamas; the TIP Task Force to operationalize the 'four Ps' approach to combating trafficking in persons; and a specialised TIP Investigating Unit in the RBPF, and a specialized TIP Prosecutorial Unit in the Office of the DPP.

One interviewee, Altida Bowles, in discussing the institutional capacity of the government to combat trafficking in persons, pointed to the fact that:

The Commissioner of Police has taken a serious approach to tackling TIP. He has given a mandate to the Investigative Team to travel through the entire of the Archipelago. The Commissioner's budget has facilitated this. The Investigative Team also trains other officers and gives them guidance on TIP cases, including immigration, customs officers and social workers. Trafficking is deemed to be a form of gender-based violence and serious attention is therefore paid to it.

In 2019, the Minister of State traveled with the TIP unit to Columbia and Mexico; he is now Minister of Immigration. This positively impacted the morale of the team, as well as the Minister's own outlook and appreciation of TIP.

⁴³ 'Standard Operating Procedures on Trafficking in Persons' (Government of The Bahamas, March 2016).

⁴⁴ Government of the Commonwealth of The Bahamas, 'National Anti-Trafficking in Persons Strategy and Action Plan (2019 - 2023)' (Ministry of National Security, 2018).

*Parliament, the judiciary and the legal team are constantly looking at ways to improve their approach to TIP. Our government constantly examines other countries' approach to TIP to see their progress and to learn lessons from them.*⁴⁵

The government has also demonstrated its political will to combat trafficking in persons by elevating the issue to the Prime Minister's Delivery Unit,⁴⁶ the details of which will be addressed later.

Symbolically, the government has also demonstrated its political will to combat trafficking in persons by frequently making public statements that reiterate the government's commitment, and by issuing proclamations in the newspapers on the occasion of each World Day against Trafficking in Persons. In addition to nation-wide public awareness and sensitization, the government also demonstrates its political will by facilitating a series of training activities with a range of stakeholders, including members of the judiciary.⁴⁷

Interviewee No. 2, in commenting on what, symbolically, the government thinks about trafficking in persons, noted:

Our politicians understand what TIP is and how their efforts will help advance the country's human rights agenda. They characterize it as 'modern slavery' and 'a crime against humanity'. It is an offence in which victims are negatively impacted.

*There is a recognition that perpetrators profit from the crime and that it negatively impacts victims. As such, the government and its various ministries consider themselves under an obligation to provide appropriate support to victims of trafficking. Bahamian politicians understand the nature of the crime.*⁴⁸

The role of civil society organisations

The research revealed that civil society organisations play an integral role in pressuring, lobbying and advocating for change in respect of anti-trafficking policies in The Bahamas.

The Committee on the Elimination of Discrimination Against Women, in its 2018 report, applauded The Bahamas' TIP Committee for maintaining partnerships with NGOs including the Bahamas Red Cross, the Salvation Army, and the Bahamas Crisis Centre, which operates the TIP hotline for victims of trafficking. The Links Safe House, a residential facility which has

⁴⁵ Interview with Inspector Altida Bowles, Inspector of Police and Member of the Bahamas Trafficking in Persons Task Force (Nassau, The Bahamas, 13 August 2021).

⁴⁶ Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

⁴⁷ Committee on the Elimination of Discrimination Against Women, 'List of Issues and Questions in Relation to the Sixth Periodic Report of The Bahamas' (UN Doc CEDAW/C/BHS/Q/6/Add.1, 9 July 2018).

⁴⁸ Interview with Interviewee No. 2, State Official (Nassau, The Bahamas, 12 August 2021).

received funding from the government, provides shelter for victims or potential victims of trafficking in persons.⁴⁹

Meanwhile, the Guidelines and the 2019–2023 Strategy both envisage civil society organisations playing a ‘prominent role in the identification, social assistance and protection of victims and potential victims’,⁵⁰ and in assisting the government in raising ‘awareness about TIP, particularly in New Providence, Grand Bahama and the Family Islands.’⁵¹

A representative from the NGO community noted that, prior to 2019, the Bahamas Red Cross influenced improvements in the state’s anti-trafficking efforts by advocating for the protection of the rights of trafficked persons. More pointedly, members of that organisation served in an intermediary capacity during the questioning of trafficked victims, effectively ensuring that the questions asked were fair and reasonable, and that victims of trafficking were not coerced or intimidated.⁵² This was confirmed by another interviewee, Altida Bowles,⁵³ who asserted that ‘victims tend to develop rapport and trust when they see ordinary people, from the NGO community, present.’⁵⁴ She alluded to the fact that NGOs’ presence, especially in interviews with victims, is crucial because many victims ‘do not trust the police’.⁵⁵

Interviewee No. 3 similarly alluded to the important role played by civil society in bringing their nuanced ‘perspectives on victim identification and referral’,⁵⁶ while Superintendent Tess Newbold noted that civil society organisations help to improve the state’s efforts to combat trafficking in persons by doing their ‘best to weed out corruption. They are the “eyes and ears” of the TIP Committee.’⁵⁷

The level of immigration

The Bahamas boasts the highest GDP of the independent English-speaking Caribbean countries.⁵⁸ Against this backdrop, it is perhaps unsurprising that it is an attractive

⁴⁹ Committee on the Elimination of Discrimination Against Women, ‘List of Issues and Questions in Relation to the Sixth Periodic Report of The Bahamas’ (UN Doc CEDAW/C/BHS/Q/6/Add.1, 9 July 2018) [55].

⁵⁰ Government of the Commonwealth of The Bahamas, ‘National Anti-Trafficking in Persons Strategy and Action Plan (2019 – 2023)’ (Ministry of National Security, 2018).

⁵¹ Government of the Commonwealth of The Bahamas, ‘World Day Against Trafficking in Persons’ (Ministry of National Security, August 3, 2016).

⁵² Interview with Interviewee No. 1, Bahamas Red Cross (Nassau, The Bahamas, 19 July 2021).

⁵³ Interview with Inspector Altida Bowles, Inspector of Police and Member of the Bahamas Trafficking in Persons Task Force (Nassau, The Bahamas, 13 August 2021).

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Interview with Interviewee No. 3, State Official (Nassau, The Bahamas, 12 August 2021).

⁵⁷ Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

⁵⁸ Allan Wright, ‘Development Challenges in The Bahamas’ (Inter-American Development Bank, Washington DC, 2018).

destination country for persons wishing to immigrate, both legally and illegally. This has left many persons who seek to migrate to The Bahamas vulnerable to being trafficked. Indeed, from as far back as 2005 when the IOM conducted its exploratory assessment of human trafficking in The Bahamas, the prevailing view has been that:

In the case of irregular migration in The Bahamas, many people willingly seek out smugglers to help them relocate to The Bahamas to fulfil aspirations of finding a better life. Human smuggling and irregular migration are relevant to trafficking in persons because of the vulnerability of those migrants. They can sometimes fall prey to unscrupulous people who seek to exploit them due to their situation. Many irregular migrants working in The Bahamas find employment in the agricultural or construction sectors, and in prostitution as a means of self-employment and/or survival.⁵⁹

Similar views were expressed by the former Special Rapporteur on Trafficking in Persons, Joy Ngozi Ezeilo, who noted that:

The Bahamas is a transit and destination country for trafficked persons from the Caribbean region and from Central and South America. Due to its geographical location, its proximity to the United States of America and its porous coastal borders, spanning about 100 kilometers, the Bahamas is a major transit country for migrants attempting to enter the United States. Criminals and migrant smugglers have taken advantage of the migration fluxes to lure and deceive victims, promising to take them to the United States but actually taking them to the Bahamas, increasing their vulnerabilities to trafficking and exploitation as well as to criminalization by authorities for irregular entry into the country. According to information gathered, migrants from the subregion pay US\$ 5,000 or more to be smuggled to the United States via the Bahamas. The Special Rapporteur met with women from the Dominican Republic who had been deceived, then transported in precarious and dangerous conditions to the Bahamas, where they were abandoned, blindfolded, in a house, only for law enforcement officers to raid the house and arrest them a few days later.⁶⁰

Meanwhile, CARIFORUM's 2019 Trafficking in Persons Study similarly revealed that irregular migration is a site for potential instances of trafficking in persons in The Bahamas. That report, after having identified persons from Jamaica, Haiti and Guyana as being particularly interested in migrating to The Bahamas in search of better opportunities, commented that 'migrant victims of trafficking were promised lucrative opportunities in

⁵⁹ International Organization for Migration, 'Exploratory Assessment of Trafficking in Persons in the Caribbean Region' (IOM, 2005) 21.

