

PROTECTION AGAINST VIOLENCE BILL, 2023

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PROTECTION AGAINST VIOLENCE BILL, 2023

A BILL FOR AN ACT TO PROVIDE FOR THE PROTECTION OF AND SUPPORT FOR VICTIMS OF VIOLENCE, TO ESTABLISH THE PROTECTION AGAINST VIOLENCE COMMISSION, TO ENABLE THE BAHAMAS TO FULFIL CERTAIN OBLIGATIONS ARISING UNDER REGIONAL AND INTERNATIONAL TREATIES AND FOR MATTERS CONNECTED THEREWITH

Enacted by the Parliament of The Bahamas

PART I - PRELIMINARY

1. Short title.

This Bill may be cited as the Protection Against Violence Bill, 2023.

2. Interpretation.

(1) In this Act —

“**Act**” means the Protection Against Violence Act, 2023;

“**act**” includes an omission;

“**care institution**” includes an educational institution;

“**care and support services**” means any service offered by a person or organization to victims impacted by violence and includes the provision of shelter, training in anger management, conflict resolution, counselling or therapy;

“**child**” means a person below the age of eighteen years and includes an adopted child, a stepchild, or a child who is a member of the household of the complainant and is treated as such by the complainant and the complainant's spouse or partner;

“Commission” means the Protection Against Violence Commission established under section 10;

“community organization” means an organization that provides care and support services to victims, and other persons in the community impacted by and or involved in violence;

“court” means the magistrate's court save where otherwise provided in this Act;

“Council” means the Council of the Federation of Community Organizations Against Violence;

“domestic relationship” means a relationship between one or more persons who —

- (a) are or were married to each other under any law, custom or religion;
- (b) cohabit together;
- (c) are engaged, courting or in an actual or perceived romantic, intimate, cordial or sexual relationship of any duration;
- (d) are parents of a child, or are expecting a child together, or are foster parents to a child;
- (e) are family members related by consanguinity, affinity or adoption;
- (f) are living together as spouses although they are not married;
- (g) share or shared the same household;
- (h) are co-tenants;
- (i) is a house-help in the household of the other;
- (j) lives in or attends a public or private care institution and is under the care and control of the other person;
- (k) is in a relationship as determined by the court to be a domestic relationship;

“economic or financial abuse” means —

- (a) any unreasonable deprivation of economic or financial resources to which a victim, or a family member or dependant of a victim, is entitled under any law or requires out of necessity or has a reasonable expectation of use and such resources include any of the following —
 - (i) household necessities;
 - (ii) medical expenses;
 - (iii) school fees;
 - (iv) mortgage repayments or rent payments in respect of a shared household;

- (b) denying a person the right to seek employment or to engage in an income-generating activity;
- (c) unreasonably depriving a victim, or a family member or dependant of a victim, of property in which the victim, family member or dependant has an interest or a reasonable expectation of use;
- (d) unreasonably disposing of, or intentionally destroying or damaging, property referred to in paragraph (c);
- (e) engaging in a pattern of behaviour the kind and purpose of which is to exercise coercive control over, or exploit or limit, a person's access to financial resources so as to ensure financial dependence;

“Foundation” means the foundation formed in accordance with section 8;

“Minister” means the Minister responsible for social services;

“offender” means a person who has committed an act of violence against another;

“Secretariat” means the technical division of the Commission referred to in section 15;

“sexual abuse” means an act or behaviour of an intimate nature forced upon a person without their consent and may include a sexual offence as specified under the Sexual Offences Act (*Ch. 99*);

“sexual harassment” means the act or behaviour of making unwelcoming or inappropriate sexual remarks or physical advances;

“shelter” means premises providing a place of safety;

“support service providers” means a person or organization that offers care and support services;

“victim” means a person against whom an act of violence has been or is being committed;

“violence” means violence of any sort that results in physical, sexual or psychological violence including rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping, sexual harassment, online harassment or economic or financial abuse that

- (a) occurs within a domestic relationship, whether or not the offender share or shared the same household; or
- (b) is perpetrated by any person whether in the workplace or otherwise.

(2) A court shall, in determining whether a person is in a domestic relationship, have regard to the —

- (a) place where the person's time is ordinarily spent;

- (b) manner in which the person's time is spent; and
 - (c) duration of the relationship.
- (3) Without prejudice to subsection (1), a person shall be deemed to be in a domestic relationship with another person where the person —
- (a) provides refuge to the other person who is a victim of violence; or
 - (b) acts as an agent for the person inflicting violence or encourages that person to commit an act of violence.

3. Objectives of Act.

The objectives of this Act are to provide for —

- (a) a national strategy to prevent and respond to the occurrence of violence and to protect victims of violence by promoting a strong multi-disciplinary community and services for the comprehensive management of victims and offenders;
- (b) a system of information gathering for the purpose of generating reliable statistics in instances where violence in domestic relationships results in death;
- (c) compliance with regional and international human rights treaty obligations of The Bahamas.

PART II – COMPLIANCE WITH REGIONAL AND INTERNATIONAL OBLIGATIONS AND PRINCIPLES

4. Compliance with regional and international treaties, etc.

- (1) The Commission established under section 10, shall have responsibility for ensuring compliance by The Bahamas of its obligations under any regional and international human rights treaty to which The Bahamas is a party.
- (2) The Commission shall carry out its functions under subsection (1), in accordance with the multi-sectoral response established by this Act.

