

PERSONS WITH DISABILITIES (EQUAL OPPORTUNITIES) BILL, 2011

Arrangement of Sections

Section

PART I-PRELIMINARY	4
1. Short title and commencement.....	4
2. Purposes.....	4
3. Interpretation.....	5
PART II-LIFTING BARRIERS	9
4. Awareness Raising.....	9
5. Accessibility and establishment of its standards.....	9
6. Infrastructure Accessibility.....	10
7. Access to services.....	11
8. Access to information and communication technology.....	11
9. Access to Consumer goods and services.....	12
10. Service Animals.....	12
11. Mandatory observance of Accessibility Norms.....	12
12. Time Limit for making Existing Infrastructure and Premises Accessible.....	13
13. Dereliction of duty by Service Provider.....	13
14. Role of the Commission and Division and Barrier-free Environment.....	13
15. Implementation Plan.....	13
16. Right to Equality and Non-Discrimination.....	14
17. Pro-active Interventions for Persons with Disabilities with increased vulnerability.....	14
18. Right of women with disabilities to health.....	14
19. Rights of Children with Disabilities.....	15
20. Right of Children to be protected against abuse, exploitation and violence.....	15
21. Right of Children to Home and Family.....	16
22. Right to Culture, Leisure and Sport.....	16
PART III-LEGAL CAPACITY AND POLITICAL RIGHTS	16
23. Right to Life and Living.....	16
24. Protection and Safety of Persons with Disabilities in situations of risk.....	17
25. Right to Integrity.....	18
26. Right to be protected from abuse, exploitation and violence.....	19
27. Protection from abuse, exploitation and violence.....	20
28. Right to Privacy.....	23
29. Right to Live Independently and in the Community.....	24

30.	Right to Home and Family.....	25
-----	-------------------------------	----

PART IV-CAPABILITY DEVELOPMENT 25

31.	Access to Appropriate Education.....	25
32.	Reasonable Accommodation in Education.....	26
33.	Entitlements of children.....	28
34.	Right of Admission.....	28
35.	Non-Discrimination in Employment.....	28
36.	No Discrimination in Promotion on Grounds of Disabilities.....	29
37.	Equal Opportunity Policies.....	29
38.	No Removal or Reduction of Rank on Acquiring Disability.....	29
39.	Technical, vocational Training, Rehabilitation and Self-Employment.....	30
40.	Right to Health.....	31
41.	Insurance.....	32
42.	Ethical Guidelines.....	32
43.	Prohibition on Denial of Food and Fluids.....	32
44.	Right to Health care services, treatments, Habilitation and Rehabilitation.....	33
45.	Research and Development.....	35

PART V-THE BAHAMAS DISABILITIES RIGHTS COMMISSION 35

46.	Establishment of The Bahamas Disabilities Rights Commission.....	35
47.	Composition of membership and proceedings of the Commission.....	35
48.	Tenure of office of Commission members.....	36
49.	Duties and functions of the Commission.....	36
50.	Formal investigations.....	38
51.	Additional Commission members.....	38
52.	Termination of appointment of an additional member.....	38
53.	Remuneration and expenses.....	39
54.	Staff of the Commission.....	39
55.	Non-discrimination notices.....	39
56.	Enforcement action.....	39
57.	Assistance in relation to proceedings.....	40
58.	Code of Practice.....	40
59.	Accounts of the Commission.....	41
60.	Annual reports of the Commission.....	42

PART VI-OFFENCES AND PENALTIES 42

61.	Offences by establishments.....	42
62.	General penalty for offences.....	43
63.	Penalty for contravention of section 13.....	43
64.	Penalty for contravention of section 11.....	43
65.	Penalty for contravention of section 12.....	43
66.	Penalty for contravention of section 23(3).....	44
67.	Penalty for contravention of section 30.....	44
68.	Penalty for forceful termination of pregnancy.....	44
69.	Punishment for contravention of section 30(2).....	45

70.	Penalty for contravention of section 43.....	45
71.	Penalty for Hate Speech.....	45

PART VII-MISCELLANEOUS **45**

72.	Power to make rules.....	45
73.	Power to make regulations.....	46

OBJECTS AND REASONS **48**



19th October, 2011

PERSONS WITH DISABILITIES (EQUAL OPPORTUNITIES) BILL, 2011

**A BILL FOR AN ACT TO PROVIDE FOR THE PROMOTION,
PROTECTION AND FULL AND EQUAL ENJOYMENT OF THE
RIGHTS TO PERSONS WITH DISABILITIES, TO ELIMINATE
DISCRIMINATION ON THE BASIS OF DISABILITY, TO PROVIDE
FOR THE WELFARE AND REHABILITATION OF PERSONS WITH
DISABILITIES, TO PROVIDE FOR THE REGISTRATION OF
PERSONS WITH DISABILITIES, TO ESTABLISH THE BAHAMAS
DISABILITIES RIGHTS COMMISSION AND FOR CONNECTED
PURPOSES.**

Enacted by the Parliament of The Bahamas

PART I-PRELIMINARY

1. Short title and commencement.

- (1) This Act may be cited as the Persons with Disabilities (Equal Opportunities) Act, 2011.
- (2) This Act shall come into force on such date as the Minister may appoint by notice published in the Gazette and different dates may be appointed by different notices for the coming into force of particular sections or any part of this Act.

2. Purposes.

The purposes of this Act are to—

- (a) guarantee equality and non-discrimination to persons with disabilities;
- (b) recognize the legal capacity of persons with disabilities and make provision for support where required to exercise such legal capacity;
- (c) recognize the multiple and aggravated discrimination faced by women with disabilities and induct a gendered understanding in both the rights and programmes specifically for interventions;
- (d) recognize the special vulnerabilities of children with disabilities and ensure that they are treated on an equal basis with other children;
- (e) mandate specific programmes for interventions for persons with disabilities who are home bound, in institutions or who require high support needs;
- (f) undertake proactive interventions by formulating and implementing schemes and programmes for persons with disabilities in order to ensure their meaningful participation in familial and social interactions, access to all services, facilities and information, and enjoyment of all rights and benefits guaranteed to persons with disabilities, on an equal basis with others;
- (g) establish the The Bahamas Disabilities Rights Commission which facilitates the formulation of disability policy and law with active participation of persons with disabilities;
- (h) dismantle structural discrimination existing against persons with disabilities;
- (i) regulate the due observance of regulations promulgated under this Act for the protection, promotion and enjoyment of all rights guaranteed in this Act; and
- (j) specify civil and criminal sanctions for acts and conduct deemed to be wrongful.

3. Interpretation.

In this Act, unless the context otherwise requires—

“**Appropriate**” means whatever is necessary to meet the individual need or needs of a person with disabilities;

“**Barrier**” means any factor that impedes or obstructs the full and effective participation, of a person with disabilities in society, including attitudinal, social, economic, environmental, institutional, political or structural obstructions;

“**Communication**” includes languages such as sign language, total communication, and picture exchange communication, display of text, Braille, tactile communication, signs, large print, accessible

multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“developmental delays” means the child is not developing as expected in the cognitive, communication, social, physical, and self-care areas or for whatever reason or combination of reasons, is not progressing within normal limits;

“Direct Discrimination” occurs when whether intentionally or unintentionally—

- (a) a person or group of persons to whom one or more prohibited grounds apply is treated less favourably than another person or another group of persons is, has been, or would have been treated in a comparable situation;
- (b) for a reason which is at least in part related to one or more prohibited grounds, a person or group of persons is subjected to a disadvantage; or
- (c) there is failure to provide reasonable accommodation;

“Disadvantage” includes any restriction on or denial of a right, freedom, entitlement, remuneration, goods, benefit, accessibility, service provision, opportunity, license or any other social, political, economic, cultural or civil interest, religious and recreational interests and includes any segregation of a person or a group of persons to whom one or more prohibited grounds apply in comparison to others;

“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or eliminating the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, including all forms of discrimination such as denial of reasonable accommodation;

“Discrimination on the basis of 'Prohibited Grounds' means discrimination on the grounds of—

- (i) Disability;
- (ii) Perceived disability, whether the perception is accurate or otherwise;
- (iii) Association of a person with persons to whom one or more prohibited grounds apply; or
- (iv) A combination of disability and any other ground such as religion, race, place of birth, age, language, sex,

pregnancy, maternity, marital status, care giver status, economic status, political or other opinion;

“Establishment” means and includes—

- (i) Department and Ministries of Government;
- (ii) Local authorities and authorities or bodies owned, controlled or aided by local government and the Government of The Bahamas;
- (iii) Any statutory or non-statutory body, created, owned financially or administratively controlled or aided by local government and the Government of The Bahamas or any such body performing public functions which are primarily welfare activities;
- (iv) Any contractor who has been awarded a public tender;
- (v) Any company, firm, cooperative or other society, association, trust, agency, institution, organization, union, landlord, industry, supplier of goods or services, factory or other non-statutory body which is not covered under sub-paragraph (i) to (iv) and provides employment,

Unless under the scheme prepared by the Commission the entity satisfies the requirements to be exempted for cause of undue hardship; or

- (vi) Any establishment as the Local Government or Government of the Bahamas may notify in the Official Gazette;

“Experiential expert” is a person with disability who has through personal experience, intervention as an advocate or service provision acquired expertise in relation to the impairment and the related barriers, or a family care-giver who has through personal experience, intervention as an advocate and service provision acquired expertise in relation to the impairment and the related barriers;

“Family care-giver” is a person who is a member of the family who provides assistance, care and support to the person with disability;