⁶⁰ Human Rights Council, 'Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, Joy Ngozi Ezeilo - The Bahamas' (UN Doc A/HRC/26/37/Add.5, 5 June 2014) [24-25], [69-70].

countries such as The Bahamas, which has a relatively higher GDP per capita than other independent CARIFORUM states.⁶¹ It further explained that these victims were primarily trafficked into forced prostitution.

The representative from the NGO community and Altida Bowles both confirmed that because of The Bahamas' close proximity to the United States, persons have attempted to use the country as a transit point. Superintendent Tess Newbold, however, felt that the Immigration Department has 'responded well' to this situation, noting that 'there has been active training in immigration related issues by the Bahamas Defence Force, and Immigration Department.'⁶²

The role of the media

The interviews revealed that The Bahamian media acts as a vehicle for anti-trafficking stakeholders to convey messages to the public. Despite one stakeholder's recognition that the media has on occasions sensationalized the issue of trafficking in persons,⁶³ the vast majority of shareholders shared that the media has played an important role in disseminating anti-trafficking messages to hard-to-reach communities.

The representative from the NGO community expressed that 'the success of public awareness programmes in The Bahamas is underpinned by the media' in that 'the media serves to report on trafficking and sensitizes citizens.'⁶⁴ Meanwhile, Tess Newbold commented that:

TIP messages have been sent by the government through cellphone carriers to over 50,000 persons in the Bahamas on TIP Day during the lock down. In addition, the government email system sends TIP messages to every person in the government system. The Facebook page that is run by the Ministry of National Security has been well utilized, and so have talk shows on local radio stations. The media has also broadcast the government's Proclamation against TIP annually, which was first declared in 2016. TIP messages have also appeared in the print media.⁶⁵

This view was endorsed by Altida Bowles, who explained that:

...the media is used as a platform to get the message about TIP out. Before the widespread use of the media, there was a general lack of awareness in The Bahamas. On World Day Against TIP, for example, radio shows are hosted, and a

⁶¹ 'CARIFORUM Study on Trafficking in Persons' (CARIFORUM Directorate, 2019) 34.

⁶² Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

⁶³ Interview with Interviewee No. 3, State Official (Nassau, The Bahamas, 12 August 2021).

⁶⁴ Interview with Interviewee No. 1, Bahamas Red Cross (Nassau, The Bahamas, 19 July 2021).

⁶⁵ Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

*Proclamation is published in the newspaper. This helps the government to reach hard-to-reach populations.*⁶⁶

Separately, Interviewee No. 3 identified another way in which the media has been useful in the fight against trafficking in persons in The Bahamas. In this context, she noted:

*...the media reports when people are charged and prosecuted for TIP offences, and this has impacted upon prosecutions by serving as a deterrent. But the converse is also true; the media may inflame dialogue in those instances where it sensationalizes TIP cases.*⁶⁷

Funding, aid agreements or international aid, and sanctions

The Bahamas has benefited from international aid in the form of support for capacity building for stakeholders actively working in the anti-trafficking field. This funding support has come principally from the United States government.⁶⁸ In fact, not only has the USA supported capacity building initiatives but also the drafting of the SOPs, which read:

*This work was funded by a corporate agreement from the United States Department of State as part of its commitment to partnering with The Bahamas in its counter trafficking in persons efforts.*⁶⁹

Meanwhile, UNODC has also supported capacity building initiatives on trafficking in persons in the Bahamas. This was confirmed by Altida Bowles and Tess Newbold in interviews.

The interviews also revealed that The Bahamas has signed cooperation agreements on trafficking in persons with Mexico and Columbia.

Neither the literature review nor the interviews confirmed that The Bahamas has ever been subject to sanctions on the basis of its efforts to combat trafficking in persons.

Particulars of determinants by type of response

Having regard to my examination of the extant literature on trafficking in persons in The Bahamas and the interviews conducted with key stakeholders in the anti-trafficking field, the following determinants impact upon the 'four Ps'.

⁶⁶ Interview with Inspector Altida Bowles, Inspector of Police and Member of the Bahamas Trafficking in Persons Task Force (Nassau, The Bahamas, 13 August 2021).

⁶⁷ Interview with Interviewee No. 3, State Official (Nassau, The Bahamas, 12 August 2021).

⁶⁸ Michael Lohmuller, 'Bahamas Gets US Help to Combat Human Trafficking' *InSight Crime* (29 April 2015). The United States and The Bahamas signed a \$2.74 million agreement to facilitate combating transnational criminal activity on the islands, including the horrific crime of human trafficking in 2015.

⁶⁹ 'Standard Operating Procedures on Trafficking in Persons' (Government of The Bahamas, 2016).

Prosecution

Over the last ten years, The Bahamas has taken several positive prosecutorial strides toward eradicating trafficking in persons. Among other things, it has engaged in sustained capacity-building efforts; established a TIP Investigating Unit in the RBPF and a TIP Prosecutorial Unit in the Office of the DPP; issued annual proclamations in the newspapers condemning trafficking in persons and reiterating the government's commitment to aggressively prosecuting trafficking in persons offences; and amended relevant legislation, including:

- **The Criminal Evidence (Witness Anonymity) Act of 2011** now includes as 'qualifying offences' crimes committed under the TIP Act and provides for the protection of the identity of witnesses during the investigation of criminal offences and during criminal proceedings and matters connected therewith, and for the admissibility of evidence in criminal proceedings to be obtained by way of live television link.
- **The amended section 185 of the Criminal Procedure Code** now allows the Court to receive relevant representations from victims of trafficking before handing down a sentence.
- **The amended Justice Protection Act** now allows potential victims of trafficking entry into witness protection programs.
- **The amended section 258 of the Criminal Procedure Code** now allows prosecutors the option to prosecute trafficking cases directly before the Supreme Court (via voluntary bills of indictment) without the necessity of going first to a lower Magistrate's Court. The amendment to the Criminal Procedure Code addresses the January 2016 Privy Council ruling (*Attorney General v Hall*) that trafficking cases, under the then-existing legislation, could not be brought in the first instance in the Supreme Court, where potential penalties are greater. This decision had invalidated, on procedural grounds, the 2014 Supreme Court conviction of a Jamaican female defendant for trafficking and withholding of a victim's identity and travel documents.
- **The amended Trafficking in Persons Act (2017)** creates a new offence that criminalizes organizing, engagement in, or directing another to engage in, trafficking in persons.

The most significant determinants behind these anti-trafficking efforts are the international legal framework, namely the Palermo Protocol, the national TIP Act, decisions of courts, the country's international reputation, and the government's political will to combat trafficking in persons.

