****

Response by the Government of the Commonwealth of The Bahamas to the Questionnaire on the

Rights of Persons with disabilities

which will inform the Thematic Report of the

UN Special Rapporteur on the rights of persons with disabilities

to be presented to the 52nd session of the Human Rights Council in March 2023,

on the theme

*“Re-imagining services to give effect to the right to live independently and be included in the community for persons with disabilities”*

**Re-imagining Services in the 21st Century to give effect to the right to live independently and be included in the community for persons with disabilities.**

**A: Policy Goals and Principles**

1. What are the primary principles and goals that govern the provision of services to people with disabilities in your State?

The provision of services to Persons with Disabilities (PwDS) in the Commonwealth of The Bahamas, an archipelagic nation of 700 islands and 2,500 cays, spread over 100,000 square miles of ocean, is governed by the fundamental human right to life, liberty, security, and protection under the law as guaranteed in the Constitution of The Bahamas.

The Bahamas aligns itself with the over-arching principle of the CRPD and seeks to promote and protect the rights of PwDS and to encourage its citizens to treat them with the human dignity that they deserve.

1. Have these principles and goals been modified to take explicit account of Article 19 of the CRPD

 on the right to live independently and be included in the community (e.g., personalization of services, personal and human support, assistive technology, accessible transport, access to housing, expansion of community-based services, emphasis on personal empowerment and choice).

Legislation was enacted in 2014, known as the Persons with Disabilities (Equal Opportunities) Act, which seeks to ensure that PwDS are included in every facet of life in The Bahamas on an equal basis with those without disabilities and eliminating discrimination on the basis of disability in education, employment, housing, sports, social and cultural activities, and mobility and accessibility.

In The Bahamas, there are no institutionalized facilities for PwDS, who mostly live in the homes of families and are part of the community in which they reside.

The Department of Social Services provides the following to PwDS, enabling them and their families to receive the support that is needed when caring for a PwD:

1. Allowances for children with a disability under 16 years
2. Temporary disability allowance for PwDS over the age of 16
3. Adults receive disability benefits through National Insurance scheme
4. Adults who may never achieve independence receive an invalidity allowance from National Insurance
5. Wheelchairs, glasses, hearing aids, prosthetic limbs, travel for medical reasons etc are provided by the Disability Affairs Division of the Ministry of Social Services
6. Rental Assistance
7. The PROMIS programme provides such benefits as follows:

 i) Burial assistance

 ii) Uniform assistance

 iii) Housing assistance

 iv) Gas and Gas tank

 v) Electricity assistance

 vi) Food assistance

 vii) Water supply assistance

 viii) Small home repairs

The Ministry responsible for Social Services ensures that PwDs who are in vulnerable situations are encouraged to function and participate in community affairs by assisting with the following:

* The acquisition of prosthetic devices, assistive or adaptive devices, and medical intervention.
* Specialized training activities designed to improve the functioning of persons with disabilities with respect to their communication skills.
* The development among persons with disabilities of a positive self-image through the provision of counselling, orientation, and mobility in order to strengthen their daily living capacity.
* Family care services geared towards developing the capability of families to respond to the needs of PwDs.
* Substitute family care services and facilities for abandoned, neglected, abused and unattached persons with disabilities who need an alternative form of care based on their individual needs.
* Family after care and follow-up services for the continued rehabilitation in a community-based setting of PwDS who are discharged from residential care or rehabilitation centres
* Day-care services for children with disabilities of school age.

 While there are provisions under the Act, enforcement and ensuring standards are adhered to, requires further human and financial resources.

1. Are these goals linked directly to broader policy imperatives to ensure people with disabilities can take meaningful advantage of being in the community – such as the opportunity for employment and education, access to health care, promotion of natural or unpaid supports, or community assets available to citizens without disabilities? If so, how?