“Hate Speech” means any kind of expression through any media whether through writing, giving speeches or holding discussions at meetings of groups of individuals with an intention to cause mental trauma, or incite hatred against persons with disabilities or their families;

“Indirect Discrimination” occurs when a provision, criterion or practice, even though neutral on the face of it, has the effect of putting persons to whom one or more prohibited grounds apply at a

disadvantage compared with others;

“Language” includes spoken and signed languages and other forms of non spoken languages;

“Minister” means the Minister with responsibility for Disability Affairs;

“Persons with disabilities” means persons suffering from a long term disability for a minimum period of twelve months including, physical, mental, intellectual, developmental or sensory impairments and other health related illnesses, which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others;

“Premises” includes—

- (i) a structure, building, aircraft, vehicle or vessel; and
- (ii) a place (whether enclosed or built on or not); and
- (iii) a part of premises (including premises of a kind referred to in sub-clause (i) or (ii));

“Prescribed” means prescribed by Rules made under this Act;

“Public building” means a building, irrespective of ownership, which is used and accessed by the public;

“Reasonable Accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

“rehabilitation” means the improved capacity of persons with disabilities by therapeutic measures and re-education to participate in the normal activities within the limitations of those persons' disabilities;

“Service Animal” means a guide dog or any other animal that has been specially trained to aid person with a sight or hearing impairment or any other disabilities;

“Services” means services provided by the members of any profession or trade, or provided by any government, local authority or establishment and includes services relating to banking and finance, education, health, insurance, rehabilitation, entertainment, recreation and hospitality, transport, or travel and telecommunications;

“the Commission” means The Bahamas Disabilities Rights Commission established under section 46 of this Act;

“the Court” means the Supreme Court or a Magistrate's court, as the context may require;

“the Division” means The Disability Affairs Division within the Department of Social Services;

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design but shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

PART II-LIFTING BARRIERS

4. Awareness Raising.

- (1) The Minister shall in consultation with the Commission, devise suitable information campaigns, and sensitization programmes utilising the talents of persons with disabilities to play leading roles in such campaigns, which raise awareness on the effects of direct discrimination and indirect discrimination directed against a person with disabilities, as a measure to prevent such discrimination.
- (2) In furtherance of the obligation in subsection (1), and to prevent the discrimination and exclusion arising from inaccurate and negative use of language the proper use of words and terminology developed in this legislation shall be employed in all communications, transactions, rules, regulations, notifications and orders.

5. Accessibility and establishment of its standards.

- (1) Insofar as accessibility is an essential pre-condition to enable a person with disabilities to live independently and participate fully in all aspects of life and of the Fundamental Rights and Freedoms provisions codified in the Constitution of The Bahamas, it is hereby recognized that a person with disabilities shall be provided such accessibility on an equal basis with others to the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services open or provided to the public in urban and rural areas.
- (2) In order to ensure such accessibility, the Minister shall in consultation with the Commission, formulate suitable Regulations.
- (3) The Minister shall in consultation with subject and experiential experts formulate these Regulations by adopting or adapting prevailing standards on physical environment and information and communication technologies and systems that are applicable to the conditions prevailing throughout the Commonwealth of The Bahamas.

- (4) The Minister, when making the adaptation and laying down the standards, shall ensure that the regulations are age and gender appropriate and are applicable to—
- (a) all buildings and facilities used by the public;
 - (b) permanent, temporary or emergency conditions;
 - (c) road based transport;
 - (d) aviation;
 - (e) maritime transport and ports;
 - (f) pedestrian infrastructure including pelican crossings and side walks;
 - (g) public transport system;
 - (h) all modes of transport so that any person with disabilities is able to travel with safety and comfort;
 - (i) elevators with voice activation, Braille and other hearing impaired devices.

6. Infrastructure Accessibility.

- (1) The Minister shall in consultation with the Commission, take appropriate measures to—
- (a) develop, put into effect and monitor the implementation of accessibility standards and design regulations for areas within a period of two years; and
 - (b) review and revise these regulations after every five years for infrastructural accessibility so as to render them applicable to all premises.
- (2) The appropriate Ministries and establishments shall take suitable measures to—
- (a) provide facilities for a person with disabilities at air and sea ports that meet the accessibility standards relating *inter alia* to parking spaces, toilets, ticketing counters, ticketing machines and cruise facilities;
 - (b) provide access to all modes of transport that conform to design standards;
 - (c) formulate rules for providing driving licenses to persons with disabilities;
 - (d) where no modifications are possible wherever practicable, human assistance shall be made available to persons with disabilities; and
 - (e) provide grants, incentives and concessions for—
 - (i) providing accessible transporting facilities; and
 - (ii) retrofitting of vehicles, for persons with disabilities.

7. Access to services.

The Minister shall, in consultation with all other relevant Ministers responsible for various Government ministries and departments—

- (a) disseminate latest information on accessibility on a regular basis so as to ensure that persons with disability do not face hardships in using services;
- (b) ensure that all services and facilities are available to persons with disabilities on an equal basis with others and are responsive to their needs;
- (c) ensure that all announcements inviting public response, which may include those made for procurement, employment, public health and disaster preparedness, must be accessible to persons with disabilities;
- (d) promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information; and
- (e) publish a registry of services and service providers to enhance access to healthcare, legal aid, public information, transportation, school or education and all other provisions.

8. Access to information and communication technology.

The Minister shall, in consultation with all other relevant Ministers responsible for various Government ministries and departments, take measures to ensure that—

- (a) all content including publications, periodicals, journals, educational materials, text books, national examinations, multi-media materials, internet and electronic formats shall be made available to persons with disabilities in accessible format;
- (b) schemes be formulated or amended for affordable access to Information and Communication Technology & Electronics for persons with disabilities;
- (c) all government websites, and private websites providing consumer services, shall conform to the most updated version of the World Wide Web Consortium web accessibility standards;
- (d) incentives and concessions shall be provided to support existing websites to make them accessible to persons with disabilities;
- (e) the conversion, reproduction, adaptation and communication of all copyrighted materials into accessible versions for exclusive use of persons with disabilities on 'not-for-profit' and non-commercial basis shall be deemed fair dealing;

- (f) electronic goods and equipment of everyday use shall follow the principles of universal design;
- (g) persons with disability have access to Electronic Visual Media by providing for audio description, sign language interpretation or close captioning; and
- (h) accessibility to telecommunication services “to include emergency alert codes or buttons, special text messaging on cell phones or hotlines that link directly to the National Emergency Management Agency or police mobile units or the Commission’s office.

9. Access to Consumer goods and services.

The Minister shall, in consultation with all other relevant Ministers responsible for various Government ministries and departments—

- (a) take measures to promote development, production and distribution of universally designed consumer products and accessories for general use; and
- (b) take measures to provide accessible consumer services including, but not limited to, personal grooming, fitness and beautification services.

10. Service Animals.

The Minister shall, in consultation with Minister responsible for the control and protection of animals—

- (a) facilitate the use of Service Animals by persons with disabilities at public places and public buildings or while using public services or facilities; and
- (b) facilitate persons with disabilities who need assistance, to have the right to be accompanied by a Service Animal in public places or public buildings or while accessing public services without being required to pay an extra charge for the Service Animal.

11. Mandatory observance of Accessibility Norms.

- (1) No individual, organization or establishment shall be granted permission to build any structure if the building plan does not adhere to the regulations formulated by the Minister in consultation with the Commission.
- (2) No individual, organization or establishment shall be issued a certificate of completion or allowed to take occupation of a building if it has failed to adhere to the regulations formulated by the Minister in consultation with the Commission.
- (3) Any contravention of this section shall be penalized under section 64.

12. Time Limit for making Existing Infrastructure and Premises Accessible.

- (1) All existing public buildings used for government purposes shall be made accessible within a period not exceeding three years from the coming into force of this Act.
- (2) All other public buildings shall be made accessible within a period not exceeding five years from the coming into force of this Act.
- (3) Any contravention of this section shall be penalized under section 65.

13. Dereliction of duty by Service Provider.

- (1) All service providers shall provide services in accordance with the regulations on accessibility formulated by the Minister in consultation with the Commission.
- (2) Any contravention of this section shall be penalized under section 63.

14. Role of the Commission and Division and Barrier-free Environment.

- (1) The Commission and the Division, in consultation with the Minister, shall formulate regulations to ensure that all populated Islands and Cays of The Bahamas become universally accessible and inclusive in terms of accessibility.
- (2) The Commission and the Division, shall assist the Minister in developing and monitoring Accessibility regulations for all services and facilities provided to the public at large both in the rural and urban areas.

15. Implementation Plan.

- (1) The Commission in collaboration with the Minister would formulate an action plan based on prioritization of providing accessibility in all public buildings and spaces providing essential services such as all Primary Health Centres, Local Government clinics, hospitals and multi-specialty medical facilities, primary and secondary schools and bus stations within five years.
- (2) A plan shall include carrying out of access audits by authorized team of auditors and provision of accessible facilities based on standard accessibility guidelines.
- (3) All plans shall be public documents and shall be made available by the Commission in formats accessible to persons with disabilities.
- (4) The Commission shall set up a system of monitoring all existing built infrastructure once the plans to provide accessibility are made public.

