



**ORGANIZATION OF AMERICAN STATES**  
**INTER-AMERICAN COMMISSION OF WOMEN**

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FOLLOW UP TO MECHANISM  
CONVENTION OF BELÉM DO PARÁ (MESECVI)  
COMMITTEE OF EXPERTS ON VIOLENCE (CEVI)

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**QUESTIONNAIRE**  
**SECOND MULTILATERAL EVALUATION ROUND**

(Adopted by the Committee of Experts (CEVI) on March 20, 2010)

**INTRODUCTION**

This questionnaire is made up of five sections: legislation, national plans, access to justice, national budget, and information and statistics. These sections are the same as those reviewed during the First Multilateral Evaluation Round.

*In federal states*, the report should indicate whether federal provisions exist and provide the titles of those provisions, the dates on which they were adopted and entered into force, and the texts themselves. If there are no federal provisions, information should be provided on how many states of the federation have laws or regulations as compared to the total number of those states.

CEVI will evaluate the level of the state party's compliance with the Convention taking into account the replies to this questionnaire as well as the country report and the report on follow-up to the recommendations from the First Multilateral Evaluation Round. In its evaluation, it will also take into account the shadow reports, if any, presented by civil society organizations in the country concerned.

Attached for your information is the CEVI Evaluation Manual, which may also be accessed on: <http://www.oas.org/cim>.

If you have any concerns or questions on how to respond to the questionnaire, please contact [meseuvi@oas.org](mailto:meseuvi@oas.org) for further assistance or send a fax to: (202) 458-6094.

## I. LEGISLATION

1. How has the Convention of Belém do Pará been incorporated in your country's legislation? Can it be applied directly or is a specific mechanism for incorporating it into the country's law necessary? In the latter case, has that mechanism been utilized? If not, why?

Resp: The Convention of Belem do Para has been incorporated in some of the legislations in The Bahamas. Chapter 99 of the Sexual Offences Act, provides protection from various forms of violence. The Sexual Offences and Domestic Violence Amendment Act, 2008 removed the minimum sentences for sexual offences, and broadened the scope of procurement to incorporate procurement by electronic means. Section 7(a) of the Act, states that any person found guilty of the offence of procurement is liable to imprisonment for 15 years. This Act also established new offences of voyeurism and child pornography. The Domestic Violence (Protection Orders) Act, 2007 provides a comprehensive definition of domestic violence, which includes physical, sexual, psychological or financial abuse, and incorporates partners and spouses, children and members of the household. The Act also incorporates harassment and stalking.

2. Are there any provisions in your national law that define violence against women, distinguishing it from intra-family, family, or domestic violence and that include as components:
  - a) Action, failure to act or conduct against women because of their condition as women?
  - b) That results in death, injury, or suffering?
  - c) That said injury or suffering is physical, sexual, or psychological?
  - d) That the victims are women, girls, and female adolescents?
  - e) That this takes place in both the public and the private sphere?

If such a provision exists, kindly provide information about, the dates of its adoption and entry into force, and the text itself.

If not, which measures have been taken to include such provisions in national law?<sup>1/</sup>

Resp: While there are no provisions in the law that defines violence against women specifically, all relevant legislation have addressed gender based violence as criminal and unacceptable behaviour. These legislations include the Sexual Offences and Domestic Violence Act, 1991, the Sexual Offences and Domestic Violence Amendment Act, 2008, the Domestic Violence (Protection Orders) Act, 2007, the Child Protection Act, 2007 and the Penal Code, covers behaviour in the public and private spheres.

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<sup>1/</sup> Based on the recommendation #4 (Rec.4) of the Hemispheric Report and indicator 1.1.a. of the Indicators for Follow-Up to the Committee of Experts' (CEVI) Recommendations.

3. Do your civil and criminal legislation and administrative procedures contain any provisions that prevent, punish and eradicate the following forms of violence:
- a) Physical violence?
  - b) Psychological violence?
  - c) Sexual violence?
  - d) Patrimonial or economic violence?
  - e) Other types of violence? Please specify: .....

If yes, kindly provide:

- The information about the dates of its adoption and entry into force, the text itself and the relevant legal articles defining rape.
- Whether the perpetrators include individuals and government agents<sup>2/</sup>
- Whether there is any form of reparation for the victims.

Resp: The Domestic Violence (Protection Orders) Act, 2007 which came into force on 22 December, 2008 defines domestic violence as physical, sexual, psychological or financial abuse that is committed by a person against a spouse, partner, child, or any other person who is a member of the household or dependent. Section 9, Sub-section (2) of the Domestic Violence (Protection Orders) Act states that: “An order under section 8(3)(c) for the payment of compensation, which shall be received by the court on behalf of the complainant, shall not exceed ten thousand dollars and shall include but not be limited to:

- (a) loss of earnings;
- (b) medical and dental expenses;
- (c) moving and accommodation expenses;
- (d) reasonable legal costs”.

The Sexual Offences and Domestic Violence Act, 1991 defines rape as, “the act of any person not under fourteen years of age having sexual intercourse with another person who is not his spouse:

- (a) without the consent of that other person;
- (b) without consent which has been extorted by threats of fear of bodily harm;
- (c) with consent obtained by personating the spouse of that other person; or
- (d) with consent obtained by false and fraudulent representations as to the nature and quality of the act”

The Sexual Offences Amendment Act, which came into force in December, 2008, states that “Any person who

- (a) commits rape;
- (b) attempts to commit rape; or
- (c) assaults any person with intent to commit rape, is guilty of an offence and liable to imprisonment for life”

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<sup>2</sup>. Indicator 1.1.b.