In relation to the country's international obligations, Interviewee No. 2 noted that The Bahamas' TIP Act, which is modelled after the Palermo Protocol, criminalizes all forms of trafficking, and introduces aggravating circumstances in relation to the commission of the

crime against vulnerable persons, like children.⁷⁰ He explained that both investigators and prosecutors are ever cognizant of the state's international obligations to prosecute trafficking in persons cases, a view that was also shared by Interviewee No. 3, who noted that because The Bahamas sees itself as a 'globally responsible country',⁷¹ it seeks to implement the criminalization provisions of the Palermo Protocol. According to Interviewee No. 3, giving effect to the Protocol's criminalization provisions reflects the State's respect for the rule of law, human rights and democracy.⁷²

Meanwhile, according to Tess Newbold:

The Palermo Protocol influenced the adoption of the 2008 TIP legislation. It also influenced the adoption of the 2012 Guidelines on the Prevention, Suppression and Punishment of Trafficking in Persons. It was felt that there was a need for a policy document, quite aside from the Act, to guide stakeholders in the identification and referral of victims of trafficking. It essentially breaks down the Act in a granular manner. In 2016, SOPs were adopted. It was influenced by the 2012 Guidelines. It defines the respective roles of key stakeholders in the anti-trafficking field.⁷³

In so far as the country's national TIP legislation is concerned, the interviewees all spoke to the transformative impact that this instrument has had on anti-trafficking efforts in The Bahamas. Indeed, prior to the TIP Act, there was no identification much less prosecution of trafficking in persons cases. In this regard, Atilda Bowles noted:

...prior to the 2008 TIP Act, and shortly thereafter, individuals were not aware of TIP. They felt that it was just a pimping situation when it was really trafficking. Now, however, with the enactment of the Act, knowledge and expertise on TIP has been enhanced; people are coming forward to report TIP. Training around victim identification has also been enhanced.⁷⁴

Indeed, the statistics show that subsequent to the TIP Act's enactment, the landscape has changed such that there have been a number of trafficking in persons investigations, prosecutions and convictions.⁷⁵ According to the representative from the NGO community, one of the hallmarks of The Bahamas' successful fight against trafficking in persons is 'strong laws that support TIP prosecutions,' while Interviewee No. 3 was of the view that the

⁷⁰ Interview with Interviewee No. 2, State Official (Nassau, The Bahamas, 12 August 2021).

⁷¹ Interview with Interviewee No. 3, State Official (Nassau, The Bahamas, 12 August 2021).

⁷² Ibid.

⁷³ Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

⁷⁴ Interview with Inspector Altida Bowles, Inspector of Police and Member of the Bahamas Trafficking in Persons Task Force (Nassau, The Bahamas, 13 August 2021).

⁷⁵ Please see Table 2 on page 11 of this report.

'legislation underpins all efforts to combat TIP, including prosecutorial efforts around sexual and labour exploitation (...) we have to answer to our citizens.'

The decisions of courts have also led to improved prosecutorial efforts in The Bahamas. As discussed above, in 2016, the Privy Council overturned a Supreme Court ruling in which Jamaican trafficker, Chevanese Sasha Gaye-Hall, was sentenced to fifteen years imprisonment on account of engaging in trafficking offences. The Court was of the view that the Attorney General lacked the power to proffer a voluntary bill of indictment under the then applicable Criminal Procedure Code, which did not define indictable offences to include trafficking in persons. Subsequent to this decision, the Criminal Procedure Code was amended in 2017 to reflect the recommendation issued by the Privy Council in its earlier ruling. Since that time, the State has been able to successfully prosecute and convict a number of traffickers. According to Interviewee No. 2, the United States Department of State had recommended in its 2015 and 2016 US TIP Reports that urgent efforts be taken to amend the then Criminal Code; such amendments were ultimately made in 2017.⁷⁶

In terms of international reputation as a determinant of prosecutorial efforts, as mentioned above, the US TIP Reports, which attributed the low numbers of prosecutions and convictions in 2015 and 2016 to the absence of an amendment to the Criminal Procedure Code to allow for the proffering of trafficking in persons cases in the Supreme Court, underpinned the amendment that was made in 2017.

Separately, Tess Newbold pointed to law enforcement and prosecution authorities as well as the judiciary receiving training in 2020 at the insistence of the United States, through its US TIP Reports.⁷⁷ More particularly, the 2020 judicial conference was a recommendation that was made in the 2019 US TIP Report; it was operationalized a year later by the government of The Bahamas. In addition, the setting up of the TIP hotline to aid in improving the investigation of trafficking in persons cases was a recommendation made in prior US TIP Reports. The appointment of a TIP Secretariat, comprising the police and immigration officials and whose sole duty is dealing with trafficking in persons matters rather than other general matters, was also at the insistence of the US TIP Reports.⁷⁸ The drafting of the SOPs, which were funded by the USA, is yet another way in which The Bahamian government, concerned about its international reputation, has improved its prosecutorial efforts.

As discussed in the previous section above, the government of The Bahamas has demonstrated its political will in the realm of prosecution through various means, including

⁷⁶ Interview with Interviewee No. 2, State Official (Nassau, The Bahamas, 12 August 2021).

⁷⁷ Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

⁷⁸ Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

frequent government-issued statements condemning traffickers and their associates; funding and partnering with national and regional counterparts to penalize trafficking, namely through the hosting of the judicial conference in 2020 and a joint meeting of regional TIP Committees in 2020; setting up and operationalizing the TIP Investigating Team and Prosecution Unit; enacting the TIP Act and its amendments; as well as drafting the 2019–2023 Strategy, which prioritizes prosecutorial efforts, including international cooperation; and by raising the prosecution of trafficking in persons cases to the Prime Minister’s Delivery Unit.

Altida Bowles summed up the political will of the state to combat trafficking in persons in these words:

The Commissioner of Police has taken a serious approach to tackling TIP. He has given a mandate to the Investigative Team to travel through the entire of the Archipelago. The Commissioner’s budget facilitated this. The Investigative Team also trains other officers and gives them guidance on TIP e.g. immigration, customs officers and social workers. Trafficking is deemed to be a form of gender-based violence and attention is therefore paid to it.

In 2019, the Minister of State traveled with the TIP unit to Columbia and Mexico; he is now Minister of Immigration. This positively impacted the morale of the team, as well as the Minister’s own outlook and appreciation of TIP.

Parliament, the judiciary and the legal team are constantly looking at ways to improve their approach to TIP. Government constantly examines other countries’ approach to see their progress and to learn lessons therefrom.

The matter has been raised to the level of the PM’s Delivery Unit. Human trafficking is second to drug trafficking, and as such the government needed to show that it takes the matter seriously. The move is intended to show strong leadership in the global fight against TIP.⁷⁹

Protection

To date, The Bahamas has engaged in a number of activities aimed at protecting the interests of actual and potential victims of trafficking. First, the country adopted the TIP Act in 2008 to give effect to the Palermo Protocol. Included in this Act are several provisions that seek to assist and support victims of trafficking, including provisions on accommodation, necessities, privacy, and protection from retaliation, leave to remain in the jurisdiction,

⁷⁹ Interview with Inspector Altida Bowles, Inspector of Police and Member of the Bahamas Trafficking in Persons Task Force (Nassau, The Bahamas, 13 August 2021).

restitution, and non-punishment for offences that they have been forced to commit as a result of the trafficking experience.

Second, the government adopted, in 2012, the Guidelines/Protocol on Victim Identification and Referral, which spell out in unambiguous terms the respective roles and responsibilities of all stakeholders actively involved in the victim identification and referral process and delineate the rights to which victims are entitled. These Guidelines have since been applied, resulting in potential victims of trafficking being screened with a high degree of regularity, and, where conclusive grounds exist that indicate that they are victims of trafficking, they are treated as such. The 2016 SOPs also address, with a high degree of specificity, the rights of victims of trafficking, and itemize the step-by-step processes which must be adhered to by stakeholders in respect of their efforts to identify and refer victims of trafficking. The 2019–2023 Strategy also identifies victim care as one of its fundamental pillars.

Institutionally, the government has established the TIP Committee, whose mandate involves a significant element of victim protection and assistance. Similarly, the TIP Task Force, which comprises the Ministry of Social Services as well as civil society representatives, among others, places considerable emphasis on victim protection and assistance. In addition, both the TIP Unit in the RBPF as well as the Specialised Prosecution Unit in the DPP's Office have an express role in protecting victims of trafficking from secondary victimization.

Separately, the government has committed significant financial resources to victim care and assistance, namely the provision of housing, necessities, documentation, and social support. The government has also assisted, in financial terms, NGOs actively working in the anti-trafficking field.

The research revealed that the most significant determinants of anti-trafficking efforts in the field of protection are that of the international legal framework, as incorporated by domestic anti-trafficking legislation, political will and civil society involvement.