Broader imperatives are encapsulated in affirmative action policies such as the requirement by law that for every 100 persons employed by an organization, there must be at least one PwD. A PwD who is qualified may not be discriminated against by the employer in terms of compensation, benefits, allowances, fringe benefits etc, and must be given equal access to opportunities for employment according to the PwDS (Equal Opportunities) Act. This was evidenced by the 52 weeks Skills Empowerment programme, an initiative by the government of The Bahamas to provide unemployed persons 19-30 years, with hands-on skills to find gainful employment, based on the training received. The disabled community, for the first time, was a part of this initiative.

The Act also addresses the training of PwDS in vocational skills leading to job opportunities. It is also required that every educational institution make “reasonable accommodation” on behalf of the PwD to enable them the opportunity to learn and thereby create a pathway to independence.

 **B: Service Delivery**

1. Who primarily delivers service to people with disabilities (State, local government, private providers commissioned by the State, religious organizations, other, or a mix?). How do you see this mix changing if at all as a result of CRPD in your country?

A mix of state, local government offices (especially on other Islands than New Providence), religious organizations, and NGO’s deliver services to PwDS. Adherence to the principles of CRPD will not change this mix of service delivery in an archipelagic nation but will likely be added to by employers and their organizations, more religious organizations, housing providers, transportation providers, etc. as they become more aware of the rights-based approach and are sensitized.

1. Who primarily pays for services to people with disabilities (State, local government, private

 providers commissioned by the State, religious organizations, other, or a mix?). How do you see this mix changing if at all?

Again, in The Bahamas these services are primarily paid for by the State although there are numerous NGO’s that are supported by grants from the Ministry of Social Services, which also raise funds to assist PwDS. No change to this provision is anticipated although there are plans to set up a National Development Fund for PWDS which may accept both local and international donations to enhance the services provided to the community.

1. Describe generally how community-based providers are paid for the services they deliver (e.g., through general grants, through per capita funding, based on specific services rendered, other means?). What changes, if any, are anticipated regarding the present payment methodology?

Disability-related NGOs receive grants from $5,000-$100,000 each year. All such organizations are required to be registered with the Attorney-General’s Office and must prove through financial statements that they are utilizing the funds for their intended purposes. In other instances, they are paid specifically for the service rendered to PwDS eg. Transportation. Individuals accessing services, be they with or without a disability, pay directly for these services themselves also. No changes are anticipated in this regard.

1. In what ways are principles and service goals communicated to the service system (e.g., in laws, service standards, staff training, funding incentives, means for compensating/penalizing service providers, and/or for assessing the quality of services?). Please describe.
2. Sensitivity training is planned for a number of organizations including airport security and the uniformed forces. Healthcare workers are also to receive training to provide services that do not demean the PwD.
3. Local Cable company AliV is working with the NCPD towards a paradigm shift in their service to PwDS
4. The NCPD now has an inspector on staff who inspects buildings’ accessibility with the ability to issue an adjustment order for the building owners to comply. While at any premises, an approach to the HR persons is made to ascertain how many PwDS are employed there.
5. The NCPD receives complaints of any violation of the ACT in terms of discriminatory practices and will investigate complaints and recommend measures to be taken.
6. The NCPD may refer such matters to the Attorney-General for prosecution as deemed fit.
7. The Minister of Finance provides customs duty exemption for vehicles fitted with ramps and wheelchair lifts and to local manufacturers of assistive and adaptive devices.
8. What new services, including those to support families, have been added to the available service array to advance principles consistent with Article 19?
9. There are now more community clinics in the other islands as well as in the capital, Nassau, to give access to primary healthcare to PwDS in their respective communities.
10. A National Health Insurance Programme has been instituted for vulnerable sectors of the population for free primary healthcare, especially for those with disabilities.
11. The Ministry of Housing has included the needs of PwDS in the planning of low-cost housing subdivisions to ensure that homes being built are accessible.
12. The PwDS (Equal Opportunities) Act ensures that by law, a PwD may not be denied access to credit on the basis of disability nor access to insurance on the basis of disability.
13. The right of a PwD to vote is upheld by the legislation and calls for “reasonable accommodation” to ensure that there is full accessibility and inclusion in early voting. Family members are also included in the early voting register as they bring PwDS to exercise their right to vote.
14. What practices, if any, have been adopted/encouraged to promote greater use of technology to personalize support to persons with disabilities (e.g., telehealth, remote monitoring, adaptive communication, artificial intelligence, etc.)?