The Sexual Offences and Domestic Violence Act, 1991 criminalizes sexual harassment in the workplace and makes it punishable by a fine and/or imprisonment or both.

Legislation does not make a distinction between perpetrators and can include individuals and government agents.

4. Does the legislation contain provisions on the prevention and punishment of domestic and international trafficking in persons, especially women? Are those provisions consistent with the Palermo Protocol and is trafficking in persons regulated differently from forced prostitution?

If such a provision exists, kindly provide information about the dates of adoption and entry into force, and the text itself.

If not, which measures have been taken to include such provisions in national law?<sup>3/</sup>

Resp: The Trafficking in Persons (Prevention and Suppression) Act, which came into force on 10<sup>th</sup> December, 2008 implemented the provisions of the United Nations Protocol to Prevent, Suppress and Punish trafficking in persons, especially women and children and thereby gives domestic legal effect to its measures of prevention and punishment.

Section 6, sub-section (1) states that, “Where a defendant is convicted of trafficking in persons under this Act, the court shall order the defendant to pay restitution to the victim”. Sub-section (2) states that, “Restitution shall compensate the victim for:

- (a) costs of medical and psychological treatment;
- (b) costs of physical and occupational therapy and rehabilitation;
- (c) costs of necessary transportation, temporary housing and child care;
- (d) lost income;
- (e) attorney’s fees and other cost such as victim advocate fees;
- (f) compensation for emotional distress, pain and suffering; and
- (g) any other loss suffered by the victim”.

5. Does the legislation contain provisions on the prevention and punishment of forced prostitution? Are these provisions consistent with the Rome Statute, which established the International Criminal Court, and do they address forced prostitution separately from trafficking in persons, especially women?

If such a provision exists, kindly provide information about the date of adoption and entry into force, and the text itself.

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<sup>3</sup>. Rec. 13 and indicator 1.1.c.

If not, which measures have been taken to include such provisions in national law?<sup>4/</sup>

Resp: While the Trafficking in Persons (Prevention and Suppression) Act provides protection from exploitation, it addresses prostitution in general, but not forced prostitution. The Act defines sexual exploitation as:

- (a) prostitution;
- (b) the production of child pornography or other pornographic material;
- (c) any other sexual activity

Section 2(b)(v) includes the “exploitation of prostitution of another;” and 2(b)(vi) “engaging in any form of commercial sexual exploitation, including but not limited to pimping, pandering, procuring, profiting from prostitution, maintaining a brothel, child pornography”.

Section 3, sub-section (2) creates the offense and states that “A person commits the offence of trafficking in persons where, for the purpose of exploitation he:

- (a) recruits, transports, transfers, harbours or receives another person within The Bahamas;
- (b) recruits, transports or transfers another person from The Bahamas to another country; or
- (c) recruits, transports, transfers, or receives or facilitates the arrival of another person from another country into The Bahamas, by any of the means specified in subsection (3)”.

Subsection (3) states that “the means referred to in subsection (2) are:

- (a) threat or use of force or other form of coercion;
- (b) abduction;
- (c) deception or fraud;
- (d) the abuse of (i) power; or (ii) a position of vulnerability;
- (e) the giving or receiving of a benefit in order to obtain the consent of a person who has control over another person.”

6. Is sexual harassment punishable in the following spheres?

- a) In the workplace?
- b) In health?
- c) In education?
- d) Anywhere else? Please specify: .....

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<sup>4</sup>. Rec. 13.

If such a provision exists, kindly provide information about dates of adoption and entry into force, and the text itself, including the type of sanctions.  
If not, which measures have been taken to include it in national law?<sup>5/</sup>

Resp: The Sexual Offences Act, 1991, Section 26(1) states that, “Any person who (a) being a prospective employer importunes or solicits sexual favours from another person (i) in the terms or conditions on which he offers, to that person or any other person, employment or admission into any institution; or (ii) under a threat of rejection (whether implied or otherwise) of any application made by that person or any other person for employment or for admission into any institution, or of causing such rejection; (b) being in a position of authority over, or being a co-worker of, another person in any place of employment or any institution, importunes or solicits sexual favours from that other person under any holding out, promise or threat of the grant or imposition of any favour, benefit, advantage or disadvantage, as the case may be, at the place of employment or institution; or (c) importunes or solicits from a person in a position of authority in any place of employment or any institution, any favour, benefit or advantage, or the forbearance from the exercise of any right, power or duty relating to that authority under any holding out or promise of sexual favours; is guilty of the offence of sexual harassment.”

Section 26 (2) “Any person who is guilty of the offence of sexual harassment is liable to a fine of five thousand dollars or to imprisonment for two years or to both such fine and imprisonment.”

Section 26 (3) - States “prospective employer” means any person who (a) is in a position of authority in any place of employment or any institution; or (b) is authorised to act on behalf of persons mentioned in paragraph (a) for the purpose of employing personnel for a place of employment or admitting persons into an institution”.