In terms of the international legal framework, all of the interviewees identified the Palermo Protocol as having a significant influence on the State's commitment to protect victims of trafficking. In the words of Interviewee No. 6:

The Bahamas 2008 Trafficking in Persons (Prevention and Suppression) Act governs trafficking in persons in The Bahamas. This critical piece of legislation was adopted in 2008. This Act was adopted pursuant to The Bahamas' ratification of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention on Transnational Crime. The Bahamas 2008 Trafficking in Persons (Prevention and Suppression) Act is an exhaustive and extensive piece of legislation, which specifically criminalizes trafficking in persons, and prescribes strict penalties for all aspects of the crime, including withholding of travel documents and work permits.

The legislation contains the full range of protection for victims of trafficking, including exemption from customary immigration sanctions.⁸⁰

The 2012 Guidelines/Protocol on Victim Identification and Referral were also adopted pursuant to the State's international obligations. In fact, the preamble of that document reads:

The purpose of these Guidelines is to set out practical measures which Government officials and other partners can take to implement national goals and objectives that would effectively meet The Bahamas obligations under the 2000 Protocol on the Prevention, Suppression and Punishment of Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention on Transnational Organized Crime, and enforce the Trafficking in Persons (Prevention and Suppression) Act 2008.⁸¹

These Guidelines then go on to state that:

Effective anti-trafficking action is therefore dependent in large measure on action taken by Government agencies and other partners, and the public, to identify victims and potential victims, so that they may be protected in accordance with national and international law.⁸²

These Guidelines then go on to state that, in keeping with the tenor of the Palermo Protocol:

...a proactive approach should be taken to victim identification. This approach must take into account that trafficking in persons is a serious crime and must be treated as such. Law enforcement officers must be sensitive to the needs of victims and potential victims at all times.⁸³

Meanwhile, civil society involvement has also been a determinant of anti-trafficking efforts in the protection arena in The Bahamas. Most notably, civil society organisations have advocated for the adoption of the Guidelines/Protocol on Victim Identification and Referral as well as the SOPs, and have even sought to hold the state accountable by sitting in on interviews conducted with victims of trafficking by law enforcement officials. In this regard, a representative from the Bahamas Red Cross explained that the organisation has served as an intermediary by ensuring that the questions asked of victims are fair and reasonable, and that victims are not coerced or intimidated. The Red Cross has also advocated for the adoption of fair trafficking in persons laws:

⁸⁰ Written Submission of Interviewee No. 6 (Nassau, The Bahamas, 16 August 2021).

⁸¹ 'Guidelines for the Prevention, Suppression and Punishment of Trafficking in Persons' (Government of The Bahamas, 2012) [1].

⁸² Ibid [4].

⁸³ Ibid [32].

*In addition, as an integral member of the civil society fabric of The Bahamas, the Red Cross tries to ensure that laws are in place that protect victims, and that the rights of victims are advocated for.*⁸⁴

Interviewee No. 3 endorsed this view, noting that ‘NGOs are a part of the TIP Working Group; they provide important perspectives on victim identification and referral.’⁸⁵ Another interviewee, Altida Bowles, was similarly of the view that NGOs play an important role in providing a safe location for interviews with potential victims of trafficking to be conducted. She noted that because of the rapport and trust that victims of trafficking repose in civil society representatives, this often makes their work as state officials easier.⁸⁶

In so far as political will as a determinant in the area of victim protection is concerned, it must be noted that this was not always the case. Indeed, The Bahamas’ 2019–2023 Strategy explains that:

*Since 2005, the Government of The Bahamas has been involved in initiatives locally and abroad to counter trafficking in persons, principally through participation in meetings and training workshops. There was little movement, however, towards the implementation of the provisions of the Trafficking in Persons (Prevention and Suppression) Act, 2008, as the general position was that trafficking in person did not exist as a substantial threat to The Bahamas, with the overwhelming migration problem in the country being one of human smuggling. Since 2012, however, there has been a change in The Bahamas Trafficking in Person situation with the identification of three female victims, who were trafficked for sexual exploitation.*⁸⁷

The view that The Bahamas’ government has buttressed its political will when it comes to identifying and protecting victims of trafficking in the last ten years is supported by both the extant literature and interviews. Indeed, not only have the Guidelines/Protocol on Victim Identification and Referral been adopted, but so too have the SOPs, the 2019–2023 Strategy, and various amendments to domestic legislation (e.g. amendments that allow for the receipt by the court of victim’s witness statements via live link and witness anonymity). Additionally, the government has expended financial resources on victim care, as well as on subsidies to assist NGOs actively working in the anti-trafficking field.

In relation to the TIP Act as a demonstration of the government’s political will to address the needs of trafficked persons, Interviewee No. 2 explained:

⁸⁴ Interview with Interviewee No. 1, Bahamas Red Cross (Nassau, The Bahamas, 19 July 2021).

⁸⁵ Interview with Interviewee No. 3, State Official (Nassau, The Bahamas, 12 August 2021).

⁸⁶ Interview with Inspector Altida Bowles, Inspector of Police and Member of the Bahamas Trafficking in Persons Task Force (Nassau, The Bahamas, 13 August 2021).

⁸⁷ Government of the Commonwealth of The Bahamas, ‘National Anti-Trafficking in Persons Strategy and Action Plan (2019 – 2023)’ (Ministry of National Security, 2018).

...victim care is specifically provided for under our TIP Act. Quite apart from the legislation, however, victim care is a political priority. In fact, employment opportunities have been provided to victims coming from Columbia and Jamaica who were previously held as dancers or care workers or forced to prostitute themselves or held in debt bondage. Government has provided funding to support these victims, including through accommodation, repatriation, and witness protection, in tandem with the NGO community.⁸⁸

Finally, international agreements and associated funding are determinants of anti-trafficking efforts in the protection arena in The Bahamas. More specifically, The Bahamas' SOPs were funded by the government of the United States, as indicated in the document itself:

The work was funded by a corporate agreement from the United States Department of State as part of its commitment to partnering with The Bahamas in its counter trafficking in persons efforts.⁸⁹

Prevention

The Bahamas has engaged in a wide range of prevention activities over the last ten years, some of which have been described earlier. Policy documents, such as the 2019–2023 Strategy and National Action Plan, and interviews reveal that there are three primary determinants of The Bahamas' approach to prevention: political will, international reputation and the media.

With respect to political will, several interviewees noted that the government takes seriously its obligation to increase awareness among all segments of its population regarding the threat of trafficking in persons. The state, through its TIP Committee and Task Force in particular, recognises that because of its relatively favourable economic position, porous borders, and close proximity to the USA, the islands are at risk of being used by traffickers as major destination and transit points. In this regard, the State has used every means possible, especially social media platforms, to alert the public about the indicators of trafficking in persons. The State has also demonstrated its political will by creating a hotline with the aim of giving members of the public the means through which they could inform the authorities if they see evidence of trafficking in persons taking place. In this regard, Interviewee No. 3 expressed that these efforts are taken to demonstrate the country's commitment to 'democracy and the rule of law,' and in recognition of the fact that 'we have to answer to our citizens'.⁹⁰

⁸⁸ Interview with Interviewee No. 2, State Official (Nassau, The Bahamas, 12 August 2021).

⁸⁹ 'Standard Operating Procedures on Trafficking in Persons' (Government of The Bahamas, 2016).

⁹⁰ Interview with Interviewee No. 3, State Official (Nassau, The Bahamas, 12 August 2021).

