

Bahamas

Western Hemisphere / **Caribbean**

CAPITAL Nassau	TERRITORY 10,010 km ²	POPULATION (2020) 393,248.00	GDP TOTAL (2020) \$11.25B USD	GDP PER CAPITA (2020) \$28,607.90 USD	INCOME GROUP High income
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Convention Implementation



In progress

12th of 31 western hemisphere
3rd of 11 Caribbean countries

Prevention



In progress

Criminalization and law enforcement

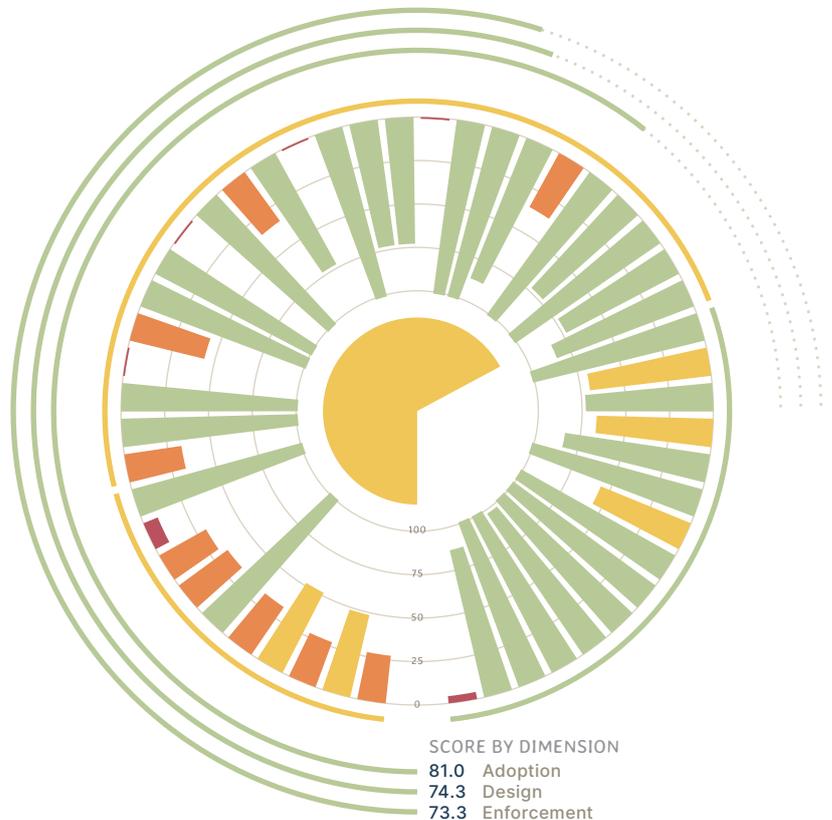


In progress

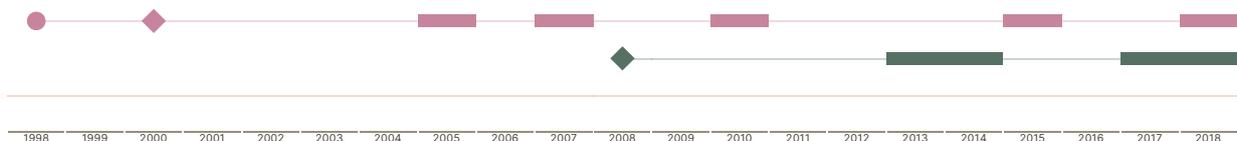
International cooperation



Implemented



Anti-corruption conventions timeline



CONVENTIONS

- IACAC - Inter-American Convention Against Corruption
- UNCAC - United Nations Convention against Corruption
- OECD Anti-Bribery Convention