16. Right to Equality and Non-Discrimination.

- (1) A person with disabilities is equal before the law and is entitled to equal protection and equal benefit of the law without any discrimination whether direct or indirect.
- (2) A person with disabilities shall not be forced or compelled in any case to partly or fully pay any of the costs incurred to provide reasonable accommodation or any of the other obligations imposed in this section.
- (3) A person with disabilities has legal capacity and the right to choose his or her way of life, on an equal basis with others and any measure, intervention and interpretation which has the effect of denying, withdrawing or eliminating the legal capacity of a person with disabilities shall constitute discrimination.
- (4) Any affirmative action measure aimed to accelerate or achieve equality of a person with disabilities shall not constitute discrimination.

17. Pro-active Interventions for Persons with Disabilities with increased vulnerability.

- (1) The Minister after consultation with the Commission, Division and other Ministers of various government ministries, shall create and implement pro-active, dedicated and timely interventions in order to guarantee full enjoyment of all rights and benefits of persons with disabilities with increased vulnerability, on an equal basis with others.
- (2) The Minister shall, after consultation with the Commission, designate one or more authorities for the purposes of subsection (1).

18. Right of women with disabilities to health.

- (1) Every woman with disabilities shall have a right to the enjoyment of the highest attainable standard of health and right to obtain health care in accessible environments through accessible procedures with reasonable accommodation without discrimination on the basis of disability or sex.
- (2) The Minister after consultation with the Commission, shall *inter alia*, take all appropriate measures to ensure the full and effective enjoyment of the right to health by women with disabilities, including measures to—
 - (a) ensure that all healthcare services, including family planning programmes, are gender-sensitive, and are available and accessible to women with disabilities; and
 - (b) to provide information in relation to all areas of healthcare, including sexual and reproductive health, to women with disabilities.

19. Rights of Children with Disabilities.

- (1) Every child with disabilities is entitled to the same full and protection and enjoyment of benefits and rights of the child guaranteed under the Child Protection Act *Ch. 132*.
- (2) Every child with disabilities has the same human rights and fundamental freedoms as other children.
- (3) Every child with disabilities is entitled to enjoy these rights and fundamental freedoms on an equal basis with other children and the denial of any rights on the basis of disability, shall be discrimination.
- (4) The Minister, after consultation with the Commission, shall ensure that children with disabilities have a right to freely express their views on all matters affecting them.
- (5) The views of the children with disabilities must be given due weight in accordance with evolving capacities of the child.
- (6) The Minister after consultation with the Commission, shall devise protocols whereby age and disability appropriate guidance and information shall be provided to the child to exercise this right.
- (7) It shall be the duty of the Minister and other Ministers of various relevant government ministries, and establishments to ensure that the birth of all children with disabilities is registered in accordance with the Births and Deaths Registration Act, *Ch. 188*.

20. Right of Children to be protected against abuse, exploitation and violence.

- (1) Every child with disabilities has a right to be protected against all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse in all settings, including the home, family, schools, hospitals and other institutions and the juvenile justice systems.
- (2) Every child with disabilities has a right to be provided with an accessible, safe and confidential complaint mechanism and these complaints have to be addressed in a time bound manner prescribed by the Minister in regulations to this Act.
- (3) The appropriate government ministry shall ensure that any establishment providing any service to children with disabilities must be staffed with specially trained personnel and any individual who is involved in providing any support or service to a child with disabilities must be trained for the same in a way to protect the dignity, integrity and rights of the child.

- (4) The Minister after consultation with the Commission, shall undertake awareness raising and training programmes for the appropriate personnel and children with disabilities to enable them to understand the signs of violence and abuse and methods of accessing the complaint mechanisms.
- (5) For the purposes of this section, the terms violence, abuse and exploitation shall have the same meaning as under section 26 of this Act.

21. Right of Children to Home and Family.

The Minister after consultation with the Commission, shall ensure that children with disabilities have an equal right with respect to family life and undertake support measures such as providing comprehensive information and support to children with disabilities and their families to ensure that they are not concealed, abandoned, neglected or segregated.

22. Right to Culture, Leisure and Sport.

- (1) Every child with disabilities has a right to play and participate in sports, recreation and cultural activities on an equal basis with other children.
- (2) The Minister after consultation with the Commission, Division and other Ministers of various government ministries and establishments, shall provide for disability and age appropriate opportunities for children with disabilities to participate in sports and have access to playgrounds along with other children.
- (3) The Minister after consultation with the Commission, Division and other Ministers of various government ministries and establishments, shall ensure that children with disabilities have access to cultural materials in an accessible format and access to cultural activities, performance and services along with other children.

PART III-LEGAL CAPACITY AND POLITICAL RIGHTS

23. Right to Life and Living.

- (1) A person with disabilities has the inherent right to life and the Commission, after consultation with the Division, shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.
- (2) Right to life includes the right to live with dignity, which includes but is not limited to—
 - (a) adequate nutrition, clothing and shelter;
 - (b) wellness and healthcare;

- (c) access to facilities for reading, writing and expressing one-self in any form or language whether written, spoken, unspoken, or sign language; and
 - (d) freedom of movement, association, participation and living and sharing with other persons and communities;
 - (e) Opportunity to acquire personal, social, educational and vocational skills required to function as a person with disability.
- (3) Any act or omission which damages or injures or interferes with the use of any limb or faculty of persons with disabilities either permanently or temporarily, will be punishable under this Act.
- (4) Any contravention of this section shall be penalized under section 62 of this Act.

24. Protection and Safety of Persons with Disabilities in situations of risk.

- (1) A person with disabilities shall have the right to suitable protection and safety in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.
- (2) In furtherance of the right recognized in subsection (1), the Minister in consultation with the Commission, shall take effective and appropriate measures to enable the protection and safety of persons with disabilities in such situations on an equal basis with others.
- (3) Without prejudice to the generality of the obligation in subsection (2), the Minister in consultation with the Commission, shall formulate or alter as the need may be, all existing and proposed plans and interventions, in consultation with the Division, for the inclusion of persons with disabilities.
- (4) The National Emergency Management Agency shall take appropriate measures to ensure inclusion of people with disabilities in every scheme, program, mission as well as its 'disaster management system' as defined under section 36 of the Disaster Preparedness and Response Act, *Ch. 34A*, during the occurrence of any 'disaster emergency' as defined under section 2 of *Ch. 34A*, for the safety and protection of persons with disabilities.
- (5) The Minister in consultation with other Ministers responsible for various Government ministries and departments and the Commission, shall take suitable measures to ensure the safety and protection and offer immediate relief and rehabilitation to victims with disabilities in situations of communal violence or internal disturbance.

- (6) The Royal Bahamas Police and Defence Forces shall, in all situations of armed conflict, take appropriate measures to ensure the safety and protection of persons with disabilities in light of the obligations under International Human Rights law and International Humanitarian law including the Geneva Conventions I-IV 1949 and Additional Protocols I & II 1977.
- (7) Every reconstruction activity undertaken by the Government after consultation with the Division, in response to any situation of armed conflict, humanitarian emergencies or natural disasters should take into account the accessibility requirements of people with disabilities.
- (8) The Minister in consultation with other Ministers responsible for various Government ministries and departments, the Division and concerned authorities, shall work together with the Commission to—
 - (a) undertake research and development on issues relating to protection, relief, rescue or safety of persons with disabilities in situations of risk;
 - (b) provide training to persons with disabilities on responding effectively to interventions by appropriate authorities in situations of risk;
 - (c) provide training to personnel dealing with persons with disabilities in situations of risk so as to enable them to offer effective support in these situations and sensitize them to the needs and requirements of persons with disabilities.

25. Right to Integrity.

- (1) A person with disabilities has a right to respect for his or her integrity as a person with disabilities and to be able to function safely as such person.
- (2) A person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.
- (3) The Right to integrity includes right to dignity of self and its appreciation in society and requires that communications which reduce the identity of the person with disabilities to the impairment be retracted and respectful address practised.
- (4) The respect for this right should in no way be influenced by the living arrangements of the person with disabilities and the right of homeless persons with disabilities and persons with disabilities who are kept in residential care establishments and institutions are to be respected on an equal basis with others.

26. Right to be protected from abuse, exploitation and violence.

In this section—

- (a) **‘Violence’** means any act or threat of such act on any person with disabilities or his or her property with a motive to cause harm, injure, destroy, damage or humiliate him or her and includes any act or omission-
- (i) that harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so;
 - (ii) that harasses, harms, injures or endangers the aggrieved person with a view to coerce such person or any other person related to the aggrieved to meet any unlawful demand;
 - (iii) that puts the aggrieved in any institution, or is subject to any intervention, injection, or introduction to any invasive treatment by electric current or radiation or chemicals or any other technique;
 - (iv) threatening the aggrieved with any conduct mentioned in (a), (b) and (c).
- (b) **‘Abuse’** means any mental, physical, sexual, psychological, emotional and social mistreatment of any person with disabilities which has the tendency to cause serious emotional, mental, physical, or sexual injury and includes physical, sexual, verbal or emotional abuse and economic abuse which thereof shall be understood as—
- (i) **‘physical abuse’** means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force; and includes taking to any undesirable place, or forcing to see, hear, feel, eat, drink or smell anything undesirable to any person with disability;
 - (ii) **‘sexual abuse’** includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of the victim who suffers from either a severe cognitive or mental capacity or is diagnosed with both severe diminished cognitive and mental capacities;
 - (iii) **‘verbal and emotional abuse’** includes insulting, ridiculing, humiliating any person with disability whether directly or indirectly on the basis of disability;

- (iv) **‘economic abuse’** includes depriving a person with disabilities of all or substantial economic or financial resources, or restricting or denying any access to the resources and facilities which makes it unrealistic for the aggrieved to live with dignity’;
- (v) **‘Abuse’** also includes denying or making or keeping inaccessible necessary support which the person with disability had demanded for which could be reasonably understood to have been demanded and exercise of any undue influence or pressure on, or willfully beguiling any person with disability to do or omit to do something which in the normal course such person with disability would have not done or done;
- (c) **Exploitation’** means any act which has the purport and effect of taking unfair advantage of any limitation of the aggrieved;
- (d) Any person having a relationship whether personal, professional or fiduciary with the aggrieved or otherwise holding the trust and confidence of the aggrieved is guilty of exploitation if that person knowingly, by deception or intimidation, obtains or uses or tries to obtain or use aggrieved person’s funds, assets, or property with the intent to temporarily or permanently deprive such person with disability of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the aggrieved without obtaining his or her valid consent.