In terms of the State's international reputation, several of the interviewees identified this as an important determinant in respect of its prevention efforts. More particularly, as noted by Tess Newbold, the country conducted its first major judicial conference in 2020 as a response to the 2019 US TIP Report's recommendations. That conference saw representatives of over 30 key agencies actively involved in the anti-trafficking field being trained on various trafficking-related issues, including identifying cases, protecting victims of the crime, and prosecuting and adjudicating on trafficking in persons matters.⁹¹

The media has also been instrumental in buttressing The Bahamas' prevention efforts. Several interviewees confirmed this. The representative from the NGO community, for example, commented:

*The success of public awareness programmes in the Bahamas is underpinned by the media. The media serves to report on trafficking and sensitizes citizens.*⁹²

Meanwhile, Superintendent Tess Newbold noted:

*The media has played a big role, particularly modern social media platforms. TIP messages have been sent by the government through cellphone carriers to over 50,000 persons in the Bahamas on TIP Day during the lock down. In addition, the government email system sends TIP messages to every person in the government system. The Facebook page that is run by the Ministry of National Security has been well utilized, and so have talk shows on local radio stations. The media has also broadcast the government's proclamation against TIP annually, which was first declared in 2016. TIP messages have also appeared in the printed media.*⁹³

Similar views were expressed by the other interviewees.

Partnership

Partnership is another important dimension of The Bahamas' approach to trafficking in persons. The main determinant of The Bahamas' approach in this regard is the country's political will to cooperate in combatting trafficking in persons.

The country has demonstrated its commitment to partnering with various categories of stakeholders, including civil society organisations, other TIP Committees in the Caribbean region, international organisations, and foreign governments to combat trafficking in persons.

⁹¹ Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

⁹² Interview with Interviewee No. 1, Bahamas Red Cross (Nassau, The Bahamas, 19 July 2021).

⁹³ Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

In so far as civil society is concerned, the government has provided an annual subsidy to NGOs to assist in their delivery of victim care services to trafficked victims. The government has also integrated civil society organisations into its TIP Task Force, and various NGOs, in particular, the Red Cross, have in turn provided a safe space wherein which state officials can conduct interviews with potential victims of trafficking. The government's 2012 Guidelines, the National Action Plan and the 2019–2023 Strategy also highlight the important role that civil society organisations are envisaged to play in combatting trafficking in persons in The Bahamas.

The Bahamas' TIP Committee has also sought to collaborate with other TIP Committees in the region. One interviewee, Tess Newbold, in addressing this development, noted that:

*The Inaugural Regional TIP Committees Meeting held in 2020 involved TIP committees from six other Caribbean islands (Haiti, TCI, Antigua and Barbuda, St Vincent and the Grenadines, St Lucia and Belize). It was convened to discuss the challenges and successes in our work as TIP Committees. This meeting was held virtually. The determinant behind this activity was that, in light of COVID-19, Bahamian authorities wanted to see what was happening elsewhere so that we could benefit from lessons learned by other TIP Committees, as well as challenges and successes.*⁹⁴

Several interviewees pointed to the United States' role as a strategic partner in trafficking-related matters. They explained that the United States has, over the years, provided capacity building support, and even funded the drafting of the SOPs on trafficking in persons in 2016.

Finally, the government of The Bahamas has signed formal cooperation agreements with Columbia and Mexico regarding various aspects of trafficking in persons. In describing these agreements as a demonstration of the government's political will to cooperate with its counterparts to combat trafficking in persons, Altida Bowles commented:

*In 2019, the Minister of State traveled with the TIP unit to Columbia and Mexico; he is now Minister of Immigration. This positively impacted the morale of the team, as well as the Minister's own outlook and appreciation of TIP.*⁹⁵

⁹⁴ Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

⁹⁵ Interview with Inspector Altida Bowles, Inspector of Police and Member of the Bahamas Trafficking in Persons Task Force (Nassau, The Bahamas, 13 August 2021).

Particulars of determinant by form of exploitation

The US TIP Reports (2010 – 2021) and interviews conducted with key stakeholders confirmed that the predominant form of trafficking in persons in The Bahamas is trafficking for the purpose of sexual exploitation, albeit that in 2021, two potential cases of labour exploitation were investigated.⁹⁶ Tess Newbold, in commenting on the forms of exploitation with which The Bahamas has been confronted, explained that both foreign and local victims of sexual exploitation have been identified in The Bahamas.⁹⁷ She noted that these foreign victims of trafficking have all been women, and that these women have all been vulnerable persons seeking economic opportunities in The Bahamas. These cases, according to the interviewees, have all been addressed on a case-by-case basis, applying the TIP Act as the investigating and prosecuting mechanism.

When asked about the determinants underlying the state's efforts to combat the various forms of exploitation in The Bahamas, the interviewees highlighted that the State's international obligations influenced the adoption of the TIP Act and continue to influence ongoing investigation and prosecutorial efforts, particularly trafficking for sexual exploitation, the dominant form of exploitation in that country. In this regard, the interviewees explained that although the TIP Act criminalizes, *inter alia*, slavery, servitude, sexual exploitation, and the removal of organs in the manner prescribed by the Palermo Protocol, most of the state's investigatory and prosecutorial efforts have been directed at addressing sexual exploitation, albeit not to the exclusion of the other forms of exploitation. Aside from the Palermo Protocol, the US TIP Reports, which place strong emphasis on successful prosecution of sexual exploitation as part of their minimum standards, have also influenced the state's efforts to combat sexual exploitation.

Despite the near-ubiquitous focus on sexual exploitation, the government, through its adoption of the TIP Act, the Guidelines and the 2019–2023 Strategy, has signaled its political will to effectively combat all forms of exploitation, including labour exploitation. In addition, the Prime Minister's Delivery Unit has as one of its objectives the streamlining of investigatory and prosecutorial efforts to combat all forms of trafficking in persons, especially trafficking for the purpose of sexual exploitation and labour exploitation.

The Bahamas has not recorded any case of trafficking for the purpose of slavery, domestic servitude or the removal of organs to date. As such, interviewees, apart from referring to the TIP Act which prohibits these types of activities, could not definitively comment on the

⁹⁶ Interview with Interviewee No. 2, State Official (Nassau, The Bahamas, 12 August 2021).

⁹⁷ Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

determinants behind the state's efforts (or lack thereof) to address these forms of exploitation.

Particulars of determinants according to trafficked persons' profile

Requests for information on victim profiles was not favourably responded to by stakeholders in the anti-trafficking field in The Bahamas. That said, interviewees did make it clear that the victims of trafficking identified to date have been primarily poor, uneducated and under/unemployed women from Haiti, Jamaica, Columbia and The Dominican Republic. These women sought better economic opportunities in The Bahamas but were subsequently exploited in the sex industry. Interviewee No. 2 confirmed that, in the past, female victims from Columbia and Jamaica were promised positions as dancers and care takers, but upon arrival in The Bahamas, they were forced to prostitute themselves or held in debt bondage.⁹⁸ Neither the interviews nor literature review, however, revealed evidence of men having been trafficked to or within The Bahamas, nor is there evidence of child trafficking in The Bahamas. The interviewees, however, were clear that the absence of evidence of the trafficking of men and children in The Bahamas is not on account of a lack of legislative guidance or investigations; rather, The Bahamas, for reasons unknown to the interviewees, has traditionally not proved to be an attractive site for the exploitation of men and children.

The principal determinant behind the State's efforts to identify and protect female victims of trafficking is the government's recognition of the vulnerability of women to exploitation, and the need, therefore, for the State to avoid being complicit in the secondary victimization of these persons. In this regard, several interviewees explained that most of the women who have been identified to date have been foreign women who sought to exercise their agency by attempting to find employment in The Bahamas because of limited employment opportunities, poverty, and discrimination in their countries of origin. Frontline responders, being cognizant of these realities, have accordingly been mandated by legislation, the Guidelines and the SOPs to pay keen attention to these vulnerabilities, and to identify and support these victims to the greatest extent possible.

The obligations arising under the Palermo Protocol have also informed efforts to identify, protect and support victims of trafficking in The Bahamas. More pointedly, several interviewees noted that the country's TIP Act is modelled after the Palermo Protocol, and that frontline responders accordingly adopt a victim-centered approach when dealing with all victims of trafficking, but especially women who are particularly vulnerable. Apart from

⁹⁸ Interview with Interviewee No. 2, State Official (Nassau, The Bahamas, 12 August 2021).

the state's international obligations, the US TIP Reports, which place a strong emphasis on protection, also inform the State's efforts to correctly identify and support all victims of trafficking, especially women. By way of example, the 2019 US TIP Report recommended the hosting of a judicial conference that was aimed at bringing together all stakeholders actively working in the anti-trafficking field to learn about the vulnerabilities of victims of trafficking and the ways in which competent authorities could assist these victims, which was implemented in 2020.