KEY EVENTS

- Signed
- Ratified/acceded
- Review rounds

Prevention

In progress

45.5

✓ Adoption 80.0 ✎ Design 60.0 ⌚ Enforcement 53.3

Standards of Conduct Core-deficient 26.6 ✓ 75.0 ✎ 33.3 ⌚ 50.0	Enforcement of Standards of Conduct In progress 47.7 ✓ 75.0 ✎ 83.3 ⌚ 50.0	Training of Public Officials Core-deficient 26.6 ✓ 50.0 ✎ 66.7 ⌚ 33.3	Asset and Conflicts of Interests Declarations In progress 50.8 ✓ 100.0 ✎ 83.3 ⌚ 50.0	Transparency in Government Contracting Core-deficient 32.0 ✓ 75.0 ✎ 50.0 ⌚ 50.0
Elimination of Favorable Tax Treatment Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Oversight Bodies Core-deficient 33.6 ✓ 75.0 ✎ 50.0 ⌚ 50.0	Measures to Deter Domestic and Foreign Bribery Core-deficient 29.7 ✓ 100.0 ✎ 33.3 ⌚ 50.0	Encouraging Participation by Civil Society No implementation 7.8 ✓ 50.0 ✎ 0.0 ⌚ 0.0	Study of Other Preventive Measures Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0

Criminalization and law enforcement

In progress

66.8

✓ Adoption 79.0 ✎ Design 70.0 ⌚ Enforcement 75.3

Protection of Those who Report Acts of Corruption Core-deficient 32.0 ✓ 75.0 ✎ 50.0 ⌚ 50.0	Scope Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Jurisdiction: Offense-in-Territory Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Jurisdiction: Offense-by-National No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0	Jurisdiction: Offender-in-Territory Core-deficient 43.0 ✓ 50.0 ✎ 50.0 ⌚ 83.3
Passive Public Bribery Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Active Public Bribery Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Abuse of Functions No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0	Money Laundering Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Participation and Attempt Core-deficient 33.6 ✓ 75.0 ✎ 50.0 ⌚ 50.0
Active Foreign Bribery In progress 71.9 ✓ 100.0 ✎ 66.7 ⌚ 100.0	Illicit Enrichment No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0	Use of State Property Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Illicit Acquisition of a Benefit In progress 71.9 ✓ 100.0 ✎ 66.7 ⌚ 100.0	Public Embezzlement In progress 71.9 ✓ 100.0 ✎ 66.7 ⌚ 100.0
Passive Foreign Bribery No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0	Private Bribery Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Private Embezzlement Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Obstruction of Justice Implemented 85.9 ✓ 100.0 ✎ 83.3 ⌚ 100.0	Liability of Legal Persons Core-deficient 34.4 ✓ 100.0 ✎ 66.7 ⌚ 33.3
Statute of Limitations Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Prosecution, Adjudication and Sanctions In progress 71.9 ✓ 100.0 ✎ 66.7 ⌚ 100.0	Consequences and Compensation Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Cooperation With Law Enforcement In progress 71.9 ✓ 100.0 ✎ 100.0 ⌚ 66.7	Asset Recovery Implemented 82.8 ✓ 75.0 ✎ 83.3 ⌚ 100.0

International cooperation

Implemented

82.0

✓ Adoption 85.0 ✎ Design 91.1 ⌚ Enforcement 83.3

Assistance Without Criminalization
Implemented
100.0
✓ 100.0 ✎ 100.0 ⌚ 100.0

Inclusion in Extradition Treaties
In progress
68.8
✓ 75.0 ✎ 100.0 ⌚ 66.7

Convention as Legal Basis for Extradition
In progress
71.9
✓ 100.0 ✎ 100.0 ⌚ 66.7

Automatic Application Without Treaty
In progress
65.6
✓ 50.0 ✎ 66.7 ⌚ 100.0

Prosecution Without Extradition
Implemented
82.8
✓ 75.0 ✎ 100.0 ⌚ 83.3

Custody
Implemented
100.0
✓ 100.0 ✎ 100.0 ⌚ 100.0

Assistance
In progress
54.7
✓ 75.0 ✎ 100.0 ⌚ 50.0

Impossibility of Claiming Bank Secrecy
Implemented
100.0
✓ 100.0 ✎ 100.0 ⌚ 100.0

Limited Use of Information
Implemented
100.0
✓ 100.0 ✎ 100.0 ⌚ 100.0

Nature of Act
Implemented
100.0
✓ 100.0 ✎ 100.0 ⌚ 100.0

Designate Central Authorities
Implemented
96.9
✓ 75.0 ✎ 100.0 ⌚ 100.0

Responsibilities of Central Authorities
Implemented
100.0
✓ 100.0 ✎ 100.0 ⌚ 100.0

Communication Between Central Authorities
Implemented
100.0
✓ 100.0 ✎ 100.0 ⌚ 100.0

