Our Ref: MOSS&UD/ADM/8/C/5 August 31st, 2022

Mr. Facundo Chavez Penillas
Coordinator
Office of the United Nations Human Rights Commissioner
United Nations Office
Geneva, Switzerland

Via email: ohchr-registry@un.org

Dear Mr. Penillas,

**Re: Human Rights Council – Resolution 49/12-Rights of Persons with Disabilities**

The National Commission for Persons with Disabilities (NCPD) is pleased to submit the response for the call for input to the annual thematic study on the rights of persons with disabilities on support systems to ensure community inclusion of Persons with Disabilities (PwDS) following the Covid 19 pandemic. Our response to the questions that were posed are as follows:

1(a) Does your country have laws, policies, plans, strategies or programmes at any level of government relating to individualized support for persons with disabilities?

The substantive legislation in The Bahamas pertaining to the rights of PwDs is the Persons with Disabilities Act (Equal Opportunities) Act of 2014 which guarantees that PwDs have the same rights as other Bahamian citizens and residents under the law. Thus, any support that is afforded to others is also given to PwDS in addition to other special support.

This legislation established a National Commission for Persons with Disabilities to promote inclusion in all facets of life in The Bahamas, protect the rights of PwDs, ensure access to all services and to sensitize the public.

A disability allowance is available for children under the age of 16 years from the Department of Social Services as well as a short-term allowance for adults over 16 years in both Urban and Rural areas. Invalidity assistance (for PwDS unable to be independent) and/or disability allowance are available after age 16 years from the National Insurance Board.

Furthermore, the PROMIS programme provides community support in the following areas to the general population as well as to PwDs:

 i) Burial assistance

 ii) Uniform assistance …/2

 iii) Housing assistance

 iv) Gas and Gas tank

 v) Electricity assistance

 vi) Food assistance

 vii) Water supply assistance

**Initiatives related to:**

1. ***Communication*** – From a communication standpoint, barriers are overcome by the following provisions in the ACT:

**Article 20: Accessibility and Mobility:**

“Every person with a disability shall be entitled to a barrier-free and disabled-friendly environment to enable him/her to have access to buildings, ICT, roads and other social amenities and assistive and adaptive devices and other equipment to promote his mobility.”

**Article 24: Auxiliary Social Services:**

“The Minister responsible for Social Services shall ensure 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 pre-school age.

The Bahamas provides sign-language interpreters for the hearing-impaired in the courts, where possible (due to the lack of adequate numbers of interpreters) in an educational environment, during the news cycles on television and any major national events such as the Budget debate in the House of Assembly. Article 34 of the Act requires that closed captions or sub-titles are provided in all newscasts and educational programmes and in all programmes covering all public notices, national emergencies and national events.

The NCPD has developed an app known as AccessAbilitybahamas which is downloadable from both Google play store and the App Store, free of charge. The App is user-friendly and allows text to speech conversion for the blind. The app gives up-to-date information to the user on national events, crises, registration with the NCPD and the ability to lodge complaints. It has a directory of emergency services and a listing of disabled-friendly establishments. The App’s functionality is currently being further enhanced and the new version is to be launched in the near future.

NCPD is also present on Facebook posting all relevant information for PwDS and the general public.

ii) ***Decision- Making -*** Support to make decisions and exercise legal capacity is given to persons with disabilities as follows:

The Constitution of The Bahamas provides every citizen, including PwDs, the ability to be recognized before the law and enjoy protection under the law. The Constitution, in articles 16-21, makes provision for the protection of the right to life, protection from inhuman treatment, slavery, forced labour, arbitrary arrest or detention. It further provides for protection for privacy of home and other property, freedom of conscience and freedom of expression, freedom of assembly and association and freedom of movement. It protects all Bahamians from discrimination stating that there shall be “no law which is discriminatory either of itself or its effect,” assuring that the law is the same for everyone.

The Constitution of The Bahamas allows any person with or without disabilities to petition the courts on any matter pertaining to the achievement of justice. Article 26 (3) expressly prohibits different treatment to different persons by race, place of origin, political opinions, colour or creed whereby they are subjected to restrictions or barriers not applicable to others or given privileges and advances over other persons. Any person may apply to the Supreme Court of The Bahamas for the enforcement of their fundamental rights as stipulated in the Constitution.