A national digitization programme has commenced for Government services such as passport renewal, payment of taxes, driver’s license, car registration etc. Most phones now have an app that will create text-to-speech for persons who are blind and there is some availability of relay technology for those who are hearing-impaired. Telehealth exists although internet infrastructure on many of the Islands may not be as efficient and hence not fully utilized. The practices are encouraged where available. Registration for most of the benefits is digitally available. An APP is currently under development for PwDS to access news and information, register, lodge complaints and receive real-time news regarding disasters for advance preparations. It is text-to-speech enabled for visually impaired persons with live captions for hearing-impaired persons.

1. In what ways are caregivers (e.g., family members, other informal caregivers) recognized and supported?

There is very little recognition of family members who are caregivers, who receive no special compensation, especially if they have given up their careers/employment to support a loved one. It is regarded as a family duty. There is no respite facility in The Bahamas nor home care offered. Informal caregivers are paid minimum wage for the most part and these jobs are mostly filled by non-Bahamians for whom the work permit costs have risen.

1. Do you have a policy of personalizing/tailoring services to individual needs? How is the policy implemented? (e.g., through individual planning requirements? etc.).

Services are tailored to individual needs depending on the type of disability and the range of disability. Also, individual means to support oneself are tested to determine the level of support to be received. Most allowances and benefits are fixed.

1. Describe how much control people with disabilities have regarding the services that they receive (e.g., choice of who provides support, choice of where they live and with whom they live, control over budgets).

Individualized budgets are not given in The Bahamas, and as there are no institutions that care for PwDS, most persons live with family. Persons without anywhere to live are housed at the Sandilands Rehabilitation Centre on a specific ward. Some are housed in Government housing. There is very little choice in The Bahamas for PwDS in this regard.

1. In some disability support structures, service users or families have an allocated budget which is devolved so they have control over how the funds are used to purchase eligible disability supports. Do you have or anticipate a policy of devolving budgets to the service user? Describe.

No such policy exists as we are a small island nation whose economy is Tourism-dependent such that, during the pandemic and following Hurricane Dorian, it has been difficult to sustain a satisfactory level of social welfare programmes. In fact, the State has expanded benefits due to high unemployment and social needs following these major disasters.

Much education is needed to empower PwDS to manage their own budgets once they are granted if and when The Bahamas transitions to such a system.

1. If budgets are devolved to the user, what kinds of supports are available to assist them, how are

 the administrative tasks minimized and is the individual given wide discretion on how the funds are spent?

N/A

1. Have you adopted any positive “wealth accumulation strategies” (e.g., innovative trust funds) to

complement social provision? Describe.

A National Development Fund is planned for PwDS with a board of trustees that may invest the funds raised for the benefit of PwDs. The Bahamas is currently seeking both Domestic and International Donors for the fund as well as grants to provide better services to this vulnerable community.

C**. Monitoring and Oversight**

 16. Describe the types of data you collect on people with disabilities receiving services (e.g., numbers of service users, types of disability, service utilization, costs per person, quality of life outcomes, health outcomes, incidence of abuse, neglect and exploitation). Are these data gathered and reported in aggregate only or may it be disaggregated per person?

The Department of Social Services gathers data on the numbers of PwDS that receive services on an annual basis. Data exists on the parameters mentioned and may be disaggregated as needed. There is an abuse hotline that monitors the number of persons that call in, the gender of the caller, age, and type of abuse but they have not recorded whether the caller has a disability. The Department of Social Services that manages the hotline will record any Persons with Disabilities that call in henceforth.