27. Protection from abuse, exploitation and violence.

- (1) A person with disabilities has the right to be protected against all forms of abuse, exploitation and violence, including physical, mental, sexual, and emotional on the person of such person with disabilities in all settings at all places including, home, care-houses, educational institutions, hospitals and other institutions, workplaces, and any other place which resides, co-habits, employs or in other manner inhabits any person with disabilities whether temporarily or permanently.
- (2) The Minister, in collaboration with the Commission, Ministers responsible for various Ministries and departments, and non-governmental partners, shall take all appropriate administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, while also being minded that persons with disabilities may be subject to discrimination on more than one ground such as gender and religion simultaneously with disability.

- (3) Any organisation working with a person with disabilities or any person, who has reason to believe that an act of exploitation, violence and abuse has been, or is being, or is likely to be committed against any person with disabilities, may give information about it to the police officer, or the magistrate in whose jurisdiction such incident occurs, is or is likely to occur, or to the Court that shall take immediate steps on the receipt of such information to stop it and have the persons responsible for it arrested or if it has not occurred, to prevent its occurrence.
- (4) No civil or criminal liability shall be incurred by any person in good faith furnishing information for the purpose of subsection (3).
- (5) Any person with disability who is or has been or apprehends or has reason to believe that he or she may be subject to any form of exploitation, violence or abuse may make an application before the Court for protection.
- (6) The Court upon being satisfied that the act of exploitation, violence and abuse is being committed, or has been committed, or if not prevented in all likelihood would be committed against a person with disabilities, may pass the necessary orders, or may direct or take such steps to ensure safety to the Person with Disabilities on the basis of any information received under subsection (3) or any application received under subsection (5).
- (7) The Court, if satisfied that the impugned act has been committed or is in fact being committed, may after recording its findings and reasons, pass any order, including-
 - (a) sending the person causing exploitation, violence or abuse to any person with disability to police custody to initiate appropriate criminal proceeding against such person;
 - (b) if such person is not a natural person, it may send the occupier or manager of such artificial person to police custody for initiation of criminal proceedings;
 - (c) if such person is a company registered under the Companies Act *Ch. 308*, it may recommend the registrar of the companies to take an appropriate action under *Ch. 308*, against the defaulting company;
 - (d) an order to rescue the victim of such act, authorising the police or any reliable organisation working with the persons with disability to provide for the safe custody, or rehabilitation of such person with disability, or both;
 - (e) issue an order for providing protective custody of the person with disability if the person with disability so desires it;

- (f) in addition to the measures mentioned in clauses (a) to (e), it may ask the guilty person or organisation or company to provide monetary relief for the maintenance of such person with disability;
 - (g) a combination of one or more orders or directions mentioned above.
- (8) The Court, in its discretion, may counsel any person accused of an act of exploitation, violence or abuse against a person with disability in the presence of the aggrieved person and record its observations or recommend a lenient view of the punishment, while passing any order under subsection (7).
- (9) A police officer, Magistrate or the Court, who has received a complaint of exploitation, violence or abuse with any person with disabilities, is otherwise present at the place of such incident or when such incident is reported to him or her, shall inform the aggrieved person of-
- (a) the right to make an application for obtaining protection under subsection (5) before the Commission;
 - (b) contacts of the nearest organisations or institutions working for the rehabilitation of persons with disabilities who have been subject to exploitation, violence or abuse;
 - (c) contacts of the nearest office(s) of the authorities mentioned under this Act, which shall assist the complainant;
 - (d) his or her right to free legal services or any other services offered by the Bahamas Bar Association, the Eugene Dupuch Legal Aid Clinic or any other legally qualified individual or entity in The Bahamas, for the benefit of persons with disabilities;
 - (e) his or her right to file a complaint under the relevant provisions of the Criminal Procedure Code Act, this Code, or any other legislation dealing with such crimes:

Provided that nothing in this Act shall be construed in any manner as to relieve a police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

- (10) The Commission shall take measures for the sensitization of the general public on the ways and forms in which persons with disabilities are subjected to exploitation, violence and abuse including their gender and age based aspects and the penalties for these acts.
- (11) The Commission shall take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, *inter alia*, appropriate forms of gender, age and impairment sensitive assistance and support for persons with disabilities and their families and caregivers, including providing information and education and raising awareness on—

- (a) identifying and recognizing the incidents of exploitation, violence and abuse;
 - (b) the legal remedies available against such incidents;
 - (c) steps to be taken for avoiding such incidents;
 - (d) steps to be taken for reporting such incidents;
 - (e) steps required for the rescue, protection and rehabilitation of persons with disability who have been the victims of such incidents.
- (12) The Commission shall take all measures to—
- (a) develop gender, age and impairment sensitive support and arrangements;
 - (b) to access legal remedies;
 - (c) to contact authorities, organizations and officials including the police,
- whenever any person faces witnesses or apprehends violence, exploitation or abuse and all information mentioned in subsection (11).
- (13) The Minister after consultation with the Commission, other Ministers of various relevant government ministries along with organizations working in the field of disability shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities, who become victims of any form of exploitation, violence or abuse, including through the provision of protection services.
- (14) The recovery prescribed in subsection (13), rehabilitation and reintegration shall take place in an environment that fosters the health, well-being, self-respect, dignity and autonomy of the person and takes into account gender, age and impairment specific needs.

28. Right to Privacy.

- (1) No person with disabilities shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation.
- (2) Persons with disabilities have the right to the protection of the law against such interference or attacks.
- (3) Such protection shall be provided at all sites and shall among others include homes, institutions or any other living arrangement and will extend to all fields including the media, employment and health sectors.
- (4) The Minister after consultation with the Commission, other Ministers of various relevant government ministries along with organizations working

in the field of disability, shall ensure that the privacy of personal, health and rehabilitation information of persons with disabilities is protected on an equal basis with others.

- (5) All local or public authorities as codified in the Data Protection (Privacy of Personal Information) Act, *Ch. 324A*, in collaboration with the Commission established under this Act, shall devise codes of conduct which are gender sensitive and guidelines to protect the privacy of persons with disabilities in different sectors and while formulating such guidelines, the concerned authorities shall be mindful of the following considerations—
 - (a) privacy needs must be addressed by balancing the need for being alone, and need for being supported;
 - (b) reasonable accommodation and necessary support must factor in personalized needs for privacy;
 - (c) the balance between disclosure and privacy is a matter to be decided by the person with disability.
- (6) No information regarding a person with disabilities except the one which is required by law shall be put up in public domain without consent in writing from the person with disability.
- (7) No person with disabilities shall be subjected to any pre-employment health screening which directly or indirectly discriminates on the basis of disability.

29. Right to Live Independently and in the Community.

- (1) A person with disabilities shall have the right to live independently and in community in order to enable them to grow and develop and have a meaningful life on an equal basis with others.
- (2) In order to realize the right recognized in sub section (1), the appropriate government shall launch suitable schemes and programs which provide to persons with disabilities choice in place and manner of living, without directing or ordering the person with disabilities to live in any particular living arrangement determined by the state or any other entity.
- (3) The Minister after consultation with the Commission, other Ministers of various relevant government ministries along with organizations working in the field of disability, shall establish sufficient independent and community living environments, taking into consideration gender and age needs and to accommodate the choices of persons with disabilities.
- (4) The Minister after consultation with the Commission, other Ministers of various relevant government ministries shall ensure that community living environments have such provisions and support services and systems, and

access to such provisions and support services and systems, that allow for inclusion and participation of the person in general society without any discrimination.

30. Right to Home and Family.

- (1) Notwithstanding anything contained in the law for the time being in force, a person with disabilities shall be entitled to solemnise a marriage in accordance with the prescribed procedure.
- (2) No person with disabilities shall be subject to any medical procedure which leads to or could lead to infertility without their express consent: Provided that in cases of medical necessity such medical procedure may be performed on a minor with the parent or guardian's consent; Provided further that such medical necessity has to be declared by a qualified medical practitioner.
- (3) Any contravention of subsection (2) shall be penalized under section 62.
- (4) No child with disabilities shall be separated from his or her parents without at least one parent's consent unless such separation is declared to be in the best interests of the child by the Court.
- (5) No child with disabilities shall be separated from his parents solely on the basis of his disabilities or on the basis of the disabilities of one or both of the parents.
- (6) Any contravention of subsections (4) and (5) shall be penalized under section 62.

PART IV-CAPABILITY DEVELOPMENT

31. Access to Appropriate Education.

- (1) A person with disabilities shall not be excluded from the education system on the basis of disabilities, and the Minister after consultation with the Commission, other Ministers of various relevant government ministries, shall ensure that all persons with disabilities have access to appropriate education, without discrimination and on an equal basis with others, at all levels.
- (2) The Minister, in consultation with the Ministry of Education and the Commission and establishments, shall provide educational assessment and early educational intervention needed by young children, two to five years old, with disabilities or those at-risk for having disabilities or developmental delays.

