

ANNEX I

**Table 1: Sexual Offences Reported (2000- 2013)**

Year	Rape	Attempted Rape	Unlawful Sexual Intercourse	Incest	Other	TOTAL
2003	114	36	166	19	208	543
2004	89	31	196	13	211	540
2005	87	23	189	13	178	490
2006	72	23	208	21	250	574
2007	135	35	255	29	239	293
2008	118	43	241	19	200	621
2009	109	33	251	23	253	669
2010	78	26	196	19	221	540
2011	107	28	178	19	219	551
2012	96	11	151	19	221	498
2013	104	20	154	23	190	491
<b>TOTAL</b>	<b>1,109</b>	<b>309</b>	<b>2,185</b>	<b>217</b>	<b>2,390</b>	<b>6,210</b>

Source: Strategic Policy and Planning Branch, Royal Bahamas Police Force

**Table 2: Reported Sexual Offences by Region (2003-2013)**

Sexual Offences	New Providence	Grand Bahama	Family Islands	Total
Rape	879	137	93	1109
Attempted Rape	258	29	22	309
Unlawful Sexual Intercourse	1490	293	402	2185
Incest	153	27	37	217
Other Sexual Offences	1666	371	353	2390
<b>Total</b>	<b>4446</b>	<b>857</b>	<b>907</b>	<b>6210</b>

Source: Strategic Policy and Planning Branch, Royal Bahamas Police Force

**Table 3: Reported Cases of Sexual Offences, New Providence (2006 – 2013)**

<b>Sexual Offences</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>Totals</b>
Child Sexual Abuse	119	105	134	147	102	167	92	95	961
Incest	19	22	25	21	8	11	6	6	118
Totals	138	127	159	168	110	178	98	101	1,079

Source: Statistics reported by the Department of Social Services

**Table 4: Reported Cases by Type in New Providence (2010- 2014)**

<b>TYPE OF CASE</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Cumulative Totals</b>
<b>PHYSICAL ABUSE</b>	127	141	100	113	112	593
<b>SEXUAL ABUSE</b>	102	167	92	95	47	503
<b>VERBAL ABUSE</b>	4	11	7	5	9	36
<b>EMOTIONAL ABUSE</b>	2	10	2	9	6	29
<b>INCEST</b>	8	11	6	6	37	68
<b>NEGLECT</b>	252	254	202	257	176	1,141
<b>ABANDONMENT</b>	4	10	8	5	5	32
<b>TOTAL</b>	499	604	417	490	392	2,402

Source: Department of Social Services Child Protection/Child Care Facilities Division

**Table 5: Child Abuse/National Hotline (2012 – 2014)**

<b>Type</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Total</b>
Custody	2	4	1	7
Access		1		1
Abandonment	4	1	2	7
Shelter	22	20	39	81
Missing Child	1			1
Sexual Abuse	32	26	13	71
Incest	1	1	5	7
Physical Abuse	39	46	40	125
Neglect	44	62	40	146
Verbal Abuse	7	8	6	21
Emotional Abuse	1	2		3
Psychological Abuse	1			1
Behavioral Problems	8	15	9	32
Rape	2		2	4
Domestic Violence	9	5	5	19
Family Problems	1			1
Marital Problems	2	2		4
Counseling	3	3	2	8
Depression	4		2	6
Stress		3		3
Suicide	6	17	2	25
Financial Assistance	3		3	6
Fire Victim	1	2	3	6
Information seeking	17	26	3	46
Other	7	2	6	15
<b>Total</b>	<b>217</b>	<b>246</b>	<b>183</b>	<b>646</b>

Source: National Strategic Plan for Ending Gender-Based Violence

**Table 6: Clients Seen By the Crisis Centre (2012 – 2013)**

<b>Offences</b>	<b>2012</b>	<b>2013</b>	<b>Total</b>
Sexual Assault and Rape	126	140	266
Incest and Sexual Molestation	119	34	153
<b>Total</b>	<b>245</b>	<b>174</b>	<b>419</b>

Source: The Crisis Centre

**Table 7: Arrest Rates for Selected Sexual Offences (2000 – 2013)**

<b>Year</b>	<b>Rape</b>		<b>Attempted Rape</b>		<b>Unlawful Sexual Intercourse</b>		<b>Incest</b>	
	Reported	Arrested	Reported	Arrested	Reported	Arrested	Reported	Arrested
2000	101	46	27	11	195	102	17	8
2001	111	63	65	45	182	125	20	7
2002	140	62	36	13	184	73	15	8
2003	114	58	36	17	166	105	19	15
2004	89	50	31	15	196	127	13	8
2005	87	41	23	8	189	109	13	8
2006	72	39	23	6	208	67	21	14
2007	135	43	35	6	255	83	29	15
2008	118	49	43	12	241	92	19	6
2009	109	48	33	16	251	77	23	8
2010	78	33	26	11	196	70	19	11
2011	107	41	28	5	178	46	19	6
2012	96	44	11	3	151	58	19	8
2013	104	33	20	1	154	51	23	2
<b>TOTAL</b>	<b>1361</b>	<b>650</b>	<b>437</b>	<b>169</b>	<b>2746</b>	<b>1185</b>	<b>269</b>	<b>124</b>