Particulars of determinants according to perpetrator profile

Requests for information on the profile of perpetrators were not favourably countenanced. Thus, the only source of information on perpetrators' profile are the annual US TIP Reports (2010 - 2021), and the cases decided upon by Bahamian courts, referred to earlier in this report. These documents do not shed light on the gender identity or sexual orientation of perpetrators but do shed light on the sex and citizenship of perpetrators. More pointedly, the evidence suggests that the majority of the persons arrested for trafficking in persons to date are males, albeit that about a quarter are female. These persons have primarily been Bahamian nationals, as well as Jamaican and Haitian nationals. No information was provided on whether there were organised criminal groups in operation, but the case dockets examined revealed that there have been occasions where up to four persons worked in concert in the commission of trafficking. The majority of cases, however, involve individual traffickers.

No information was provided by interviewees nor gleaned from the literature on whether there have been demands for goods produced by victims of trafficking or the services of trafficked victims.

Particulars of determinants by type of trafficking

Internal v International trafficking

The Bahamas has been described in the US TIP Reports over the last ten years as a 'source, transit and destination' country. In this context, Interviewee No. 2 suggested that 'most of the victims come from abroad; there have, however, been two domestic victims and two

domestic traffickers. A few weeks ago, another two Bahamian traffickers and one foreign victim were identified.⁹⁹

The determinants behind anti-trafficking efforts differ marginally based on whether the State is addressing internal as opposed to international trafficking. The interviews revealed that whereas the TIP Act and the attendant Guidelines are the principal determinants behind investigatory and prosecutorial efforts aimed at addressing internal trafficking, the state's international reputation (not wanting to be viewed by the international community as harbouring transnational trafficking), the Palermo Protocol's mandatory provisions on criminalization, and, to some extent, the TIP Act, influence the state's efforts to combat international trafficking. In short, while international and internal trafficking are viewed by the State as equally egregious, it appears that the State's response to the former is informed by a greater number of determinants.

Particulars of determinants by stage of response

Since 2008, the government of The Bahamas has progressively sought to acknowledge and prioritise trafficking in persons. This demonstration of political will has generally taken the form of policy statements in international fora condemning trafficking in persons, press releases and proclamations in local newspapers reiterating the government's commitment to combatting all forms of trafficking in persons. The government has also elevated the matter of trafficking in persons to the Prime Minister's Delivery Unit, once again demonstrating the government's desire to give utmost priority to the issue through the Prime Minister's direct oversight over anti-trafficking activities.

The government also adopted a *sui generis* TIP Act in 2008, modelled after the Palermo Protocol, which addresses all dimensions of trafficking in persons, namely prevention, prosecution, protection and partnership. To give effect to the myriad provisions of the Act, the government has also adopted several policy documents, namely the 2012 Guidelines, the National Action Plan, the SOPs, and the 2019–2023 Strategy. These policy documents address all aspects of trafficking in persons, from investigation of trafficking cases to prosecution of said cases, to victim identification, support, assistance and repatriation.

The government has also set up a number of institutions that are aimed at addressing various aspects of trafficking in persons. In this regard, the TIP Committee, comprised of a wide spectrum of government agencies, has been set up, in addition to the TIP Task Force, which comprises government agencies and civil society organisations. The TIP Investigative Unit in

⁹⁹ Interview with Interviewee No. 2, State Official (Nassau, The Bahamas, 12 August 2021).

the RBPF has also been set up, coupled with the TIP Prosecutorial Unit in the Office of the DPP.

The government of The Bahamas has allocated significant sums to combatting trafficking in persons over the last five years, particularly in the area of victim care. The government has also provided subsidies to several NGOs actively working in the anti-trafficking field to support the delivery of protection-related activities to victims of trafficking.

The government implements the TIP Act and related policy documents by stringently investigating all cases of trafficking in persons, prosecuting trafficking offences before independent and impartial judicial bodies, and identifying victims of trafficking in circumstances where there are reasonable grounds to believe that they might have been trafficked.

In terms of partnerships, the government has formed a strong relationship with civil society organisations actively working in the anti-trafficking field, namely the Bahamas Red Cross, the Bahamas Crisis Centre and Links Safe House. It has also formed strong working relations with other TIP Committees in the region, as well as with regional and international governments and agencies. The fact that cooperation agreements have been signed with Mexico and Columbia, source countries for trafficking in persons, also bears witness to the government's commitment to rigorously addressing the cooperation dimension of actions to combat trafficking in persons. The government's constant engagement with the media in respect of its public awareness programmes is also a positive development which must be commended.

The government reports to various monitoring agencies, including the UNODC, the Committee on the Elimination of Discrimination Against Women and the United States Department of State, on its efforts to combat trafficking in persons.

In the final analysis, then, the determinants that underlie these positive developments are the international legal framework; the state's international reputation; the role of parliament; civil society; the media; funding and agreements; and migration and the economic situation of The Bahamas.

Focus: The adoption of the Guidelines on the Prevention, Suppression and Punishment of Trafficking in Persons, including Victim Identification and Referral Guidelines

In 2012, The Bahamas drafted and implemented the Guidelines/Protocol on Victim Identification and Referral as part of its Guidelines on the Prevention, Suppression and Punishment of Trafficking in Persons. This Protocol begins by outlining its overarching objective, which is to:

...set out practical measures which Government officials and other partners can take to implement national goals and objectives that would effectively meet The Bahamas obligations under the 2000 Protocol on the Prevention, Suppression and Punishment of Trafficking in Persons, Especially Women and Children.¹⁰⁰

It then goes on to outline the institutions charged with implementing its provisions on victim identification and referral, namely, the TIP Committee, the TIP Task Force, the Special Investigative Unit of the RBPF, the Specialized Team of Prosecutors for Trafficking in Persons Matters in the Office of the Attorney General and Ministry of Legal Affairs, and the Sexual Offences Unit in the RBPF.

The Protocol proceeds to outline in granular detail the step-by-step processes which must be followed by frontline responders who come in contact with potential victims of trafficking. It identifies what indicators these responders should be on the lookout for; how trafficking in persons investigations should be conducted (i.e. sensitivity to the interests of victims); how victim/witness interviews are to be conducted; the referral process; and the range of support services that should be made available to victims of trafficking.

Several determinants underpinned the drafting of this Protocol. In 2010, only one investigation into trafficking in persons was conducted, and no victim of trafficking was identified as a result. Against this backdrop, the United States Department of State, in the context of the 2010 and 2011 US TIP Reports, specifically identified victim identification and referral as one of the main weaknesses of The Bahamas' approach to human trafficking.

¹⁰⁰ 'Guidelines for the Prevention, Suppression and Punishment of Trafficking in Persons' (Government of The Bahamas, 2012) 1.

The Report made a number of recommendations, one of which was the need for The Bahamas to expeditiously adopt and implement such a Protocol. The Bahamas, concerned about its prior tier two ranking and the negative reputational impact of this ranking, sought to quickly adopt and implement the Protocol in 2011.

Interestingly, the 2010 US TIP Report had also expressed concern that there had been numerous instances of conflation among national stakeholders between trafficking in persons, smuggling and irregular migration. The Guidelines/Protocol on Victim Identification and Referral, in light of these challenges, provide express guidance to stakeholders on the distinction between trafficking in persons, smuggling and irregular migration.

Moreover, the 2010 US TIP Report expressed concern about the absence of a plan to refer victims of trafficking to the Bureau of Women's Affairs for the provision of services. The subsequently adopted Protocol attempts to correct this lacuna by making express provision for the referral of victims of trafficking to appropriate support agencies.