- (3) The Minister after consultation with the Commission, other Ministers of various relevant government ministries and Division, shall ensure free and compulsory primary and secondary education to all children with disabilities.
- (4) No person with disabilities shall be denied admission in government maintained tertiary level or higher education institutions by reason of their disability if he fulfils all the requirements for such admission.
- (5) Every person with disabilities appearing for an entrance examination for any government maintained tertiary level or higher educational institution has a right to adequate, necessary and appropriate support for the purposes of such examination.
- (6) Every person with disabilities who is admitted to a government maintained tertiary level or higher educational institution has a right to adequate, necessary and appropriate support required to complete the course for which such person is admitted and for any other extra-curricular and co-curricular activities in which he represents such institution.
- (7) The Minister after consultation with the Commission, other Ministers of various relevant government ministries, shall ensure that appropriate education is based on lifelong learning aimed at—
 - (a) the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
 - (b) the development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
 - (c) enabling persons with disabilities to participate effectively in a free society.

32. Reasonable Accommodation in Education.

- (1) For the purposes of this section—

“full inclusion” means educating children with disabilities, regardless of types or severity of disabilities, in regular education or least restrictive environments and in regular classrooms in their community schools, to the maximum extent possible;

“least restrictive” means educating children with disabilities within the regular educational environment unless the nature or severity of the disability is such that with the use of supplementary aids and services, education in regular environments or classes cannot be achieved satisfactorily.

- (2) The Minister after consultation with the Commission, other Ministers of various relevant government ministries, Division, shall ensure that reasonable accommodation of the individual's requirements is provided at all levels of the education system, taking into consideration their gender specific needs;
- (3) The Minister after consultation with the Commission, other Ministers of various relevant government ministries, and Division, shall ensure that persons with disabilities receive individualised support, within the education system, to facilitate their effective education provided in environments that maximize academic and social development, consistent with the goal of full inclusion.
- (4) In order to ensure appropriate education for persons with disabilities, the appropriate governments and establishments shall take measures, including—
 - (a) facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and access to adjustment to blindness training, and facilitating peer support and mentoring or coaching;
 - (b) facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
 - (c) employing teachers, including teachers with disabilities, who are qualified in sign language or Braille, and to train professionals and staff who work at all levels of education;
 - (d) facilitating access to the school's curriculum through the adoption of measures provided in subsection (4)(a) and through appropriate adaptation measures;
 - (e) facilitating special conditions for the taking of examinations including having access to examination writers and ensuring that materials are printed in accessible format (Braille or large print);
 - (f) allotting additional time for passages that have to be read to children who are blind and visually impaired, sign language interpretation, completion of all sections of examinations by children who are hearing and visually impaired;
 - (g) developing and implementing appropriate strategies for, children who are deaf and who are required to complete passages that require listening comprehension, persons with learning disabilities by giving consideration for additional time for all sections of examinations to be completed;
 - (h) providing speech therapy, occupational therapy, physiotherapy, guidance and counselling, audiological assessments, aural and oral rehabilitation for children with disabilities;

- (i) employing officers responsible for special education and assigning these officers to districts within developed and populated Islands throughout The Bahamas such as Grand Bahama, Eleuthera, Exuma, Abaco and Andros, in order to facilitate the implementation of inclusive education polices and procedures;
- (j) providing parents or care-givers with access to all documentation regarding their children, including report cards, individual education plans, psycho-educational assessments, audiological reports and visual examinations.

33. Entitlements of children.

- (1) Every child with disabilities shall have a right to free and compulsory education between the age of five and sixteen years or until the completion of his secondary education whichever is later.
- (2) No child with disabilities shall be liable to pay any kind of fee, charge or expense which may prevent him from completing his elementary and secondary education.

34. Right of Admission.

If a child with disabilities has not been admitted to a school at the stipulated age or was admitted but was unable to complete his education due to his disabilities then such child shall be admitted to a class appropriate to his age;

Provided that, where a child with disabilities is directly admitted to an age appropriate class such child has a right to suitable training in order to enable effective participation;

Provided further, that the aforementioned training will be imparted through means of communication and in a language which the child understands by educators equipped and trained to perform such training.

35. Non-Discrimination in Employment.

- (1) No person with disabilities shall face discrimination in recruitment, promotion, and other related matters arising in the course of, or through the length of, employment in any establishment.
- (2) No person with disabilities shall be dismissed or suffer any reduction in rank solely on the grounds of acquiring any disabilities, or any consequences thereof:

Provided that if any employee with disabilities is placed under undue stress or disadvantage in the usual course of employment as a result of the disability, such employee will be eligible for a post at the same rank with adequate support.

- (3) Every establishment shall facilitate reasonable accommodation of persons with disabilities by taking adequate measures to guarantee that persons with disabilities are not disadvantaged in any manner at any stage of employment.
- (4) Every employer having more than one hundred employees, shall employ not less than one percent qualified persons with disabilities and the government shall employ not less than two percent of qualified persons with disabilities.

36. No Discrimination in Promotion on Grounds of Disabilities.

- (1) No person with disabilities shall be denied promotion by reason of disabilities.
- (2) The denial of promotion to a person with disabilities on grounds of his or her disabilities shall constitute discrimination.

37. Equal Opportunity Policies.

- (1) Within six months of the commencement of any provision of this Act, every establishment shall put in place an Equal Opportunity Policy detailing measures and commitments initiated by the establishment in pursuance of the provisions of this Part and any such Rules thereof.
- (2) An Equal Opportunity Policy shall—
 - (a) delineate measures taken in order to comply with the provisions of the Act;
 - (b) provide strategies to increase employment opportunities with specific attention to all schemes and reasonable accommodation measures.
- (3) The Minister after consultation with the Commission, may if he or she deems fit, devise the form and structure of Equal Opportunities Policies.
- (4) Once completed, a copy of the Equal Opportunity Policies shall be deposited and registered with the Commission.

38. No Removal or Reduction of Rank on Acquiring Disability.

- (1) Every establishment and employer as the case may be shall arrange for the rehabilitation of an employee who acquires a disabilities during the course of service.
- (2) No establishment shall remove or reduce in rank any employee who acquires a disabilities during the course of service.

- (3) Every establishment shall provide reasonable accommodation to enable the employee to resume the job he or she was doing in the organization before acquiring the disability or disabilities.
- (4) If the employee cannot function on the same post even with the provision of reasonable accommodation, then the establishment shall relocate the employee to a suitable post without any reduction in salary and rank on which the employee can perform whether with or without reasonable accommodation.
- (5) If, after the accommodation and relocation procedures outlined in subsections (3) and (4) prove unsuccessful, the employee may be kept on a supernumerary post until a suitable post is available or till the age of superannuation, which ever is earlier.

39. Technical, vocational Training, Rehabilitation and Self-Employment.

- (1) The Minister after consultation with the Commission, shall take all necessary measures with respect to formulation of schemes and programmes to facilitate and support employment of persons with disability, with special reference to self-employment and vocational training of persons with disabilities.
- (2) Without prejudice to the general obligation stated in subsection (1), the Minister after consultation with the Commission, shall establish work centres where persons with disabilities can be imparted necessary skills and provide work in horticulture, handicrafts, agriculture and making of agricultural equipments and other mechanisms or machinery.
- (3) Without prejudice to the general obligation stated in subsection (1), the Minister after consultation with the Commission, shall ensure imparting of skills through convergence in existing centres and establish centres where none exists where persons with disabilities in rural areas can be imparted necessary skills in crafts, trades and domiciliary occupations and provide work.
- (4) If, in the opinion of the person recruited, there is a need to impart specific training prior to recruitment in order to ensure that a person with disabilities has adequate support, then such facilities should be made available.
- (5) The Minister after consultation with the Commission, shall institute suitable schemes to promote and support the creative skills of persons with disabilities and by establishing networks between the artisans and marketing federations, handicraft and technical and vocational education boards.

40. Right to Health.

- (1) A person with disabilities is entitled to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability.
- (2) A person with disabilities has the right to obtain health care in accessible environments through accessible procedures and with reasonable accommodation.
- (3) The Minister, in consultation with the Minister responsible for Health and the Commission and establishments, shall ensure that all health care rights, entitlements and benefits are universally available with due consideration accorded to gender, age and socio-economic status, culture and religion.
- (4) The Minister, in consultation with the Minister responsible for Health and the Commission and establishments, shall ensure that persons with disabilities have access to free or affordable quality health care close to their communities.
- (5) For the purposes of this section, “**early identification**” means the recognition during pregnancy, at birth, or as soon as possible thereafter, of developmental delay or disability.
- (6) The Minister, in consultation with the Minister responsible for Health and the Commission and appropriate establishments, shall provide health care services needed by persons with disabilities specifically because of their disabilities and these services shall make provision for early identification and intervention.
- (7) In fulfilment of its obligation under this section, the Minister, in consultation with the Minister responsible for Health and the Commission and establishments, shall make schemes and programmes with the participation and involvement of persons with disabilities and care-givers that, *inter alia*, makes provision for—
 - (a) the minimization and prevention of further disabilities with requisite education and information;
 - (b) the health care of persons with disabilities during times of natural disasters and other situations of risk;
 - (c) disability specific equipments and accessible infrastructure at all health care centres, public buildings and places, and all other such places that may be notified by the appropriate government from time to time;
 - (d) ‘essential medical facilities’ for all life saving emergency treatment and procedures;

- (e) sexual and reproductive health especially of women with disabilities;
- (f) access to all Primary Health Care Services; and
- (g) subsidized and where necessary, free treatment and medical services for weaker and poor sections.