Source: Police Crime Reports, 1990 – 2013

**Table 8: Sexual Offences Reported, Arrest, Supreme Court Cases (2006 – 2008)**

Year	Sexual Offence	Reported	Arrests	Cases Begun In Supreme Court
2006	Rape	72	39	11
2007	Rape	135	43	14
2008	Rape	118	49	14

Source: Police Crime Reports, 1990 – 2008, Supreme Court Annual Report 2006 - 2008

**Table 9: Sexual Offences Reported and Solved (2013)**

Sexual Offence	New Providence	Grand Bahama	Family Islands	Totals All Bahamas	Cases Solved
Rape	88	12	4	104	33
Attempted Rape	18	2	0	20	1
Unlawful Sexual Intercourse	94	27	33	154	51
Incest	18	2	3	23	2
Other <sup>1</sup>	122	38	30	190	76

Source: Police Crime Reports, 1990 - 2013

**Table 10: Female Victims by Age (2008 – 2012)**

Age	Assault	Rape	Att. Rape
0 – 17	636	120	18
18 – 25	3326	169	40
26 – 35	2621	83	23
36 – 45	1483	31	14
48 – 55	602	18	5
56 – 65	131	10	1
66 & Over	53	9	2
Undetermined	193	64	2

Total	9,045	504	105
-------	-------	-----	-----

Source: Strategic Policy & Planning Branch of the Royal Bahamas Police

## ANNEX II

### **Penal Code (Chapter 84, Sections 33 – 41): Immoral Traffic and Offences against Females and Children**

33. The following provisions apply to every offence punishable under Title xi. or Title xix. of this Code and any offence, committed against a child under sixteen years of age, comprised in Title x. or Title xviii. or Title xx. of this Code including the offences mentioned in section 110 (5) of the Child Care Act; and all such offences are in sections 34 to 41 of this Code referred to as “any of the said offences against females or children”.

34. Any peace officer may take into custody without warrant any person — (1) who within view of such peace officer commits any of the said offences against females or children where the name and address of such person are unknown to such peace officer and cannot be ascertained by such peace officer; (2) who has committed or who he has reason to believe has committed any of the said offences against females or children, if he has reasonable ground for believing that such person will abscond, or if the name and address of such person are unknown to and cannot be ascertained by the peace officer.

35. (1) Where a magistrate is satisfied by the evidence of a registered medical practitioner that the attendance of any child in respect of whom any of the said offences against females or children is alleged to have been committed, on the preliminary hearing or investigation of any complaint for any of such offences, would involve serious danger to the life or health of such child, the magistrate may take in writing the deposition of such child on oath and shall thereupon subscribe the same and add Explanations of provisions referring to poison or to noxious matter. Definition of “offences against females or children”. 1 of 2007, Sixth. Sch. Ch. 132. Power to take offenders into custody. See s. 104. Extension of power to take deposition of a child. CH.84 – 52] PENAL CODE STATUTE LAW OF THE BAHAMAS LRO 1/2010 thereto a statement of his reason for taking the same, and of the day when and place where the same was taken, and of the names of the persons (if any) present at the taking thereof. (2) The magistrate taking any such deposition shall transmit the same with his statement to the Attorney General.

36. Where on the trial of any person on information in the Supreme Court for any of the said offences against females or children the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child in respect of whom the offence is alleged to have been committed, would involve serious danger to its life or health, any deposition of the child taken under any Act regulating the taking of depositions on preliminary hearing of charges shall be admissible in evidence either for or against the accused without further proof thereof, if — (1) it purports to be signed by the magistrate by or before whom it purports to be taken; (2) it is proved that reasonable notice of the intention to take the deposition has been served upon the person against whom it is proposed to use the same as evidence, and that that person or his counsel or attorney-at-law had or might have had, if he had chosen to be present, an opportunity of cross-examining the child making the deposition.

37. Where on the hearing or trial of any charge for any of the said offences against females or children the child in respect of whom the offence is charged to have been committed or any other child of tender years who is tendered as a witness does not, in the opinion of the magistrate or of the court, understand the nature of an oath, the evidence of such child may be received, though not given upon oath if, in the opinion of the magistrate or the court, as the case may be, such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth; and the evidence of such child though not given on oath but otherwise taken and reduced into writing in accordance with the provisions of the Magistrates Act or any Act passed in amendment thereof or substitution therefor shall be deemed to be a deposition: Admission of deposition of child in evidence. Evidence of child of tender years. Provided that a person shall not be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution is corroborated by some other material evidence in support thereof implicating the accused: Provided also that any child whose evidence is received as aforesaid and who shall wilfully give false evidence shall be liable to be prosecuted and punished for perjury in all respects as if he or she had been sworn.