Section 26 (4): “No prosecution shall be commenced for an offence under this section without the consent of the Attorney-General.”

While our legislation does not address sexual harassment specifically in the spheres of health and education, the Domestic Violence (Protection Orders) Act, 2007 addresses harassment. The Act defines harassment as:

- (a) the intimidation of a person by:
- (i) persistent verbal abuse;
  - (ii) threats of physical violence;
  - (iii) the malicious damage of the property of a person; or
  - (iv) any unwanted physical, verbal or visual, sexual advances, requests for sexual favours, and other sexually oriented conduct which is offensive or objectionable to the recipient, including, but not limited to: epithets, derogatory or suggestive comments, slurs or gestures and offensive posters, cartoons, pictures, emails,

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<sup>5</sup>. Rec. 12 and indicator 1.1.d.

telephone calls or drawings but not being an occasional compliment of a socially acceptable nature.

7. Has sexual violence within marriage and common-law unions been defined as a specific crime? Please indicate whether:
- a) Rape within marriage and common-law unions has been criminalized.
  - b) Other forms of sexual violence within marriage and common-law unions have been criminalized.

If such a provision exists, kindly provide information about the dates of adoption and entry into force, and the text itself.

If not, which measures have been taken to include this crime in national law?<sup>6/</sup>

Resp: Under the Sexual Offences Act, 1991, a spouse cannot bring a complaint for rape by his/her spouse. The legislation provides for the offence of sexual assault in certain circumstances.

The proposed Sexual Offences (Amendment) Bill, which was laid before Parliament on 22<sup>nd</sup> July, 2008, further strengthens our law to protect married women from sexual violence. Section 15, subsection (1) of the Sexual Offences (Amendment) Bill, states that “Any person who has sexual intercourse with his spouse without the consent of the spouse:

- (a) where there is in existence in relation to them
  - (i) a decree nisi of divorce;
  - (ii) a decree of judicial separation;
  - (iii) a separation agreement; or
  - (iv) an order of a court for the person not to molest or co-habit with his spouse, or any other order made under Part II; or

where the person has notice that a petition for judicial separation, divorce or nullity of marriage has been presented to a court, is guilty of the offence of sexual assault by spouse and liable to imprisonment for a term of fifteen years”.

- (b) The Bill seeks to amend the definition of rape contained in the Sexual Offences Act, 1991.

The Sexual Offences Amendment Bill defines rape as “the act of any person not under fourteen years of age having sexual intercourse with another person who is not his spouse-

- (a) without the consent of that other person;
- (b) without consent which has been extorted by threats of fear of bodily harm;
- (c) with consent obtained by personating the spouse of that other person; or

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<sup>6</sup>. Rec. 10 and indicator 1.1.e.

- (d) with consent obtained by false and fraudulent representations as to the nature and quality of the act

Consultations on the proposed Sexual Offences Amendment Bill are ongoing.

The Domestic Violence (Protection Orders) Act, 2007 protects spouses, partners or any member of the household from sexual violence.

8. Is there a provision in your legislation that explicitly bans the use of conciliation, mediation, or any other method that seeks an extrajudicial settlement to violence against women, girls, and female adolescents?

If such a provision exists, kindly provide information about dates of adoption and entry into force, and the text itself.

If not, indicate whether substantive or procedural law or jurisprudence provides for any of these methods and which steps have been taken for their repeal.<sup>7/</sup>

- Resp: Section 5, sub-section (1) of The Criminal Procedure (Plea Discussion and Plea Agreement) Act, 2008, states that:

“A prosecutor who uses an improper inducement to encourage an accused person to participate in a plea discussion is liable on summary conviction to a fine of twenty-five thousand dollars and to a term of imprisonment of five years.

(2) A police officer or attorney for an accused person is liable to a fine of twenty-five thousand dollars and to imprisonment for five years where he:

(a) conspires with the prosecutor in the commission of an offence under sub-section (1);

(b) attempts, incites, aids, abets, counsels or procures the commission of such an offence under subsection (1).

(3) No prosecution under this section shall be instituted without the written consent of the Attorney-General.

9. Are there any provisions that criminalize femicide?<sup>8/</sup> In case not, are the elements of femicide considered as aggravating circumstances of homicide?

If such a provision exists, kindly provide information about the dates of adoption and entry into force, and the text itself.

If not, which measures have been taken to include this in national law?<sup>9/</sup>

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<sup>7.</sup> Rec. 14 and indicator 1.1.g.

<sup>8.</sup> According to the CEVI Declaration on Femicide (MESECVI/CEVI/DEC. 1/08) of August 15, 2008, femicide is “the violent death of women based on gender, whether it occurs within the family, a domestic partnership, or any other interpersonal relationship; in the community, by any person, or when it is perpetrated or tolerated by the state or its agents, by action or omission.”

<sup>9.</sup> Rec. 37 and indicator ....



Resp: There are no provisions in Bahamian law that specifically criminalizes what is termed “Femicide”. Bahamian law makers are satisfied that the elements of murder and manslaughter outlined in the law are adequate to address cases of femicide.

10. Are there provisions in your national legislation that criminalize violence against women perpetrated by the State? In this regard, are there provisions in your legislation that:

- a) Punish sexual violence in armed conflicts?<sup>10/</sup>
- b) Punish violence such as torture, war crimes, and crimes against humanity?<sup>11/</sup>
- c) Punish violence against women committed in hospitals, educational establishments, prisons and other State institutions?