Apart from the US TIP Reports as a determinant behind the adoption of the Protocol, it also appears that the government's political will to address trafficking in persons and the international legal framework were underlying determinants. Indeed, the Protocol references The Bahamas' 2008 TIP Act as the legislative instrument in which it finds its legitimacy, as well as the Palermo Protocol. The Protocol reads as follows:

Together, the UN Protocol and 2008 TIP Act underpin The Bahamas Government's anti-trafficking policies, goals, objectives and action. These include victim identification and protection of their human rights, prevention of trafficking, training, prosecution of traffickers, establishment of anti-trafficking procedures and systems, public awareness raising and international cooperation. The UN Protocol and 2008 TIP Act also underpin these Guidelines and the Indicators they set out.¹⁰¹

Two interviewees addressed the determinants behind the adoption of the Protocol. Interviewee No. 2 explained that:

The Bahamas' first trafficking case was recorded in 2013. Prior to this, there was a pervading view that trafficking in persons did not exist in the Bahamas.

After the first case was recorded, officials were able to travel to the US; they got training; set the Task Force and Inter-Ministerial Committee; and adopted a Protocol on victim identification.

Since the Protocol was adopted, there has been closer collaboration between police and prosecutors and medical and psychological professionals. The DPP is contacted typically before the victim is interviewed.

¹⁰¹ 'Guidelines for the Prevention, Suppression and Punishment of Trafficking in Persons' (Government of The Bahamas, 2012) 1.

Since 2012, there have been cases involving Jamaican nationals, Colombians and Venezuelans. People are typically recruited to work as dancers, maids and home takers.

A number of convictions have been obtained, although there have been challenges in victims not wanting to give evidence. Some victims have, however, returned from Jamaica and Haiti to give evidence.¹⁰²

Meanwhile, Tess Newbold posited the view that:

...the Palermo Protocol influenced the adoption of the 2008 TIP legislation. It also influenced the adoption of the 2012 Guidelines/Protocol on Victim Identification and Referral. It was felt that there was a need for a policy document, quite aside from the Act, to guide stakeholders in the identification and referral of victims of trafficking. It essentially breaks down the Act's provisions on victim identification and referral in a granular manner.¹⁰³

The Guidelines/Protocol on Victim Identification and Referral, since their adoption, have informed the mandate of the TIP Committee and the TIP Task Force. It has also informed the amendment of the TIP Act and the Criminal Procedure Code which now allow for witness anonymity, and the court's reception of victim/witness impact statements. It has also resulted in the government spending \$28,000 on victim care in 2014; \$47,600 in 2015; \$59,450 in 2017; \$82,000 in 2018; \$25,710 in 2019; and \$95,000 in 2020.

More than this, the implementation of the Protocol has resulted in 1 victim of trafficking being identified in 2013; 64 in 2014; 7 in 2015 (50 screened); 3 in 2016 (49 screened); 5 in 2017 (37 screened); 1 in 2018 (60 screened); 2 in 2019 (28 screened); and 5 in 2020 (965 screened).

Sustainability

The most significant determinant behind the sustainability of anti-trafficking efforts in The Bahamas is the country's 2019–2023 Strategy, which outlines the various activities/initiatives that the government intends to engage in/adopt to sustain its ongoing quest to combat trafficking in persons. These activities address the four-pronged approach to trafficking in persons, namely prevention, prosecution, protection and partnership. The second determinant of sustainability is the elevation of trafficking in persons to the Prime Minister's Delivery Unit, which is described in more detail below.

¹⁰² Interview with Interviewee No. 2, State Official (Nassau, The Bahamas, 12 August 2021).

¹⁰³ Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

Focus: Elevation of trafficking in persons to the Prime Minister's Delivery Unit

In 2018, the issue of human trafficking was elevated to the Prime Minister's Delivery Unit. The Delivery Unit represents The Bahamian government's commitment to an ambitious agenda of improving the lives of its citizens by, inter alia, eradicating the crime of trafficking in persons. According to The Most Hon. Dr. Hubert A. Minnis, Prime Minister of The Bahamas, the Unit boasts a performance management methodology regarding eight Key Priority Areas, including trafficking in persons, which align with 'the Government's plan to build a modern Bahamas, where every Bahamian has the chance at a better and brighter future.'¹⁰⁴ He noted that the Delivery Unit uses a target-specific, results-oriented performance management methodology with public sector stakeholders that relies heavily on data to facilitate evidence-based decision-making by his government in certain priority areas, including trafficking in persons.

Viana Gardiner, Chief Operating Officer of the Delivery Unit, explained that the methodology employed by the Delivery Unit is based on Deliverology[®], which is a rigorous and iterative approach that consistently asks five questions of those stakeholders responsible for delivery:

- What are we trying to do?
- How are we trying to do it?
- How at any given moment, will we keep track?
- If we are not on track, what are we going to do about it?
- How can the Delivery Unit assist?

According to Gardiner, each priority is assigned at least one accountable leader at the ministerial or senior government official level. In the area of trafficking in persons, the accountable leader is Marvin Dames, Minister of National Security. Minister Dames is responsible for delivering on the government's priorities in the area of trafficking in persons, based on key performance indicators (KPIs), targets and high-level strategies. The KPIs are meaningful, measurable and movable, and supported by short-term annual targets, initially for a three-year period.

The targets and strategies proposed by Minister Dames and his Ministry of National Security were developed in consultation with government agencies, ministries, civil society, and

¹⁰⁴ 'First Annual Report of the Prime Minister's Delivery Unit' (Government of The Bahamas, 2019).

private sector stakeholders. The targets and strategies are aligned with the United Nations Sustainable Development Goals.

The Delivery Unit has established a set of routines for trafficking in persons that would help with monitoring performance, identifying and solving problems, and agreeing on the actions required to improve delivery. The routines currently comprise of:

- Scheduled data collection and analysis;
- Scheduled delivery update meetings (between Delivery Unit and stakeholder delivery teams);
- Monthly written updates on each priority; and
- Quarterly stock-taking meetings between the Prime Minister and accountable leaders (with support from stakeholder delivery teams and Delivery Unit personnel).

Outside of these routines, technical inter-agency working groups have also been created when the need arises to tackle a specific problem within a given priority.

Accountable leader for trafficking in persons, Marvin Dames, in applauding the elevation of trafficking in persons to the Delivery Unit, noted that 'the safety and security of Bahamians, residents and visitors to The Bahamas are of paramount importance to the government and people of The Bahamas.'¹⁰⁵ He explained that the targets that he wished to propose were:

- the maintenance of The Bahamas' tier one status;
- increased awareness of trafficking in persons among students;
- continued training of frontline law enforcement officers involved in detecting victims of trafficking;
- continued provision of adequate care to victims (housing, counselling, etc.);
- the provision of opportunities for reporting through the establishment of a trafficking in persons hotline; and
- collaboration with the judiciary to develop training with a view to improving the prosecution rate of trafficking in persons offenders.

The Delivery Unit reported success in the accomplishment of these targets in its 2020 annual report, which is publicly available.¹⁰⁶

The main determinants behind the decision to elevate trafficking in persons to the Prime Minister's Delivery Unit appear to be the need to maintain The Bahamas' tier one status in

¹⁰⁵ Ibid.

¹⁰⁶ 'First Annual Report of the Prime Minister's Delivery Unit' (Government of The Bahamas, 2019).

the context of the US TIP Reports and as a symbolic move to demonstrate the government's political will to fully confront the issue.