41. Insurance.

- (1) Every insurance company shall provide insurance coverage to persons with disabilities on an equal basis with others.
- (2) The denial of any insurance coverage to any person with disabilities shall constitute discrimination.

42. Ethical Guidelines.

- (1) Every health professional shall not discriminate against persons with disabilities in the observance of ethical guidelines on informed consent and confidentiality whilst providing health care and other services to persons with disabilities.
- (2) Without prejudice to the general obligation stated in subsection (1), every health care professional shall when making impairment specific interventions, take special care to provide complete information to persons with disabilities through accessible modes, methods and formats.
- (3) Any negligent departure from the guidelines shall invite action for professional misconduct or poor and inadequate service.
- (4) The medical practice guidelines shall be suitably revised to incorporate accessible procedures of communicating with persons with disabilities and to delete any prejudicial references.

43. Prohibition on Denial of Food and Fluids.

- (1) The denial of foods and fluids to persons with disabilities including infants with disabilities by reason of their disability is hereby prohibited.
- (2) Any person found to either deny food and fluids to any person with disabilities or to aid and abet in such denial shall be liable to criminal prosecution and penalties under section 70.
- (3) Any contravention of this section shall be liable to serve the term of imprisonment prescribed under section 70.

44. Right to Health care services, treatments, Habilitation and Rehabilitation.

- (1) A person with disability shall not be discriminated against in the provision of health care services and shall be entitled to have access to all primary and secondary health care, treatments and interventions and access to health information as are for other members of society.
- (2) In furtherance of subsection (1), the Ministry of Health shall, in collaboration with the Ministry responsible for disability affairs and all relevant health and rehabilitative authorities—
 - (a) ensure that all community and health clinics are made accessible to persons with disabilities;
 - (b) establish programmes for early detection, assessment and treatment of impairment;
 - (c) ensure that all medical and para-medical personnel are adequately trained and equipped to give advice and medical care to persons with disabilities;
 - (d) establish habilitation and rehabilitation programmes for the provision of assistive devices and equipment to all persons with disabilities free of charge or at affordable costs;
 - (e) support the development and provision of personal assistance programmes and interpretation services, especially for persons with severe or multiple disabilities; and
 - (f) generally promote and support programmes that would increase the level of participation of persons with disabilities in everyday life at home, at work, in school and during leisure-time activities.
- (3) The Ministry responsible for Education shall, in collaboration with the Ministry responsible for Disability Affairs establish day care centres with appropriately trained staff to be utilised by persons with severe, profound or multiple disabilities.
- (4) The Ministry responsible for disability affairs shall promote the full participation of persons with disabilities in family life; in this regard it shall support programmes that—
 - (i) encourage marriage and other general interaction with persons with disability and persons without disabilities;
 - (ii) provide sex education and family-planning methods and appropriate counselling; and
 - (iii) create awareness among persons with disabilities as to other rights including the right to have children and not to be sterilized without

consent, the right to make choices and decisions
for those choices to be respected and implemented.

- (5) In sub-sections (1) to (4) of this section, “Minister” means the Minister responsible for health.
- (6) Every person with disabilities has a right to habilitation in order to realize the rights guaranteed under this Act.
- (7) In furtherance of the right recognized in subsection (6), the Minister in consultation with the Minister of Health, other relevant Government Ministers, the Division and local government authorities, shall take effective and appropriate measures to enable persons with disabilities to maximize their physical, mental, personal, social, educational, vocational and professional abilities to enable them to live a full, inclusive and dignified life.
- (8) In order to ensure every child with disabilities has the same life development opportunities as other children, the Minister in consultation with the Minister of Health, other relevant Government Ministers, the Division and local government authorities, shall formulate habilitation plans for children with disabilities with strategies for ensuring that it starts as early as possible.
- (9) The plans specified in subsection (8) shall, *inter alia*, provide for—
 - (a) appropriate support and guidance to parents of infants and young children with disabilities to enable them to perform their parenting responsibilities;
 - (b) training of children and young persons with disabilities in self care and self reliance depending upon the nature appropriate for the particular impairment;
 - (c) promoting total communication among children and adults with different types of impairments
 - (d) fostering of social skills and social networking between children with disabilities, other children, extended family and larger community;
 - (e) therapeutic, surgical or other corrective interventions and for aids and appliance;
 - (f) ensuring the provision of adequate training in mobility, orientation of environment, use of assistive devices and application of technology.
- (10) In order to ensure that every child with disabilities obtains access to habilitation at the earliest possible time the Minister in consultation with the Minister of Health, other relevant Government Ministers, the Division and local government authorities, shall—

- (a) proactively survey the presence of infants and children with disabilities;
- (b) disseminate information on nature of disabilities and the plan of habilitation to the community generally; and to community workers, doctors and teachers particularly.

45. Research and Development.

The Minister and the Commission shall initiate or cause to initiate research and development through individuals and institutions on issues which would enhance the habilitation and rehabilitation processes for persons with disabilities.

PART V-THE BAHAMAS DISABILITIES RIGHTS COMMISSION

46. Establishment of The Bahamas Disabilities Rights Commission.

- (1) There shall be a body to be known as The Bahamas Disabilities Rights Commission (referred to in this Act as “the Commission”).
- (2) The Commission shall, as respects the functions assigned to it by or under this Act, be a corporation sole, with power to enter into contracts, to sue and be sued and to do all things necessary for the purposes of this Act.

47. Composition of membership and proceedings of the Commission.

- (1) The Commission shall consist of at least seven, but not more than eleven, members appointed by the Minister.
- (2) The Minister shall appoint one member to be the Chairperson of the Commission and another member to be its Deputy Chairperson.
- (3) The Minister shall exercise his powers of appointment under this section with a view to securing that at least one of the persons holding the office of Chairperson or Deputy Chairperson is a person with a disabilities or a person who has had any disability.
- (4) Before appointing any member of the Commission, the Minister shall consult such persons as he deems appropriate.
- (5) The members of the Commission shall be appointed from among persons who, in the opinion of the Minister—
 - (a) have knowledge or experience of the needs of persons with disabilities or the needs of a particular group, or particular groups, of persons with disabilities; or
 - (b) are members of, or otherwise represent professional bodies or bodies.

- (6) In exercising his powers of appointment, the Minister shall ensure that at all times at least half the membership of the Commission consists of persons with a disabilities or persons who have had disabilities or the parents or guardians of persons with disabilities.
- (7) A person appointed as Chairperson or Deputy Chairperson—
 - (a) shall hold and vacate that office in accordance with the terms of his appointment;
 - (b) may resign that office by notice in writing to the Minister; and
 - (c) shall cease to hold office if he ceases to be a member of the Commission.
- (8) The Commission may regulate its own proceedings.
- (9) The quorum for meetings of the Commission shall be no less than five members.
- (10) The validity of any proceedings of the Commission is not affected by a vacancy among the members thereof or by a defect in the appointment of a member.

48. Tenure of office of Commission members.

- (1) Each member of the Commission shall be appointed for a term which does not exceed three years but shall otherwise hold and vacate his office in accordance with the terms of his appointment.
- (2) A person shall not be prevented from being appointed as a member of the Commission merely because he has previously been a member.
- (3) A member of the Commission may at any time resign his office by written notice given to the Minister.
- (4) Regulations may make provision for the Minister to remove a member of the Commission from office in such circumstances as may be prescribed.

49. Duties and functions of the Commission.

- (1) For the purposes of this section—

“**at risk for disabilities**” means persons recognized as being at risk because of biological factors, such as low birth weight, birth trauma, seizure activity, prenatal exposure to drugs and alcohol, and genetic or physiological conditions, or victims of poor economic conditions, child abuse and neglect, inadequate social environments, and inadequate nutrition;

“**early intervention**” means the process of offering intervention to individuals up to the age of five, who have been identified as having disabilities or a developmental delay, or individuals who are known to be at-risk of developing a disorder or delayed development and refers to a system of coordinated services that are

- provided to children, parents and families during the pregnancy, infancy, and early childhood periods of development.
- (2) The Commission shall have the following duties to—
- (a) to work towards the elimination of discrimination against persons with disabilities;
 - (b) promote the equalisation of opportunities for persons with disabilities;
 - (c) take such steps as it considers appropriate with a view to encouraging good practice in the treatment of persons with disability;
 - (d) keep under review the working of this Act and any Act affecting persons with disability; and
 - (e) make recommendations to the Minister or any relevant body charged with a review of the Constitution as to how best to provide secure fundamental rights of persons with disability.
- (3) The Commission may, for any purpose connected with the performance of its functions—
- (a) make proposals or give advice to any Minister of the Crown as to any aspect of the law or a proposed change to the law;
 - (b) make proposals or give other advice to any Government agency or other public authority as to the practical application of any law;
 - (c) undertake, or arrange for or support (whether financially or otherwise), the carrying out of research or the provision of advice or information;
 - (d) make proposals to the Minister for early intervention services to be established for children with special needs from birth to five years old, particularly those with developmental delays and those at risk for disabilities;
 - (e) implementing public awareness and public education programmes to promote disability rights and services and to promote an understanding and acceptance of, and compliance with disability legislation, policies, procedures and standards throughout the public and private sectors of The Bahamas, including education, health, social services and labour and transportation;
 - (f) developing and monitoring disability standards.
- (4) The Commission shall make proposals or give advice under subsection (3)
- (a) on any matter specified in a request from a Minister of the Crown.
- (5) The Commission may make charges for facilities or services available by it for any purpose.
- (6) In this section, “the law” includes the international obligations of The Commonwealth of The Bahamas.