If such a provision exists, kindly provide information about the dates of adoption and entry into force, and the text itself.

If not, which measures have been taken to include these crimes in national law?

Resp: No. Such cases of armed conflicts, torture, war crimes and crimes against humanity are not considered an issue in this jurisdiction.

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<sup>10</sup>. Rec. 33.

<sup>11</sup>. From Rec. 33.

11. Are there any provisions to protect sexual and reproductive rights of women?
- a) Are there provisions that criminalize obstetric violence?<sup>12/</sup>
  - b) Punish public functionaries who prevent women, girls, and female adolescents from taking proper care of their sexual and reproductive health?<sup>13/</sup>
  - c) Are there any provisions decriminalizing abortion as a result of rape?
  - d) Are there any provisions decriminalizing therapeutic abortion?
  - e) Are there any provisions to punish forced sterilization?
  - f) Are there any provisions to punish artificial insemination without consent?
  - g) Are there any provisions that guarantee the free access of women to emergency contraceptives?
  - h) Are there any provisions that guarantee emergency prophylactic care and treatment of HIV and other sexually transmitted diseases especially in cases of sexual violence?
  - i) How do you guarantee the exercise of these rights?

If such a provision exists, kindly provide information about the dates of adoption and entry into force, and the text itself.

If not, which measures have been taken to include these provisions in national law?

Resp: There are no legal or cultural obstacles to women accessing reproductive health services. There is a fully-subsidized government programme which provides expanded contraceptive choices: oral contraceptives, condoms, injectables and intrauterine contraceptive devices. Women are offered screening services for breast and cervical cancer, sexually transmitted infections and immunization against, tetanus, rubella and hepatitis B. All women without regard to marital status have access to family planning services without having to seek authorization from any other source. However the husband's authorization is, in practice, sought before the wife can have tubal ligation or sterilization. Contraceptives are offered after delivery and no consent is required from the husband.

Abortion is currently illegal in The Bahamas

The Government of The Bahamas still uses the Penal Code of 1924 as the *locus standi* for all matters concerning abortions. The Penal Code is very limited in its reference to abortions and allows for abortions to be lawfully permitted under specific circumstances relating explicitly to the preservation of the mental and physical health of the woman and to save the life of the woman. The Code does not prohibit abortion in cases of rape, incest or other exceptions.

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<sup>12</sup>. Article 15 of Venezuela's Organic Law Related to the Right of Women to a Life Free of Violence defines obstetric violence as the "taking over of women's bodies and reproductive processes by health professionals, as evidenced by dehumanized treatment, over-medication and the pathologization of natural processes, resulting in women's loss of autonomy and of their ability to decide over their own bodies, and negatively affecting their quality of life."

<sup>13</sup>. A question is proposed on violence by the state and subparagraphs c, d, and e, taking into account their inclusion in Table No. 4 of the Hemispheric Report.

The health policy provides for emergency contraceptives in cases of rape. Provisions are also in place for HIV and other sexually transmitted diseases, through the prescribing of prophalactic treatment for the prevention of HIV following sexual assault.

Rape is defined in Chapter 99 of the Sexual Offences and Domestic Violence Act as “Any person not under fourteen years of age having sexual intercourse with another person who is not his spouse:

- (a) without the consent of that other person;
- (b) without consent which has been extorted by threats or fear of bodily harm;
- (c) with consent obtained by personating the spouse of that other person; or
- (d) with consent obtained by false and fraudulent representations as to the nature and quality of the act.”

12. Are there national awareness campaigns to disseminate information on women’s rights, specifically the Convention of Belem do Para?

Resp: Over the years, the Bureau of Women’s Affairs in collaboration with Non Governmental Organizations and Government agencies have implemented awareness campaigns, and disseminated information on women’s rights, in particular, their right to life free from violence.

## II. NATIONAL PLANS

13. Is there a national Plan/Action/Strategy for the prevention, punishment, and eradication of violence against women? Does it address all forms of violence against women? Are evaluations conducted regarding its implementation and any problems in that regard?

If such a program exists:

- a) when was it established?
- b) what period does it cover?
- c) how it is executed and evaluated?
- d) how is it disseminated and promoted?
- e) has there been a multisectoral approach in which government institutions and civil society participate in drawing up the plans?
- f) are there any penalties for failing to comply with national plans?

If not, which measures have been taken to establish one?<sup>14/</sup>

Resp. In 2002, The Ministry of Health established a multi-disciplinary group to develop a situational analysis on Family Violence in the nation. This analysis was presented and validated in a National Forum by relevant stakeholders in 2002. In

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<sup>14</sup>. Recs. 18 and 19 and the indicators from section 1.3.

2003, the Ministry of Social Development appointed an inter-sectoral task force on Family Violence.

Draft legislation on Domestic Violence was developed and a series of town meetings held with significant groupings in New Providence and the Family Islands culminating on the successful bi-partisan passage of the Domestic Violence (Protection Orders) Act, 2007.