In reflecting on the elevation of trafficking in persons to the Prime Minister's Delivery Unit, Interviewee No. 3 commented:

The matter being elevated to the PM's Delivery Unit is intended to show leadership at the highest level in respect of efforts to combat TIP.¹⁰⁷

Similar views were expressed by Altida Bowles, who noted:

The matter has been raised to the level of the PM's Delivery Unit. Human trafficking is second to drug trafficking, and as such the government needed to show that it takes the matter seriously. The move is intended to show strong leadership in the global fight against TIP.¹⁰⁸

Meanwhile, Tess Newbold similarly shared that:

...in 2018 the Prime Minister issued a proclamation on Trafficking in Persons. It effectively raised the issue of TIP to the PM's Delivery Unit. The Unit is responsible now and has oversight over the inter-ministerial networking around TIP. It streamlines the process of interaction between key stakeholders. It avoids the bureaucracy between ministries and places TIP as an important national objective.¹⁰⁹

¹⁰⁷ Interview with Interviewee No. 3, State Official (Nassau, The Bahamas, 12 August 2021).

¹⁰⁸ Interview with Inspector Altida Bowles, Inspector of Police and Member of the Bahamas Trafficking in Persons Task Force (Nassau, The Bahamas, 13 August 2021).

¹⁰⁹ Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

COVID-19

Interviewees revealed that the COVID-19 pandemic appears to have assisted in curtailing the incidence of trafficking in persons in The Bahamas. Although Interviewee No. 2 noted that there were two domestic victims and one foreign victim of trafficking identified in the first half of 2021,¹¹⁰ he, along with the other interviewees, was of the view that during the lockdown, which was characterized by closed international borders and myriad sanitary restrictions, trafficking in persons came to a virtual standstill. In addition to the closed borders, the interviewees pointed to the fact that the usual sites of exploitation, namely exotic clubs and similar types of establishments, were closed as only frontline workers were allowed to move around.

Now that the borders have reopened, however, Interviewee No. 3 noted that the authorities have once again begun screening persons entering The Bahamas and have observed certain indicators that suggest that trafficking in persons, particularly from Haiti, might have restarted.¹¹¹ Another interviewee, while agreeing that during the lockdown there was little to no evidence of trafficking in persons occurring, noted that the impact of the pandemic has been to increase the vulnerability of potential victims of trafficking, thereby exposing them to a significant risk of exploitation now that the borders have reopened.¹¹²

In so far as anti-trafficking efforts are concerned, the interviewees were happy to declare that prevention activities, and, in particular, public awareness and training-related initiatives, increased as a result of the pandemic, as these activities could now be held online. Interviewees felt that holding these events online had generated considerable interest from state agencies, the NGO community, and the public, who do not have to gather in a central location to hear about trafficking in persons.

Notwithstanding the foregoing, however, Tess Newbold noted that, for a short time (March – April 2020), protection-related activities came to a virtual standstill as the financial institutions that were tasked with dispersing funds that formerly operated manual systems had to take some time to transition online.¹¹³ Meanwhile, Altida Bowles noted that although, in general, the impact of the pandemic on anti-trafficking efforts has been minimal, victims of trafficking attempting to access medical services have had to wait a little longer to access these services because of the COVID-19 sanitary and capacity restrictions.¹¹⁴ Separately,

¹¹⁰ Interview with Interviewee No. 2, State Official (Nassau, The Bahamas, 12 August 2021).

¹¹¹ Interview with Interviewee No. 3, State Official (Nassau, The Bahamas, 12 August 2021).

¹¹² Interview with Interviewee No. 1, Bahamas Red Cross (Nassau, The Bahamas, 19 July 2021).

¹¹³ Interview with Superintendent Tess Newbold, Chair of the Bahamas Anti-Trafficking Inter-Agency Committee (Nassau, The Bahamas, 22 July 2021).

¹¹⁴ Interview with Inspector Altida Bowles, Inspector of Police and Member of the Bahamas Trafficking in Persons Task Force (Nassau, The Bahamas, 13 August 2021).

two state officials pointed to the fact that over the course of several months initially after the pandemic began, the judiciary struggled to come to terms with dispensing justice in trafficking cases, as its processes had to be moved online. Despite these challenges, however, Interviewee No. 2 applauded the state in obtaining a conviction against a person who was found to have committed the offence of trafficking in persons.¹¹⁵

¹¹⁵ Interview with Interviewee No. 2, State Official (Nassau, The Bahamas, 12 August 2021).

Conclusion

The research revealed that, over the last decade, The Bahamas has made significant strides in combatting trafficking in persons. Not only has the country adopted a national TIP Act that is modelled after the Palermo Protocol, but it has also adopted various policy documents, guidelines, protocols and strategies to give effect to its international obligations with respect to the 'four Ps': prevention, prosecution, protection and partnership. The government has also committed expenditure to combatting trafficking in persons and has done its part to improve capacity among key stakeholders and raise public awareness about the evolving dynamics of trafficking in persons.

Notwithstanding the fact that The Bahamas has seen a number of positive developments in its anti-trafficking field in the last decade, the research identifies the two most significant positive developments to date as the adoption of the Guidelines/Protocol on Victim Identification and Referral and the elevation of the issue of trafficking in persons to the Prime Minister's Delivery Unit.

The research makes it clear that there have been several determinants behind the positive developments that have been taking place in The Bahamas in the last decade in the anti-trafficking field. More pointedly, it identifies the following determinants as being instructive:

- International legal frameworks (primarily the Palermo Protocol);
- International reputation of the State (namely international rankings and reporting from US TIP Reports);
- Decisions by Courts within the country;
- The economic situation of the country;
- The role of the government/parliament;
- The role of civil society organisations and survivor networks;
- The level of immigration to the country;
- The role of the media; and
- Funding, aid agreements or international aid, and sanctions.

The findings illustrate that these determinants vary based on the type of response, stage of response, and profile of victims and perpetrators.

2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Training and public awareness campaigns	Training and public awareness campaigns	Training and public awareness campaigns	Training and public awareness campaigns	Training and public awareness campaigns	Training and public awareness campaigns	Training and public awareness campaigns	Training and public awareness campaigns	Training and public awareness campaigns	Training and public awareness campaigns	Training and public awareness campaigns
Appointment of a cadre of TIP prosecutors	Establishment of Inter-Agency TIP Task Force	Establishment of TIP Unit in Royal Bahamas Police Force	Expenditure of \$28k on victim care	Amended criminal Procedure Act to allow TIP victims to enter into witness protection and to admit victim impact statements	Cooperation Agreement signed with Costa Rica and Columbia	Amendment to the Criminal Procedure Code to allow for prosecution of TIP cases before the Supreme Court without having to exhaust Preliminary Proceedings	Issuance of TIP Proclamation by Minister of National Security	Expenditure of \$125,710 on victim care and \$240k in subsidies for NGOs	Memoranda of Understanding signed with Columbia and Mexico	
Drafting of Victim Identification and Referral Guidance Document	Establishment of National TIP Inter-Ministerial Committee	Adoption of Victim Assistance Plan	Issuance of certificate to allow victims to legally work in the country	Amendment of Evidence Act to render admissible video evidence	Court of Appeal and Privy Council ruling in first TIP Case handed down	Act to create new offence of organizing TIP	TIP elevated to Prime Minister's Delivery Unit	Launch of TIP hotline	Formal linking of TIP to Sustainable Development Goals (SDGs)	
	Development of National Plan of Action against TIP	Expenditure of \$100k to victim care	Invited UN Special Rapporteur on TIP	Expenditure of \$47,500k on victim care	Adoption of Standard Operation Procedures (SOPs) for TIP	Expenditure of \$59,450 on victim care, and \$180k in subsidies to NGO	Expenditure of \$82k on victim care; and \$240k on subsidies for NGOs	Government approved National Plan of Action and TIP Strategy (2019 - 2023)	Expenditure of \$95k on victim care and \$69,500 on subsidies for NGOs	
	Launch of Witness Care Programme		Implementation of National Action Plan against TIP (2014 - 2018)							Implementation of National Plan of Action and TIP Strategy (2019 - 2023)
	Adoption of Guidelines for the Prevention, Suppression and Punishment of TIP, including Victim Identification and									

Charles Clore House
17 Russell Square
London WC1B 5JP

T 020 7862 5151
F 020 7862 5152
E info@biicl.org

www.biicl.org

A company limited by guarantee
Registered in England No. 615025



**British Institute of
International and
Comparative Law**