50. Formal investigations.

- (1) The Commission may decide to conduct a formal investigation for any purpose connected with the performance of its duties under section 49 (1).
- (2) The Commission shall conduct a formal investigation if directed to do so by the Minister for any such purpose.
- (3) The Commission may at any time decide to stop or to suspend the conduct of a formal investigation but any such decision shall not be made prior to such Commission obtaining the approval of the Minister, if the investigations being conducted are done pursuant to a direction under subsection (2).
- (4) The Commission may, as respects any formal investigation which it has decided or being directed to conduct—
 - (a) nominate one or more members, with or without one or more additional members appointed for the purposes of the investigation, to conduct the investigation on its behalf; and
 - (b) authorise those persons to exercise such of its functions in relation to the investigation (which may include drawing up or revising terms of reference) as it may determine.
- (5) Any person or organisation may submit a report to the Commission on behalf of any person with disabilities.

51. Additional Commission members.

- (1) The Commission may, with the approval of the Minister, appoint one or more individuals as additional members for the purposes of a formal investigation.
- (2) Any additional member may not be the servant or agent of the Crown.
- (3) An additional member shall hold and vacate office in accordance with the terms of his appointment and may be re-appointed.
- (4) The Commission may not alter the terms of appointment of an additional member except with his consent and the approval of the Minister.

52. Termination of appointment of an additional member.

- (1) The Commission may, with the approval of the Minister, terminate the appointment of an additional member if satisfied that—
 - (a) without reasonable excuse he has failed to carry out his duties during a continuous period of three months beginning not earlier than six months before the termination;
 - (b) he has become bankrupt, and has had his estate sequestrated; or
 - (c) he is otherwise unable or unfit to carry out his duties.
- (2) An additional member may resign by notice in writing to the Commission.

- (3) The appointment of an additional member shall otherwise terminate at the conclusion of the investigation for which he was appointed.
- (4) If the Minister determines that there are special circumstances which make it right that a person who has ceased to be an additional member should receive compensation, the Minister may direct the Commission to pay that person such sum by way of compensation as the Minister may determine.

53. Remuneration and expenses.

The Minister may pay such remuneration or expenses to any member as he considers appropriate.

54. Staff of the Commission.

The Minister shall provide the Commission with legal counsel and such other staff as he considers appropriate.

55. Non-discrimination notices.

- (1) If in the course of a formal investigation, the Commission is satisfied that a person has committed or is committing an unlawful act, it may serve on him a non-discrimination notice which—
 - (a) gives details of the unlawful act which the Commission has found that he has committed or is committing; and
 - (b) requires him not to commit any further unlawful acts of the same kind and, if the finding is that he is committing an unlawful act, to cease doing it.
- (2) The notice may include recommendations to the persons concerned as to the action which the Commission considers he could reasonably be expected to take with a view to complying with the requirement mentioned in subsection (1)(b).

56. Enforcement action.

- (1) The Commission may, after three months after the service of a non-discrimination notice, apply to the Court for an Order under this Act, if—
 - (a) it appears to the Commission that the person concerned has failed to comply with any requirement imposed under section 55 (1)(b); or
 - (b) the Commission has reasonable cause to believe that he intends not to comply with any such requirement.
- (2) The Court may quash an application—
 - (a) if it considers the requirement to be unreasonable; or

- (b) if it considers that the Commission's finding that the person concerned had committed or is committing the unlawful act in question was based on an incorrect finding of fact.
- (3) On quashing a requirement, the court may direct that the non-discrimination notice shall have effect with such modifications as it considers appropriate.
- (4) An order under this section is an order requiring the person concerned to comply with the requirement or with directions for the same purpose as are contained in the Order.

57. Assistance in relation to proceedings.

- (1) This section applies to proceedings which an individual has brought or proposes to bring under this Act.
- (2) Where the individual concerned applies to the Commission for assistance in relation to any proceedings to which this section applies, the Commission may grant the application on any of the following grounds—
 - (a) that the case raises a question of principle;
 - (b) that it is unreasonable to expect the applicant to deal with the case unaided either because of its complexity or the applicant's position in relation to another party or for some other reason;
 - (c) that there is some other special consideration which makes it appropriate for the Commission to provide assistance.
- (3) If the Commission grants an application, it may through its legal counsel—
 - (a) provide or arrange for the provision of legal advice;
 - (b) arrange for legal or other representation;
 - (c) seek to procure the settlement of any dispute; and
 - (d) provide or arrange for the provision of any other assistance which it thinks appropriate.
- (4) The Commission may authorise any employee of the Commission to exercise such of its functions under this section as it may determine.

58. Code of Practice.

- (1) The Commission may prepare and issue codes of practice giving practical guidance—
 - (a) to employers, service providers or other persons to whom the provisions of this Act apply on how to avoid discrimination; or
 - (b) to any persons on any other matter with a view to—
 - (i) promoting the equalisation of opportunities for a person with disabilities and persons who have had disabilities; or

- (ii) encouraging good practice regarding the treatment of such persons, in any field of activity regulated by any provision of this Act.
- (2) The Commission shall, when requested to do so by the Minister, prepare a code of practice dealing with the matters specified in the request.
- (3) In preparing a code of practice the Commission shall carry out such consultations as it considers appropriate, which shall include the publication for public consultation of proposals relating to the code.
- (4) The Commission shall not issue a code of practice unless—
 - (a) a draft of it has been submitted to and approved by the Minister and laid by him before the House of Assembly and the Senate; and
 - (b) a forty-day period has elapsed without the House of Assembly and the Senate resolving not to approve the draft.
- (5) If the Minister does not approve a draft code of practice submitted to him, he shall give the Commission a written statement of his reasons.
- (6) A code of practice issued by the Commission—
 - (a) shall come into effect on such day as the Minister may by order appoint;
 - (b) may be revised in whole or part, and re-issued, by the Commission; and
 - (c) may be revoked by an Order made by the Minister at the request of the Commission.
- (7) Failure to observe any provision of a code of practice does not of itself make a person liable to any proceedings, but any provision of a code which appears to a court to be relevant to any question arising in any proceedings under this Act shall be taken into account in determining that question.

59. Accounts of the Commission.

- (1) The Commission shall—
 - (a) keep proper accounts and proper records in relation to the accounts;
 - (b) prepare a statement of accounts in respect of each accounting year; and
 - (c) send copies of the statement to the Minister and the Auditor General not later than the 31st August following the end of the accounting year to which it relates.
- (2) The Auditor General shall examine, certify and report on the statement of accounts and shall lay copies of the statement and of his report before Parliament.
- (3) The Commission's accounting year is the twelve months ending with 31st March.

- (4) The Commission's first accounting year shall be the period of not more than twelve months beginning with the Commission's establishment and ending with 31st March.

60. Annual reports of the Commission.

- (1) As soon as practicable after the end of each accounting year the Commission shall submit to the Minister a report on its activities during the year.
- (2) The report shall include—
- (a) a report on anything done by the Commission, in the performance of its functions under section 49 (1)(a) to (1)(c), jointly or otherwise in co-operation with any other organisation;
 - (b) a general survey of developments in matters within the scope of the Commission's functions; and
 - (c) proposals for the Commission's activities in the current year.
- (3) The Minister shall lay a copy of the report before Parliament and arrange for such further publication of it as he considers appropriate.

PART VI-OFFENCES AND PENALTIES

61. Offences by establishments.

- (1) Where any offence under this Act has been committed by an establishment, a person who, at the time the offence was committed, was the appointed head or was directly in charge of, and was responsible to the establishment for the conduct of its business, as well as the establishment, shall on summary conviction, be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly;
- Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act, if he proved that the offence was committed without his knowledge or that all due diligence was exercised to prevent the commission of such offence.
- (2) Notwithstanding anything contained in subsection (1), where an offence under this Act has been committed by an establishment and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any other officer of the establishment, such person shall also deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

62. General penalty for offences.

- (1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made thereunder, shall on summary conviction, in respect of each such failure or contravention, be liable to a fine of not less than two thousand dollars and not exceeding five thousand dollars.
- (2) If the failure or contravention referred to in subsection (1) continues beyond a period of one year after the date of conviction, the offender shall be guilty of an offence and shall be liable on summary conviction to be sentenced to imprisonment for a term not exceeding four years.

63. Penalty for contravention of section 13.

- (1) Any service provider who fails to comply with the provisions under section 13 shall be penalized with cancellation, revocation or suspension of service license or manufacturing, or with fine, which may extend up to two thousand and five hundred dollars.
- (2) If the offender fails to comply with the provisions of section 13 within a period of six months from the date of conviction, the offender shall be penalized with additional fine not exceeding five hundred dollars for every day during which such failure continues after the conviction for the first such failure.

64. Penalty for contravention of section 11.

- (1) Any individual who or any organization or establishment which fails to comply with the provisions under section 11 shall be penalized with—
 - (a) cancellation, revocation or suspension of the license of the builder;
 - (b) the payment of a fine of five hundred dollars; or
 - (c) a combination of both of the above penalties.
- (2) If the offender fails to comply with the provisions of section 11 within a period of six months from the date of conviction, the offender shall be liable to an additional fine not exceeding five hundred dollars for every day during which such failure continues after the conviction for the first such failure.