In 2010, the Government appointed a consultant with the mandate to build on the draft Strategic Plan and ensure follow-up to the mandate given the Ministry of Social Development in the 2007 legislation to alleviate domestic violence and abuse. This legislation mandates the Ministry to promote and develop educational programmes, study and investigate the problem, creating awareness and providing training for those involved in treatment and counseling of victims. coordinate the national response to domestic violence.

14. Is the topic of violence against women addressed in the following national plans/plans of action/strategies on:

- a) education
- b) employment and income
- c) poverty eradication?
- d) gender equity and equality?
- e) health?
- f) HIV / AIDS?
- g) public security/crime prevention?
- h) other? Please specify: .....

In the event it is addressed, kindly describe how violence against women is addressed in those plans/plans of actions/strategies. If not, which measures have been taken to implement it?<sup>15/</sup>

Resp. The Ministries of Education, Health, Labour and Social Development, the Royal Bahamas Police Force as well as the National HIV/AIDS Secretariat have existing national plans of action. However, the topic of violence against women in those plans of action have not specifically been addressed.

15. Are there plans to offer training (not isolated or sporadic training sessions) to the following on the topic of violence against women, women's rights, in the framework of the Convention of Belem do Para:

- a) Lawmakers?
- b) Justice system personnel (judges, prosecutors, paralegals, special family violence units in the police force and other public functionaries)?
- c) Health system personnel?
- d) Educators?
- e) Military and police forces?
- f) Women's social and community-based organizations
- g) Specialized units to deal with violence?
- h) Others? Please specify.....

If such training exists, describe their characteristics and the topics considered, and indicate how frequently they are held. If not, which measures have been taken to include them?<sup>16/</sup>

Resp. Plans are ongoing with women's organizations and community based organizations on the topic of violence against women. Discussions are ongoing with the Police College to implement specific sensitization and training for Police Officers to enhance their skills in the intervention of victims of Domestic

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<sup>15.</sup> Item taken from the United Nations questionnaire on implementing the coordinated database on violence against women, October 2006. The Secretariat proposed as a complement to question 13 on national plans. Proposal was modified by the CEVI in its V Meeting.

<sup>16.</sup> Recs. 24 and 31 and indicator 2.5.2. A reference is made in this question to the military and police forces, which were not included in the questionnaire for the First Multilateral Evaluation Round.

Violence.

16. Does the State promote the participation of civil society in:
- a) Design of the Plan/Action/Strategy?
  - b) Monitoring and Evaluation of the Plan/Action/Strategy?
  - c) Execution of conjoint projects or collaboration in activities? Please specify .....
  - d) Others? Please specify.....

Resp. The Bahamas has and will continue to include the participation of civil society in plans to combat violence against women. Additionally, civil society has worked with the State in developing a strategic plan on domestic violence. Several NGOs complement the work of the Bureau of Women's Affairs in promoting gender equality. These NGOs operate shelters for battered women, implement public education campaigns as well as provide essential development and welfare assistance to women in the country. Some of the NGOs also provide counselling and therapeutic intervention for victims of violence. These NGOs include: Links Inc., Zonta Clubs, Rotary International, Bahamas Crisis Centre and Professional Women's groups. The Government of The Bahamas provides grants to a number of NGOs to assist with programming efforts.

17. Are there cooperation agreements with the media and publicity agencies to promote women rights and disseminate the contents of the Convention of Belem do Para?

Resp. While there are no formal cooperation agreements, media and publicity agencies do promote women's rights and disseminate the contents of the Convention of Belem do Para. The Bureau of Women's Affairs has developed strong relationships with both the electronic and print media. The media consistently provides comprehensive coverage of programmes that the Bureau stages to disseminate the information on Belem do Para..

### **III. ACCESS TO JUSTICE**

18. Has there been an increase in the number of entities in charge of receiving complaints of violence against women? If so, identify the type of institution, on which date it occurred, how many were added and where they are located? If not, indicate why that number did not increase and the measures taken in that regard.<sup>17/</sup>

Resp: Complaints of violence against women are received by all police stations throughout The Bahamas. Victims are also able to report cases to the Sexual

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<sup>17/</sup> Rec. 29 and indicators 2.1.b and 2.4.

Offences Unit of the Royal Bahamas Police Force. This Unit that was established in 1991, specifically investigates sexually violent complaints against women. In 2006, a Victims Support Unit was created within the Royal Bahamas Police Force. This Unit was tasked with receiving complaints of violence against women, providing updates to on-going cases and providing referrals for counseling to victims. The Unit also provided a 24-hour hotline to receive complaints after hours. Today, the Unit is known as the National Crime Prevention Office.

The Bahamas Crisis Centre which was established in 1982, continues to receive complaints from victims of violence via its 24-hour hotline and self or other referred clients who attend the Centre for assistance.

19. Are there any administrative provision or others that ease access to justice for women and guarantee due process, such as:
- a) Specialized officers?
  - b) Private spaces?
  - c) Free legal services?
  - d) Interpreters in indigenous languages?
  - e) Guidelines on confidentiality and data protection of the victim, her family and/or witnesses?
  - f) Others? Please specify.....

Please also explain what measures are taken so that rural, indigenous and afro-descendent women can access to justice.

Resp: Provisions are available for women to obtain access to justice, including women who live in rural areas. In the rural areas, civil and criminal cases can be heard by the magistrate courts in their respective jurisdictions.