Special Investigative Techniques
Implemented
85.9
✓ 100.0 ✎ 100.0 ⌚ 83.3

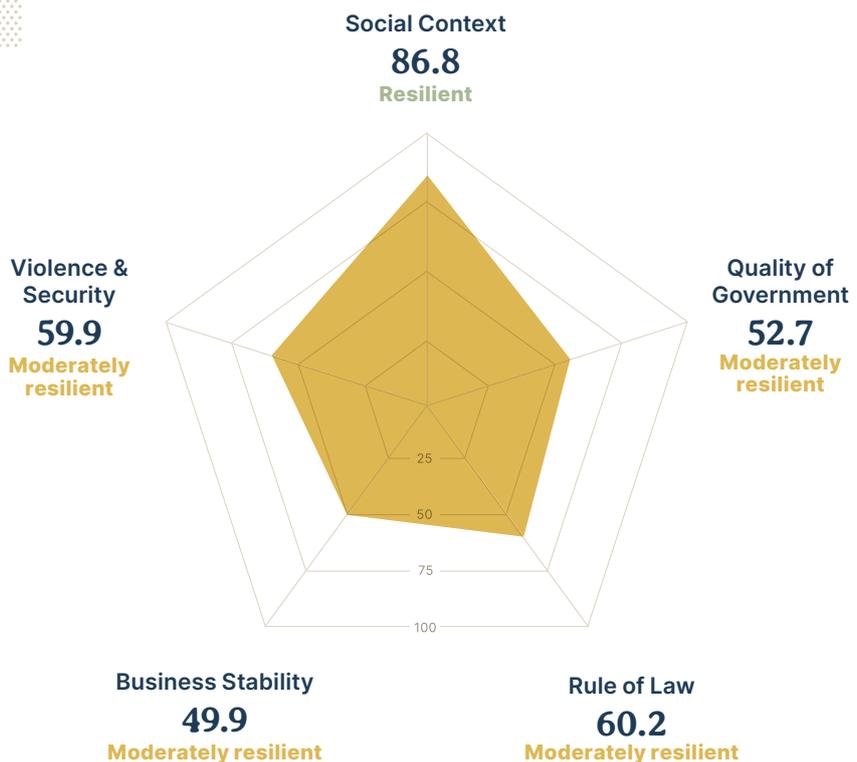
Technical Cooperation
No implementation
3.1
✓ 25.0 ✎ 0.0 ⌚ 0.0

Corruption Resilience

61.9

Moderately resilient

8th of 31 western hemisphere
5th of 11 Caribbean countries



Analysis

Convention Implementation

The Bahamas signed the Inter-American Convention Against Corruption (IACAC) on June 2, 1998, and ratified it in March 9, 2000. It is a State Party to the Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) since June 4, 2001. The country also acceded to the United Nations Convention Against Corruption (UNCAC) on January 10, 2008. Accordingly, The Bahamas has undergone five rounds of review under MESICIC, and one round of review under the UNCAC review mechanism.

The Bahamas's record in implementing its commitments to IACAC and UNCAC exhibits a number of successes and a few failures. With an overall score of 67.1, the measures adopted place the country at the middle point of compliance with international norms, surrounded by Uruguay (66.1), Honduras (66.6), Guatemala (67.2), and Nicaragua (67.9). Despite achieving lower success in regard to prevention (as is the case throughout the region) roughly half of all deficient measures, and a majority of unimplemented ones, are found within the section of criminalization and law enforcement. That being said, the degree of the Bahama's progress in implementing its international commitments is generally lacking across all three sections, including international cooperation.

The prevention of corruption is prominently lacking, classified as "in progress" by their average score but with significant measures found to be unimplemented—the initiatives to encourage the participation of civil society—or deficient at core. The latter are the standards of conduct (26.6), the training of public officials (26.6), and actions to deter domestic and foreign bribery related to accounting regulations (29.7), transparency in government contracting (32.0), and the state of oversight bodies (33.6). Indeed, the majority of measures within this section are considered to be deficient or unimplemented. Only two measures are found to be in progress—the enforcement of standards of conduct (47.7) and the systems for registering asset and conflict of interests' declarations (50.8).