In instances where a person with a disability is deemed to suffer from a mental incapacity as determined by medical professionals and in accordance with the Mental Health Act of 1969, the court may appoint a “Guardian” who may be a “close relative” as defined by the Act to represent that person and access the court on their behalf.

The National Commission for Persons with Disabilities, established under the Persons with Disabilities (Equal Opportunities) Act of 2014, is charged with the effective implementation of the Act and the ensuring of compliance with the Act.

Clause 46 of the Act, which addresses the access to the legal system by persons with disabilities, allows the Rules Committee of the Supreme Court to make rules providing for:

1. Exemption from the payment of fees of the Court in relation to proceedings commenced under the Act;
2. Provision of Sign Language Interpreters, Braille services and physical guide assistance.

A sign language interpreter is currently on staff at the National Commission’s Secretariat for the express purpose of providing the service to the Courts as well as to other fora, such as the House of Assembly during broadcast of debates, within the news section of the media, job interviews etc.

Accused PwDS who may be denied bail are eligible to be held in custody in facilities that are modified in accordance with regulations made by the Minister responsible.

The Court shall also endeavour to ensure that all suits involving persons with disabilities are disposed of expeditiously, having due regard to the particular disability and suffering of such persons.

The National Commission may (Clause 52) request the Attorney-General to take appropriate legal action if it finds that a person or group of persons is engaged in a practice that is discriminatory under the Act and if the discrimination is a significant and substantial infringement of the rights of a disabled person, which would raise the public’s interest.

iii***) Mobility*** - Access to affordable and available quality mobility assistance is provided through the Department of Social Services which provides some support towards the costs related to protheses, orthotics, hearing aids, glasses for the visually-impaired. Wheelchairs are provided through such charitable organizations as Rotary and/or NGO’s such as the Bahamas Association for Physically Disabled. On occasion, a private citizen will donate a wheelchair. NCPD works along with all these organizations as it becomes aware of the needs of the disabled to provide the necessary support. (see attached brochure)

The Minister responsible may, per the Act, facilitate the use of a service animal in public places and public buildings and public spaces (article 23), facilitate persons to have the right to be accompanied by a Service animal without being required to pay an extra charge and, in consultation with the Minister responsible for the control and protection of animals, provide the standards for the certification of such animals.

Paratransit transport does not exist in The Bahamas and most PwDS are either taken by friends and family to their various appointments or they would need to use the public transportation system that exists which includes, taxis and busses. There are a number of transportation companies that now offer transportation for persons in wheelchairs, having lifts fitted to their vans.

The Ministry of Finance has waived all Customs Duties on transportation with lifts for PwDS and on all augmentative and assistive devices.

It is the intent of the NCPD and the MOSSUD to enter into a PPP arrangement with several disabled-friendly transportation companies to provide the paratransit options for PwDs. A smart phone App is currently being developed to enable the booking of such transportation.

**iv*) Assistance with daily living activities*** - currently there is no home care offered through NCPD or DOSS for the disabled. Most persons are aided by friends and family as well as their respective churches at this time. Persons who are able to afford it, hire their own housekeepers/carers to provide assistance with daily living skills for which there is no direct allowance given.

 ***v) Housing and Accommodation*** - The Urban Renewal department is tasked with providing support for home modifications. The Ministry of Housing will provide all necessary information on the availability of housing, but the department of Social Services will provide rent subsistence and support for those that are unable to pay their rent on a limited basis.

For the most part, PwDS are cared for in the homes of relatives who act as carers as there are few care facilities for the disabled in The Bahamas other than a mental health hospital. Most persons with disabilities live within a residential community and some may be provided housing in a Government Housing complex.

***vi) Family and household support*** – informal support by employers especially in the public sector exists at the supervisors’ discretion. No policies exist that relate to care-related work leave or capacity building for informal care, which is left to the individual’s families. There are many NGO’s that exist that help provide assistance, forming a network and community, specific to the disability. Support is provided by the NGO, largely to inform and at times to provide localized intervention programmes. There is no respite care facility in The Bahamas and respite comes from friends and family and is not structured in any way.