(a) Specialized officers are available on the Police Force to respond to victims of sexual violence in the Sexual Offences Unit. The Police Force Victims Support Unit, which was established in 2006 responds to issues involving victims and their relatives.

(b) Private spaces have been set up in the Sexual Offences Unit with separate rape suites for adult and juvenile victims. A special room has been opened in the Emergency Department of the Princess Margaret Hospital (the general hospital) to accommodate victims of sexual assault in a space away from other patients. This, AGAPE Room, allows for privacy of rape victims for their examination and treatment.

(c) With regard to legal services, the Eugene Dupuch Legal Aid Clinic offers free legal services for victims of violence.

(d) In cases of sexual and domestic violence, interpreters are available in certain criminal cases of sexual violence.

Rape victims have access to a sexual offenses unit which is located at the Central Detective Unit. Within this unit, a rape suite is available for adult, juvenile and

child victims. Special training in sexual offences is available for Police officers, including new recruits.

While the archipelagic nature of The Bahamas creates challenges in the delivery of services to rural communities, there are systems in place that enable women in these areas to receive access to justice. Approximately 15 percent of persons live in rural communities. These persons comprise mostly of young persons and the elderly, as the majority of persons migrate either to New Providence, Grand Bahama or other larger islands for suitable employment opportunities.

(e) Protection of victims is addressed in the Domestic Violence (Protection Orders) Act, 2007, as well as in the Child Protection Act, 2007.

Guidelines on confidentiality and protection of victims are available in both the Child Protection Act and the Domestic Violence (Protection Orders) Act, and offences created where this confidentiality is breached.

20. Which of the following mechanisms are in place for ensuring the effectiveness of measures to protect women, their relatives, and/or witnesses in cases of violence?
- a) Funds for transportation?
  - b) Mechanisms for rescuing women?
  - c) Change of identity?
  - d) Witness protection?
  - e) Clearance for leaving the country?
  - f) Secure networks for reference?
  - g) Others? Please specify.....

Resp: The following measures were outlined in place to provide the effectiveness of measures to protect women, their relatives and /or witnesses in cases of violence.

(a) Passage of the Domestic Violence (Protection Orders) Act, 2007 which provides increased protection for women and their loved ones in cases of domestic violence, the Act was implemented in December, 2008.

(b) Passage of the Witness Protection Act

(d) The Justice Protection Act, 2006 makes provisions for the safety of witnesses. Section 8, sub-section (1) of the said Act states that:

“Where the Attorney General after consultation with the Director of Public Prosecutions and the Commissioner of Police determines that it would be in the interest of the safety of a witness that measures be taken to place the witness within an environment either within or without The Bahamas for the purpose of ensuring that safety and the attachment of the interest of justice during the relevant period, the Attorney-General may, subject to sub-section (2) refer to the matter to the Administrative



Centre to take such measures as it considers necessary for the purpose of placing the witness in the Justice Protection programme.”

Sub-section (2) of the Act states that the Attorney-General shall ensure that prior to the reference to the Administrative Centre the witness has signed in the prescribed manner a written request for measure to be taken to secure his safety and that any measures to be taken are such that would enable compliance with any directions that may subsequently be given by a court.

21. Are there assessments and studies on how much time it actually takes to provide protection orders after a complaint is reported? Are there statistics on how many and what type of protection orders were granted last year to women victims of violence as compared to the total number of protection orders requested?<sup>18/</sup>

Resp: As the Domestic Violence (Protection Orders) Act, 2007 was implemented in December, 2008, no assessments/studies are presently available. Section 4, subsection (8) states that, “The court shall endeavour to hear an application for a protection order within two days after the date of service of the application or as soon as practicable thereafter”

There are currently no statistics available on the number and type of protection orders granted.

22. Are there any protocols of care for women, girls, and female adolescents who are victims of violence, in the official language and in indigenous languages, for use by:

- a) The police and the staff of entities that receive complaints?
- b) Prosecutors’ offices?
- c) Health system personnel?
- d) Others? Please specify .....

If such a protocol exists, kindly attach a copy. If not, or if only an official language version exists, explain the measures taken to draft one and/or translate it.<sup>19/</sup>

Resp. Protocols of care are available for victims of violence in some of the relevant Agencies. The Royal Bahamas Police Force has trained counselors to assist victims of violent crimes with special services. These services are also extended to relatives of homicide victims. The Police Force also promotes mediation training in communities and schools. Interpretators are also available in some agencies for victims of violence.

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<sup>18</sup>. Rec. 34 and indicators 1.1.f and 1.2.1 (quantitative).

<sup>19</sup>. Rec. 28 and indicator 2.3.2.

The Department of Social Services provides funds for transporting victims to safety. The Police are mandated in the Domestic Violence (Protections Orders) Act, 2007, to assist victims of domestic violence in accessing their belongings, obtaining medical treatment and getting to safety.

23. Do judges and prosecutors use the Convention of Belém do Pará and international human rights treaties in their judgments and rulings? Has a study or an assessment been made of the use of these instruments in the work of judges and prosecutors? If such a study exists, please outline its main conclusions and/or the relevant judgments.

Resp: The judges and prosecutors do not use the Convention of Belem de Para in their judgments and rulings. No assessments have been made of the use of these instruments.