Every 10 years, the census also captures data on the disabled population, types of disabilities, housing, education and employment.

[Population & Census - Department of Statistics - Government (bahamas.gov.bs)](https://www.bahamas.gov.bs/wps/portal/public/Key%20Statistics/Social%20Statistics/Population%20and%20Census/%21ut/p/b1/vZDJkqJAEIafpR_ApliE8kghIsqOsl0IBATZN4Gup5-e5TCXHi8TnXnKiC_jy_yJgPCIoInmRxZNj7aJqp9zwIYmAqat7Gge7kUG8CzDc2hr0RLDEi7hOT6z7hl5OciX0M4T6ToKgmeSEqJU4PvKoTIipN33EZDTU7hjpSJtnvMw56kac0V66XAylk8Mn8OuzXnnbFNRppiN1UCpz3VHqdEUmXI-y2yHSidMtZpubvRGoNm1b4ago1i9gfrotaVQgoH31QiasJlRj3gDFUNW3UxytkkdcXL8OJpboWNlWu7cqjqX8KPvvXbMsRxmo8HGIUw_jHp5e_t83P98HHxRPHiVy-_9LwBwoF7nGvxCaCCpPM9AVbo4AMgk4C2bNIFOU3-Af534Lwk4kK8AivA_Ae7LMyFLXAgPMKFdfHQyLrFVYEtTr0_SFlsMSoC1snG1a3VWE4lUFXcBynWZMFLGgl_VwlLV5GgkjnVF_L4uVS16JeS-Wagz3y0kv1v43ZEy_z_SExE8bvX7Etfv4J2BDENBkgY7iuO2EBJO4bM7IZNXUbbu26C_0n1EieCqHEz3Fgn61tNNwb74ZYo3m9mf3HwNXBWP3B7B9nkMxMiuy1JXGbJnTlMsZltkQUU818WZMgc70DBlHzRUnKxWuVFgEe2xKCJvut9pOT-6T72aaOnUgS4-DHnLDUv2mMu9HD5jHempcad3RcN5Cc9w7t2SHGPexJbPJrkbrZOC8RGumIu6_qIHbWDUYsWRA7fiQkj2mfO0HZ2ODQm1ur-0yjYzDUrkLzB2HjBSR-NBaMe2Tomuns8Ka4l37e9m3n4Am6UKZw%21%21/dl4/d5/L2dBISEvZ0FBIS9nQSEh/) – 2010 Final Report on Disabled

17. How do you enforce standards as they apply to service delivery providers (law, standards, incentives)? What do these standards focus on in the main? How are they measured?

The laws that govern the rights of PwDS inform the standards to be adhered to with regard to the treatment of PwDS, to maintain human dignity, and refrain from discrimination, exploitation, and abuse. Any breaches or violations are investigated to the fullest extent and liable to recourse, whether by prosecution for a criminal act or by resolution through mediation.

18. Do your compliance rules make it possible to disqualify those providers in breach of the standards from competing for future State support?

Absolutely. The Act provides the NCPD with the ability to issue adjustment orders for any violation and lack of compliance and finally to refer to the AG’s office for legal action.

 D. **Re-Shaping the Market/Challenges and Opportunities**

19. Describe the major challenges you face in endeavoring to reform your system of services and supports for people with disabilities. Barriers might include workforce shortages, inadequate resources, lack of knowledge and training, weak infrastructure, and/ history of institutionalization.

All of the listed barriers are applicable here with the exception of institutionalization, as there are no institutions that cater to PwDS. As a small island, archipelagic nation, it is difficult to provide services to every person with a disability on every island. Therefore, resources are concentrated in New Providence, Grand Bahama, and to a lesser extent Abaco. For a PwD on a remote island or where population density is small, a move to Nassau or to Grand Bahama would be necessary for them to access education, training, employment, or other services. Online registration is available for the PROMIS platform and Disability Affairs Division for benefits. Once registered, benefits and/or allowances are given through the Local Administrator’s Office on each island or where there are banks on the Island, by direct deposit.