***vii) Disability- related extra costs*** – A disability allowance is available through DOSS, the quantum of which is outlined in the attached listing. A means test is administered to understand the financial situation of the individual person. Support services are the same as that given to the general population as previously outlined.

1 (b) Government institutions and departments include:

Ministry of Social Services and Urban Development – Department of Social Services, Disability Affairs division and NCPD, Ministry of Finance and the Treasury Department. Ministry of Housing and Transportation and Ministry of Health and Wellness.

1 (c) NGO’S work in a consultative way with the Government; they are also afforded grants by MOSSUD/NCPD on an annual basis to continue with the support of their respective communities and those they serve. NCPD is made up of representatives from various NGOS and participates in the formulation of recommendations to be made to Government through the MOSSUD.

1 (d) The major NGO’s are represented as part of the National Commission and are intricately involved in the formulation of policy and regulations that affect the community of the disabled. The NCPD has regular town halls addressing issues and informing the disabled community on their rights and benefits, encouraging registration of PwDs.

2(a) The Bahamas’ enacted the Persons with Disabilities (Equal Opportunities) Act in 2014. This piece of legislation established the NCPD and gave it authority to create a National Development Fund for PwDs. It is informed by the CRPD and is the definitive law that governs the rights of PwDs. The Education Act, The Health Act and the Mental Health Act 1969 also speak to the rights of the disabled to access appropriate education, healthcare and mental healthcare and ensures that there is no differentiation between the general population and the disabled community as to their access to those services.

2(b) The care and support system is financed by the Government with allocations made for these services in the National Budget of the Bahamas. Charitable Organizations and NGO’s raise funding in addition to their grants given by Government. The 2010 census determined that there were some 10,000 persons with disabilities at that time with the general population being some 375,000. Then, 2.88% of the general population were considered to be disabled. A census is currently being conducted.

3 The National Commission is required to assist in the development of policies and regulations concerning PwDs. An inspectorate has been formed for the purpose of ensuring that all buildings in The Bahamas are accessible to the disabled community, especially in times of crises as in a hurricane, to ensure that shelters are able to accommodate those with a disability. The NCPD works closely with the National Emergency Management Agency (NEMA). Through consultation with the Disabled Community, the NGO’s and Governments Departments, further policies and regulations will be forthcoming. Support systems as described in (1), while ideal, are not realistic for an archipelagic nation as The Bahamas. Policies must be guided by the population density of a particular Island and especially with the numbers of PwDS in those communities.

 For the most part, services required are being provided to those in New Providence, Grand Bahama and Abaco. The NCPD is recommending the reinstitution of Home Care for the disabled in New Providence and Grand Bahama but the Government is constrained by the availability of funding. Rural areas are provided some paid home care and the same allowances through the Island Administrator’s office. Should a medical situation arise, transportation to the nearest Island with appropriate medical facilities are provided by the Government. Air ambulance transportation does exist but is provided by private companies and is cost-prohibitive.

1. The Bahamas National Statistical Institute provides data on the Disabled Community from the Census of 2010. Please go to the link below:

[Population with Disabilities – Bahamas National Statistical Institute (stats.gov.bs)](https://stats.gov.bs/subjects/population-with-disabilities/)

1. During Covid 19 the Community of Persons with Disabilities had difficulty accessing food

Assistance when the mandatory protocols were put into place. The Disability Affairs Division of the Ministry of Social Services and Urban Development issued emergency food assistance coupons during this period as follows to PwDs:

1. 2020 – 260 coupons were issued
2. 2021 – 184 coupons were issued.

Further research is required to extrapolate the death rate disaggregated by disability status and to determine rate of death in institutions versus in community. There was little or no disruption in support services from Social Services during the pandemic for those persons with disabilities already receiving support in The Bahamas.

I trust that we have adequately answered the enquiry from the Human Rights Council. Please do not hesitate to contact us for any further information that may be required.

Sincerely,

*Nalini Bethel*

Nalini Bethel

Chairperson

National Commission for Persons with Disabilities