24. Are there studies or assessments on judges and prosecutors about:
- a) the influence of stereotypes, prejudices, myths and customs in the prosecution of cases of violence against women; and how these affect the trial and/or the sentencing?
  - b) If judges and other judiciary officers take into account or use negatively the personal history of the victim or her previous sexual experience in delivering the sentence?

If such a study exists, please outline its main conclusions and/or the relevant judgments.

Resp: Studies on assessments have been done on judges and prosecutors about the influence of stereotypes myths and customs in the prosecution of cases of violence against women. Rape Shield Laws (1996), however currently in place to prevent defence lawyers from using the victims previous sexual history in their presentations.

Section 34, sub-section (1) of the Evidence Act, 1996, states that, “ If at a trial any person is for the time being charged with rape offence to which he pleads not guilty, then, except with the leave of the court, no evidence shall be adduced nor shall any question be asked at the trial, by or on behalf of any accused persons about any sexual experience of a complainant with a persons other than that accused person”

#### **IV SPECIALIZED SERVICES**

25. Has the number of government (not civil society) shelters and integrated support centers for women victims of violence and their children increased over the past four years? If so, please indicate how many have been added and where they are

located. If not, what measures have been taken to increase their number and when are the new shelters and support centers expected to begin to operate?<sup>20/</sup>

Resp. Presently, there are no government shelters for victims of violence, however, the Government provides substantially to the shelters operated by Links Safe House, the Salvation Army and the Great Commission Ministries.

26. Over the past four years has the coverage of free specialized services provided by the government (not civil society) expanded and/or been enhanced, for example:

- a) Free pre-trial legal counsel?
- b) Free legal counsel during trials?
- c) Free 24-hour national telephone hotlines?
- d) Health care programs, including Sexual health programs and services for legal interruption of pregnancy?
- e) Psychological counseling, therapy, support and self-help groups?
- f) Other? Please specify .....

If they have increased and/or enhanced, please explain how. If not, explain why and the measures taken to ensure such an increase and/or enhance.<sup>21/</sup>

Resp. (a) (b) The State provides free legal counsel for serious offences, such as armed robbery and murder.

(c) The Government has expanded its 24 hour child abuse hotline to respond to calls for family violence.

(d) The Government of The Bahamas realizes the importance of health care to all residence throughout all islands of the archipelago. Studies have shown that Health promotion and prevention strategies are the most effective methods to achieve optimal health status for the population.

The provisions of adequate free preventive services are accessible for all women in The Bahamas. The Ministry of Health has healthcare facilities in New Providence and the family islands including Grand Bahama, providing comprehensive services that are affordable and accessible to all women. Reproductive Health and Family Planning is one of several priority national health programmes providing care.

(e) The Ministry of Health, through its Community Counseling and Assessment Centre, a mental health outreach agency, provides free psychological and psychiatric counseling to women, men and adolescents. The Centre initiated a six (6) week Anger-management programme on November 7<sup>th</sup>, 2008, which was very well received. There is currently a waiting list and the institution has been requested to develop an additional programme.

27. Are there information campaigns for the promotion of these services among women?

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<sup>20</sup>. Rec. 32.  
<sup>21</sup>. Rec. 32 and the indicators from section 2.2. Services based on the questions from the questionnaire of the First Multilateral Evaluation Round.

Resp. Yes, information campaigns are ongoing in a number of agencies via Public Service Announcements, pamphlets among other things.

The Ministry of Health has ongoing promotional campaigns on health care matters. *Joining Hands for Health* is a weekly radio programme that raises awareness and educates the public on a number of health related issues. Promotional campaigns also exist via documentaries and Public Service Announcements on a wide range of health matters, including sexual health.

Public forums led by the Bureau of Women's Affairs are used to heighten awareness on protection from violence. These forums provide the avenue to promote services that are available.

28. Have existing services mentioned in questions 25 and 26, as well as client satisfaction been evaluated? If so, describe the results of those evaluations and the measures taken by the State to comply with the recommendations and improve services. If not, describe the measures being taken to conduct an evaluation this year.<sup>22/</sup>

Resp. No evaluations have been done. Consideration is being given to evaluating these services at the end of this year.

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<sup>22</sup>. Rec. 32.

## V. BUDGET<sup>23/</sup>

29. In the past four years, what percentage of the national budget has been allocated to programs to combat violence against women (not only family or domestic violence)? Please specify if the source of such allocations are public funds, private funding or international cooperation.

Resp. While the percentage is not known, the Government gives a grant to the Roman Catholic Archdiocese Men's Group which runs a programme for men who batter their wives/partners. Funds are also provided to a number of NGO's who offer such programmes.

30. In the past four years, what percentage of the annual national budget has been allocated to:

- a) Women's police stations, prosecutors or other entities that receive complaints?
- b) Training of functionaries?
- c) Specialized services: women's shelters, free help hotlines, free legal advisory services, free legal counsel, and free psychological counseling?
- d) Campaigns to prevent violence against women?
- e) Health services for women affected by violence nationwide?
- f) Other? Please specify.....

Resp. Information is not available for items (a) (b) as there are no women's police stations or prosecutors.