65. Penalty for contravention of section 12.

- (1) Every individual who or any organization or establishment which fails to comply with the provisions under section 12 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars.

- (2) If the offender fails to comply with the provisions of section 12 within a period of six months from the date of conviction, the offender shall be guilty of an offence and shall be liable on summary conviction to an additional fine not exceeding four hundred dollars for every day during which such failure continues after the conviction for the first such failure.

66. Penalty for contravention of section 23(3).

Whoever voluntarily injures, damages or interferes with the use of any limb or faculty of a person with disabilities, permanently or temporarily, commits an offence and shall on conviction on information be liable to a fine not exceeding ten thousand dollars or to imprisonment for eight years or liable to or to both such fine and imprisonment.

67. Penalty for contravention of section 30.

- (1) Whoever performs, conducts or directs any medical procedure to be performed on a person with disabilities which leads to or is likely to lead to infertility in contravention of section 30(2) commits an offence and shall on conviction on information be liable to a fine not less than ten thousand dollars or sentenced to imprisonment for a term not exceeding ten years.
- (2) Any person acting as a care-giver of a person with disabilities, whether as parent or guardian or in any other capacity, lawful or unlawful, who does any act to facilitate, or negligently fails to prevent such medical procedure from being performed, commits an offence and shall on conviction on information be liable to a fine not less than ten thousand dollars or sentenced to imprisonment for a term not exceeding ten years.

68. Penalty for forceful termination of pregnancy.

- (1) Whoever performs, conducts or directs any medical procedure to be performed on a woman with disabilities which leads to or is likely to lead to termination of pregnancy without her express consent commits an offence and shall on conviction on information be liable to a fine not less than ten thousand dollars or sentenced to imprisonment for a term not exceeding ten years;
Provided that in cases of medical necessity, such medical procedure may be performed on a minor with parent or guardian's consent:
Provided further that such medical necessity has to be declared by a qualified medical practitioner.
- (2) Any person acting as a care-giver of the woman with disabilities, whether as parent or guardian or in any other capacity, lawful or unlawful, who does any act to facilitate, or negligently fails to prevent such medical procedure from being performed, shall be guilty of an offence and shall be

liable on summary conviction to a fine not less than five thousand dollars and to be sentenced to imprisonment for a term of five years.

69. Punishment for contravention of section 30(2).

Whoever voluntarily or knowingly separates or causes the separation of a child with disabilities from his parents or guardians in contravention of section 30(2) commits an offence and shall on conviction on information be liable to a fine not less than ten thousand dollars or sentenced to imprisonment for a term ten years.

70. Penalty for contravention of section 43.

Whoever voluntarily or knowingly denies food or fluids to any person with disabilities or aids or abets in such denial commits an offence and shall be liable on summary conviction to a fine not exceeding two thousand five hundred dollars or shall be sentenced to imprisonment for a term not exceeding six months.

71. Penalty for Hate Speech.

Whoever voluntarily or knowingly commits the offence of uttering hate speech commits an offence and shall be liable on summary conviction to be inducted into one or more different community service programmes, or to a fine not exceeding two thousand five hundred dollars, or with both.

PART VII-MISCELLANEOUS

72. Power to make rules.

- (1) The Minister shall, in consultation with the Commission, have the power to make rules for the effective implementation and the purposes of this Act.
- (2) Without prejudice to the generality of subsection (1), the Minister shall, in consultation with the Commission, make rules relating to—
 - (a) issuing driving licenses to persons with disabilities considering their accessibility requirements under section 6 of this Act;
 - (b) measures and conditions relating to the Equal Opportunity Policy to be formulated by establishments under section 37 of this Act;
 - (c) fixing the salaries and allowances for the members of the Commission;
 - (d) the qualifications for any person contesting the election to the membership to the Commission, bearing in mind the experience and contribution required for such posts;

- (e) reserving posts within the Commission for ensuring diversity and representation of various forms of disability;
 - (f) accessibility to infrastructure, facilities, services, information and communication technologies and personal mobility bearing in mind the diversity of disability and principles of universal design; and
 - (g) any other matter incidental or ancillary for the enforcement of this Act.
- (3) Prior to the formation of the rules, the Minister shall, in consultation with the Commission, make available the draft of the rules in accessible formats to the members of the public and invite their suggestions and objections to the same.

73. Power to make regulations.

- (1) The Minister shall, in consultation with the Commission, have the power to make regulations for the effective implementation and the purposes of this Act.
- (2) Without prejudice to the generality of subsection (1), the Minister shall, in consultation with the Commission, shall make regulations relating to—
 - (a) standards for accessibility to infrastructure, facilities, services, information and communication technologies and personal mobility bearing in mind the diversity of disability and principles of universal design;
 - (b) matters under section 19 including procedures, appropriate authorities and other requirements;
 - (c) training and educational qualifications for teachers having regard to the support requirements of persons with disabilities;
 - (d) procedure relating to matters under section 27;
 - (e) procedure relating to the preparation and publication of the annual reports of the Commission;
 - (f) the composition, membership, qualifications, terms and conditions of appointment, removal, tenure, meetings, quorum and resignation of the Committees formed by the Commission;
 - (g) any other matter incidental or ancillary for the enforcement of this Act;
 - (h) the formulation of standards, guidelines or any other instrument, or the undertaking of research studies and investigations for structural violation of the rights of persons with disabilities; and

- (i) the carrying out empirical studies or any other research, or the undertaking of any other activity as may be considered suitable of persons with disabilities.

OBJECTS AND REASONS

The Persons With Disabilities (Equal Opportunities) Bill, 2011, seeks to establish the framework for equal treatment within the cultural, domestic, economic, educational, health, industrial, legal, political and social arenas in The Commonwealth of the Bahamas, as it relates to disability discrimination.

Additionally, the provisions of this Bill guarantee and protect various fundamental human rights of persons with disabilities, as enshrined in the United Nations Convention on the Rights of Persons with Disabilities. These fundamental human rights are as follows—

- (a) the promotion and protection and full and equal enjoyment of the rights to persons with disabilities;
- (b) the elimination of discrimination of persons with disabilities on the basis of disability;
- (c) the provision for the welfare and rehabilitation of persons with disabilities;
- (d) the provision for the registration of persons with disabilities; and
- (e) the establishment of The Bahamas Disabilities Rights Commission.

PART I, which is headed, Preliminary, consists of Clauses one through three which respectively sets out certain provisions, namely, the Short Title and commencement, Purposes and Interpretation provisions.

PART II, which is headed, Lifting Barriers, consists of Clauses four through 22, which respectively sets out provisions addressing, *inter alia*, Awareness Raising, Accessibility and establishment of its standards, Infrastructure Accessibility, Access to services, Access to information and communication technology, Access to Consumer goods and services, Service Animals, Mandatory observance of Accessibility Norms, Time Limit for making Existing Infrastructure and Premises Accessible, Dereliction of duty by Service Provider, Role of the Commission and Division and Barrier-free environment, Implementation Plan, Right to Equality and Non-discrimination, Pro-active Interventions for Persons With Disabilities with increased vulnerability, Right of Women with disabilities to health, Rights of Children with Disabilities, Right of Children to be protected against abuse, exploitation and violence, Right of Children to Home and Family and Right to Culture, Leisure and Sport.

PART III, which is headed Legal Capacity and Political Rights, consists of Clauses 23 through 30, which respectively sets out provisions addressing, *inter alia*, the Right to Life and Living, Protection and Safety of Persons with Disabilities in situations of risk, Right to Integrity, Right to be protected from abuse, exploitation and violence, Protection from abuse, exploitation and violence, Right to Privacy, Right to Live Independently and in the Community, and Right to Home and Family.

PART IV, which is headed Capacity and Development, consists of Clauses 31 through 45, which respectively sets out provisions addressing, *inter alia*, Access to Appropriate Education, Reasonable Accommodation in Education, Entitlements of children, Right of Admission, Non-Discrimination in Employment, No Discrimination in Promotion on Grounds of Disabilities, Equal Opportunity Policies, No Removal or Reduction of Rank on Acquiring Disability, Vocational Training, Rehabilitation and Self-Employment, Right to Health, Insurance, Ethical Guidelines, Prohibition on Denial of Food and Fluids, Right to Health care services, treatments, Habilitation and Rehabilitation and Research and Development.

PART V, which is headed The Bahamas Disabilities Rights Commission, consists of Clauses 46 through 60, which respectively sets out provisions addressing, *inter alia*, the Establishment of the Commission, the Composition of membership and proceedings of the Commission, Tenure of office of Commission members, Duties and Functions of the Commission, Formal Investigations, Additional Commission Members, Termination of appointment of an additional member, Remuneration and expenses, Staff of the Commission, Non-discrimination notices, Enforcement action, Assistance in relation to proceedings, Code of Practice, Accounts of the Commission and Annual reports of the Commission.

PART VI, which is headed Offences and Penalties, consists of Clauses 61 through 71, which respectively sets out provisions addressing, *inter alia*, Offences by establishments, General Penalty for offences, Penalty for contravention of section 13, Penalty for contravention of section 11, Penalty for contravention of section 12, Penalty for contravention of section 23(3), Penalty for contravention of section 30, Penalty for forceful termination of pregnancy, Punishment for contravention of section 30(2), Penalty for contravention of section 43 and Penalty for Hate Speech.

PART VII, which is headed Miscellaneous, consists of Clauses 72 and 73, which sets out certain provisions addressing namely, Powers to make rules and regulations.