38. Where in any proceedings with relation to any of the said offences against females or children the magistrate or the court is satisfied that the attendance at the preliminary hearing or investigation or trial of any child in respect of whom the offence is alleged to have been committed, is not essential to the just hearing or trial of the case, the case may be proceeded with and determined in the absence of the child.

39. Where a person is charged with any of the said offences against females or children in respect of a child who is alleged in the complaint to be under any specified age and the child appears to the magistrate or the court to be under that age, such child shall for the purposes of this Code be deemed to be under that age, unless the contrary is proved.

40. (1) Where a person is charged with committing any of the said offences against females or children in respect of two or more children, the same complaint may charge the offence in respect of all or any of them, but the person charged shall not be liable to a separate penalty or punishment for each child unless upon separate complaints. (2) The same complaint may also charge any person as having the custody, charge or care, alternatively or together, and may charge him with the offence of assault, ill-treatment, neglect, abandonment or exposure, together or separately, and may charge him with committing all or any of these offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together; but when those offences are charged together the person charged shall not be liable to a separate penalty or punishment for each. Power to proceed with case in absence of child. Presumption of age of child. Mode of charging offences, and limitation of time. (3) A person shall not be summarily convicted of any of the said offences against females or children unless the offence was wholly or partly committed within six months before the charge or information was laid, but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence and committed at any previous time. (4) When any of the said offences against females or children charged against any person is a continuous offence, it shall not be necessary to specify in the complaint the date of the acts constituting the offence.

41. (1) If it appears to any magistrate, on complaint laid before him upon oath by any parent, guardian, or relative of any female or by any other person who, in the opinion of the magistrate, is bona fide acting in her interests, that there is reasonable cause to suspect that she is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such magistrate, he may issue a warrant authorising any person named therein to search for her, and when found, to take her to and detain her in a place of safety until she can be brought before him or some other magistrate; and the magistrate before whom she is brought may cause her to be delivered up to her parents or guardian or to be otherwise dealt with as circumstances may permit and require. (2) The magistrate

issuing the warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining the female to be arrested and brought before him or some other magistrate, and proceedings to be taken for punishing the person according to law. (3) A female shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any person, whether any particular person or generally, and either — (a) is under sixteen years of age; (b) if of or above sixteen years of age and under eighteen years of age, is so detained against her will or against the will of her father or mother, or of any other person having the lawful care or charge of her; Power of search for female detained for immoral purposes. (c) if of or above eighteen years of age, is so detained against her will. (4) Any person who is authorised by warrant under this section to search for any female so detained may enter (if need be by force) any house, building or other place mentioned in the warrant and may remove her therefrom. (5) Every warrant issued under this section shall be addressed to and executed by the Commissioner of Police or some non-commissioned officer of police, who shall be accompanied by the parent, relative or guardian or other person laying the complaint, if that person so desires, unless the magistrate otherwise directs.

### **Chapter 99A Domestic Violence [Protection Order] Sections 27, 28**

**27.** (1) *Where, on the trial of any sexual offence against a person under sixteen years of age, it is proved to the satisfaction of the court that the offence has been perpetrated, caused, encouraged or favoured by his father, mother or guardian, or by any other person having custody, care, charge or control of him, it shall be in the power of the court to divest such father, mother, guardian, or other person having such custody, care, charge or control of all authority over him, and to appoint any person or persons willing to take charge of him to be his guardian until he has attained eighteen years of age, or any age below this as the court may direct, and the court shall have the power from time to time to rescind or vary the order by the appointment of any other person or persons as guardian or guardians, or in any other respect.* (2) *Where a person is convicted of a sexual offence, the court before which he is convicted may in lieu of, or in addition to, any penalty which may be imposed, make an Order (in this section referred to as a “psychiatric assistance Order”) requiring the person so convicted to attend a psychiatrist, for psychiatric assistance during such period specified in the Order as the court may determine.* (3) *Any person who fails to comply with any of the provisions of a psychiatric assistance Order is guilty of an offence and liable on summary conviction to a fine of five thousand dollars or to imprisonment for six months or to both such fine and imprisonment.*

**28.** (1) *Any person who — (a) is the parent or guardian of a minor; (b) has the actual custody, charge or control of a minor; (c) has the temporary custody, care, charge or control of a minor for a special purpose, as his attendant, employer or teacher, or in any other capacity; or (d) is a medical practitioner, or a person registered under the Nurses and Midwives Act as a nurse or midwife, and has performed a medical examination in respect of a minor, and who has reasonable grounds for believing that a sexual offence has been committed in respect of that minor, shall report the grounds for his belief to a police officer as soon as reasonably practicable.* (2) *Any person who without reasonable excuse fails to comply with the requirements of subsection (1) is guilty of an offence and liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of two years or to both such fine and imprisonment.* (3) *No report made to a police officer under the provisions of subsection (1) shall, if such report was made in good faith for the purpose of complying with those provisions, subject the person who made the report to any action, liability, claim or demand whatsoever.*