In terms of criminalization of acts of corruption and related offenses, the Bahamas shows mixed results. The country is found to have successfully implemented roughly half of all measures within this section, including those pertaining to active and passive bribery in the public sector, bribery in the private sector, embezzlement in the public and private sectors, money laundering, and the obstruction of justice, among others. On the other hand,

a number of significant measures remain lacking. The country has not criminalized illicit enrichment, the passive bribery of foreign officials (as required by UNCAC), or the abuse of functions. Among the measures considered to be deficient, the Bahamas lacks sufficient protection of those who report acts of corruption (i.e., whistleblower protection) (32.0), criminalization of extended forms of involvement in the commission of corruption offenses such as participation and attempt (33.6), and liability of legal persons (34.4), all of which are classified as "core-deficient" as a result. Other measures remain in progress.

The Bahamas is found only partially compliant in its commitments to establish jurisdiction over the offenses covered by the conventions. The UNCAC review mechanism reports that "[e]xtraterritorial jurisdiction is foreseen only for extradition purposes... [and] the Bahamas has not adopted the active or passive personality principles or established jurisdiction over offenses when the alleged offender is present in its territory and is not extradited." On the other hand, the country's active implementation of its commitments regarding international cooperation is a point worth highlighting, with most measures found fully implemented. Only one measure is found mostly unimplemented—the country's efforts to support and pursue international technical cooperation (3.1).

Finally, the review of implementation and/or enforcement activities pertaining to several measures contained in this report could not be elaborated on due to lack of information. Particularly affecting the measures to prevent corruption, the Bahamas is cited during MESICIC rounds as providing little or no statistical information to assess the level of implementation of standards of conduct or the processing of asset and conflicts of interests' declarations. Measures designed to deter bribery could not be properly evaluated either. While lack of monitoring and data collection mechanisms are not solely found in the Bahamas, the issue is worth emphasizing in order to support a more detailed and effective assessment.

Corruption Resilience

In 2020, the Bahamas saw an increase in its social context indicator by 6.9 points from 2019, an indication of improving civil liberties and media freedom. Generally speaking, in the Bahamas, citizens' civil liberties and political rights are consistently respected. The Bahamas has also continually scored high in the social context indicator since

2010—barring a slight drop of 6.0 points in 2019. Media in the Bahamas is protected by the country's constitution, and freedom of association and belief remain respected throughout the country. In 2020, the Bahamas was a top performer in the Western Hemisphere with respect to the social context indicator, where the country ranked within the 75th percentile.

With respect to the quality of government indicators, in 2020, the Bahamas saw a decline in its score from the previous year by 5.1 points. The quality of government indicator has fluctuated over the years (2010 and 2020), where approximately +/- 2 change in the country's score has occurred. In 2020, the Bahamas was slightly above the Western Hemisphere average by 2.1 points (50.6), ranking the country within the 50th percentile. The Bahamas score for quality of governance is not optimal and this is largely attributed to the inclusion of the control of corruption variable. Concerning the Bahamas, corruption remains a problem for the country.

In 2020, the Bahamas saw a slight decrease in its rule of law indicator by 0.04 points, which is not a cause for concern. The country's rule of law score has slightly fluctuated over the decade, reaching a high of 63.4 in 2016 and a low of 52.5 in 2012. Compared to other countries in the Western Hemisphere, the Bahamas retains high rule of law indicator scores—consistently scoring above the regional indicator average for the last decade. This is primarily due to

the Bahamian judicial system, which has been independent and free of interference from government officials and other powerful entities in the country (Freedom House Report, 2020).

The Bahamian business environment is assessed with a business stability indicator, which captures the regulatory environment, business and investment freedom, and property rights and rule-based governance that can impact private economic activity. In 2020, the Bahamas business stability indicator score increased by 2.4 points from the preceding year. Despite improvements in the country's business stability indicator in 2020, the country's score is slightly below the Western Hemisphere average score of 50.5 with a 0.6 points difference. The Bahamas business stability indicator has been decreasing approximately by 0.1 points each year between 2012 and 2016. In 2017 the country's score began to decrease approximately by 2.3 points from 2016 to 2018.

In 2020, the Bahamas violence and security indicator was 59.9, which decreased from the preceding year by 2.7 points. Despite the drop in the score, the Bahamas score for 2020 is still 4.9 points above the Western Hemisphere average score for the violence and security indicator. Over the decade, the Bahamas violence and security indicator fluctuated with approximately +/- 2 change in its score, and in 2016, the country had the highest score of the decade of 70.1.