With respect to (c), the Government of The Bahamas presently provides grants to three (3) women's shelters. These include Links Safe House, the Salvation Army and the Great Commission Ministries. Links Inc. and the Salvation Army receive an annual grant of \$75,000.00 and the Great Commission Ministries receives an annual grant of \$28,000.00

The Bahamas Crisis Centre receives \$30,000 per annum to assist in providing free services to victims of violence. These services include:- free legal advisory and free psychological counseling and its campaign to prevent violence against women.

## VI. INFORMATION AND STATISTICS

31. In the past four years, has the State conducted studies and research on violence against women and/or implementation of the Convention of Belém do Pará in your country? If so, present the main conclusions of those studies and indicate

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<sup>23</sup>. Section taken from item 4 of the document on indicators and from Andrew Morrison's recommendations on the Information and Statistics section of the Hemispheric Report, Recs. 39 and 40.

whether any type of follow-up has taken place at the national level. If not, which measures have been taken to conduct them?

Resp. While the State has not conducted any studies or research on violence against women, part of the mandate of the consultant appointed by government is to address domestic violence and to facilitate such studies.

32. In the past four years, which activities have taken place to promote and support research on violence against women, in coordination with civil society organizations and with academic institutions in your country?<sup>24/</sup>

Resp. The College of The Bahamas has undertaken research on incidence of domestic violence in college students' households and its relationship to animal cruelty. The research indicated that 21% of college students could be living in homes with domestic violence. Further, domestic violence is associated with other deviant behaviours which may have adverse affects on household members and ultimately the welfare of the nation

Research has also shown that bullying in school can be pre-cursor to later domestic violence. The Ministry of Education collaborated with the Bahamas Crisis Centre in a study of the incidence of bullying in primary schools. The results of this survey are to be published in 2010.

33. In the past four years, have surveys been periodically conducted on:

- a) Violence against women?
- b) Women's understanding of their rights?
- c) Women's familiarity with the public services available, in the event that they are victims of violence?
- d) Other? Please specify.....

If such surveys have been conducted, indicate whether the survey interviewers were given prior training on the topic and the methodology used, and report on the survey results. If not, report on measures taken to conduct such a survey.<sup>25/</sup>

Resp. No. However, future consideration will be given.

34. Have publicly accessible records been kept of the number and characteristics of reports or cases of violence against women (not only family, intra-family, or domestic violence) by:

- a) The police and other entities that receive complaints?
- b) The courts and prosecutors' offices?
- c) Health care services?
- d) Other? Please specify .....

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<sup>24</sup>. Recommendation 51; also recommended by Andrew Morrison.

<sup>25</sup>. Suggested by Andrew Morrison.

If these records are kept, report on the number of complaints received each year and on any other data collected on the victim, disaggregated by age, geographical location, ethnicity, marital status, educational level, occupation and relationship to the aggressor. If not, report on the measures taken to establish these records.<sup>26/</sup>

Resp. The Royal Bahamas Police Force maintains all national crime figures for the country, including the number of domestic violence complaints. This data is accessible to members of the public via the forces' website at [www.royalbahamaspolice.org](http://www.royalbahamaspolice.org). More recent figures and any special topics on crime can be requested via the Force.

35. Is any information from the past four years available on:

- a) The number of women victims of violence each year by age, marital status, type of violence, and geographic location?
- b) The number of cases of violence against women that were prosecuted as compared to the total number of complaints of violence against women?
- c) The number of convictions for violence against women as compared to the total number of complaints?
- d) The number of women victims of femicide<sup>27/</sup> each year by age, marital status, and geographical location?
- e) The number of convictions for femicide as compared to the total number of cases recorded?
- f) Other? Please specify .....

If such information is available, kindly provide figures. If not, explain the measures taken to obtain such figures in the future.<sup>28/</sup>

Resp. (a) & (b) The vast majority of rape victims over the last few years have been females. Out of 228 reported rape incidents between 2008 and 2009, only one was male. The vast majority of persons charged with sexual offences were males. Only two females were charged with sexual offences during 2007 – 2008.

(d) & (e) As indicated in question #9, there are no provisions in Bahamian law that specifically criminalizes “Femicide”, however Bahamian law makers are satisfied that the elements of murder and manslaughter outlined in the law are adequate to address cases of femicide.

(f) Data collection of incidence and prevalence of sexual and domestic violence continues to be a challenge. It is hoped that international technical assistance can be obtained to assist with strengthening our data collection.

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<sup>26</sup>. Qualitative indicators from section 3.

28. According to the CEVI Declaration on Femicide (MESECVI/CEVI/DEC. 1/08) of August 15, 2008, femicide is “the violent death of women based on gender, whether it occurs within the family, a domestic partnership, or any other interpersonal relationship; in the community, by any person, or when it is perpetrated or tolerated by the state or its agents, by action or omission.”

<sup>28</sup>. Qualitative indicators from section 3.

36. Is there any mechanism or body for coordination between the institutions for women/gender and the public entities that draw up and compile national statistics, to improve the compilation of data on violence against women? If such a mechanism or body exists, please explain which one, its purpose and functions.<sup>29/</sup>

Resp. Government agencies, including, the Ministries of National Security, Health, Education, the Departments of Statistics, Labour and the Judiciary have the responsibility of compiling data specific to their agencies. There is presently, no designated mechanism that coordinates national statistics on violence against women.

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<sup>29/</sup>. Rec. 46, also suggested by Andrew Morrison.