 20. How is the COVID-19 pandemic and its aftermath reshaping the service delivery market? Explain in terms of changes in service expectations among service recipients and regarding impacts on the services available.

The pandemic caused the delivery of service to improve through technological advances, digitization of Government Services, and online delivery. Service recipients’ expectations of efficiency are heightened, and frustrations run high if their benefit cards do not work or cannot be easily renewed. Online Registration for social benefits and allowances may work but there is a time-lapse from registration to delivery of funds in bank accounts. Hence there are improvements to be made for the digital delivery of allowances and benefits and perhaps the bureaucracy needs to be eased in the assessments to qualify for those benefits. By the time recipients apply to social services, especially those with disabilities who do not always have access to transportation, they have already exhausted all options and are in desperate need of food or shelter. More efficient delivery of services to PwDS may be achieved by further advanced digital technology infrastructure and platforms but this requires funds that a tourism-dependent nation simply does not have at this time, as the economy needs a period of recovery after Hurricane Dorian and the COVID-19 pandemic.

 21. Do you pro-actively seek out new kinds of service providers with new business models that emphasize person-centered practices?

The Bahamas is open to all such initiatives.

 22. Do you encourage service providers to adopt a ‘business and human rights approach’ to their endeavours?

Yes, and by raising more awareness of the rights of PwDS, it is hoped that such an approach will be adopted.

23. How do you incentivize innovative person-centered new providers to enter the market? Describe.

Manufacturers of adaptive and assistive devices in The Bahamas are allowed duty-free importation of materials and transportation equipped with the ability to transport PwDS also receives duty-exemption.

The Government plans to enter into PPP arrangements with some transportation providers as a starting point to provide cost-efficient services to PwDS.

24. Do minimum wage laws apply in this sector? Is there a career advancement structure for workers in the sector?

Yes. Government Employees do have a structure for education, self-improvement incentives and career advancement.

E: **Process of Reform**

25. What lessons have been learned to build momentum, while minimizing resistance, for systems change consistent with Article 19?

Inclusion of all relevant agencies and representatives of the community is key to achieving a paradigm shift in recognizing that PwDS have the right to be able to live independently within a community, in the same way that others do. However, this is the case in The Bahamas where there is no institution available for PwDS nor any respite facilities. PwDS live within communities.

 26. Did you have an initiative to re-imagine services that includes service users (e.g., have you commissioned a Task Force?).

The Bahamas adheres to the principle expressed in “nothing about us, without us “and included PwDS, NGOs, and other relevant bodies and Government agencies in the crafting of the Act and will certainly do so as it moves forward. There is currently no established Task Force.

The National Commission for Persons with Disabilities is a 15-member, statutory body that includes, Parent representatives, NGO reps, and Government agencies who are all included in the crafting of new initiatives for PwDS.

Wider consultation with all disability-related NGOs also takes place with regard to policy formulation, changes, and implementation methods.

 27. In what ways do you solicit the input of people with disabilities and family members in policy making, program oversight, strategic planning, etc. (e.g., national advisory councils, regional/local forums, surveys, webinars, etc.).

There is wide consultation with all bodies. Town hall meetings are held regularly not only in New Providence but also in Grand Bahama and Abaco. All methods are utilized to gather input from all relevant agencies and PwDS.

 28. What are the two or three strategic objectives you have to enhance the quality, availability, and effectiveness of services to people with disabilities in your state?

 1) Improve the availability of affordable healthcare for PwDS, especially in rural areas

 2) Improve the availability of affordable transportation and accessibility to all services

 3) Equalize the opportunities for training, education, entrepreneurship, and employment

 towards a pathway to independence.