5. Commission to adhere to regional and international binding principles.

The Commission shall in carrying out its obligations under section 4, adhere to the following regional and international binding principles, namely, that —

- (a) victims are treated with compassion and dignity;
- (b) victims have access to justice and prompt redress;

- (c) judicial and administrative mechanisms be established and strengthened to enable victims to obtain prompt redress;
- (d) victims be informed of their rights;
- (e) specialized and direct services be provided to victims;
- (f) persons involved in the administration of justice be educated and trained to support victims;
- (g) measures be taken to eliminate violence against women and children;
- (h) women enjoy civil and political rights equally; and
- (i) programmes and policies be gender sensitive, equitable and lead towards gender equality and positive transformation of gender relations.

PART III – ADMINISTRATION OF ACT

ROLE OF MINISTER IN COMBATING VIOLENCE

6. Minister to develop and implement national strategic plan.

The Minister shall, in consultation with all relevant stakeholders, develop and cause to be implemented, a national strategic plan with the goal of decreasing violence throughout the society, and in particular, violence against women and children.

7. Minister to strengthen institutional capacity in response to violence.

The Minister shall, in carrying out his duties referred to in section 6 and in consultation with the Commission —

- (a) develop a policy and strategy to promote a multi-sectoral coordinated response to violence, and in so doing shall liaise and coordinate with the Minister responsible for —
 - (i) education, to cause to be implemented educational training and prevention programmes for women and children and other vulnerable groups;
 - (ii) national security, to cause to be implemented, standards and protocols for handling investigations into allegations of violence and for treatment of victims of violence;
 - (iii) legal affairs, to keep under review all laws relative to domestic abuse, sexual abuse and violence generally, in order to assess the effectiveness of measures to prevent, punish and eradicate violence and to formulate and implement changes when necessary; and

- (iv) health, to ensure that victims who require immediate or emergency medical assistance are provided with such assistance in a safe, private and comfortable location;
- (b) implement measures to strengthen the capacity of the institutions of family, education, government, religion and the economy to achieve an effective, integrated and coordinated response to violence and to secure for victims quality care and support services, including legal, medical and psychological assistance;
- (c) undertake to encourage the media to develop appropriate media guidelines in order to contribute to the eradication of violence, and in particular, to enhance respect for the dignity of victims of violence, especially women.

8. Minister to establish a foundation.

- (1) The Minister shall cause to be formed and established, a non-profit entity to be known as the Protection Against Violence Foundation.
- (2) The objects of the Foundation, shall state that —
 - (a) the sole purpose of the Foundation is to raise funds for the sole use and benefit of the Commission in the performance of its functions under this Act;
 - (b) no part of the revenues or assets of the Foundation shall be used for the benefit of or be distributable to its directors, officers or any other private persons, except as may be paid for, for actual services rendered.

9. Minister to implement sensitivity training programmes.

The Minister shall, in consultation with the Commission, implement programmes —

- (a) to provide sensitivity training —
 - (i) to members of the police force on the handling of complaints;
 - (ii) to persons who provide care and support services in respect of the obligation to observe the general rights of victims as specified in Part IV;
- (b) to promote and support governmental and private sector education designed to raise the awareness of the public with respect to the problems of and remedies for violence; and
- (c) to promote the education and training of all persons involved in the administration of justice, police and other law enforcement officers as well as other persons responsible for implementing policies for the prevention, punishment and eradication of violence.

PROTECTION AGAINST VIOLENCE COMMISSION

10. Establishment of Commission.

- (1) There is established a body to be known as the “Protection Against Violence Commission”.
- (2) The *Schedule* shall apply and have effect with respect to the constitution and procedure of the Commission.
- (3) The Commission shall be a body corporate with perpetual succession and a common seal capable of suing and being sued in its corporate name and with power, subject to this Act, to do all such acts and things that a body corporate may, by law, do or perform.
- (4) The Commission shall have a Secretariat, which shall be the technical division of the Commission, to be known as the “Protection Against Violence Secretariat” and such other divisions or bodies as the Commission may determine.

11. Functions of Commission.

- (1) The functions of the Commission are —
 - (a) to advise the Minister and make recommendations on the development and implementation of the national strategic plan and for combating and responding to violence and for implementing any international agreement in the fight against violence;
 - (b) to strengthen the collaboration among various stakeholder groups in combating and responding to violence in accordance with policies and strategies developed pursuant to section 6;
 - (c) to appoint an individual as advocate to provide overall support to victims of violence and in particular —
 - (a) to accompany a victim for medical assistance, if necessary; or to court hearings if requested; or
 - (b) to provide any other necessary support as a victim may require;
 - (d) to liaise with the Minister to ensure that there are an adequate number of shelters available to victims throughout the islands;
 - (e) to maintain a register of community organizations that function as support service providers;
 - (f) to provide assistance to support service providers with community programmes and projects, and advocacy to facilitate compliance with grant funding requirements;
 - (g) to determine and certify approved applications for funding for community programmes or projects of support service providers;

- (h) to facilitate standardised data management and information systems for community programmes and projects, shelters and other care and support services;
 - (i) to provide appropriate care and support services for persons subjected to violence, especially women, through public and private sector agencies, including shelters, counselling services for family members where appropriate, and care and custody of any affected children;
 - (j) to foster international cooperation for the exchange of ideas and experiences and the execution of programmes aimed at protecting victims, particularly women who are subjected to violence;
 - (k) to provide safe spaces and community in order to —
 - (i) develop strategies of regaining confidence in social settings;
 - (ii) support others who may have a difficulty managing the psychological impact of the violence;
 - (iii) specifically provide children with equal opportunities and access to developmental social groups within a safe space; and
 - (l) to perform such other functions as are conferred upon the Commission by this Act or any other written law.
- (2) The Commission shall establish a Federation to be known as the “Federation of Community Organisations Against Violence”, which shall be the apex body of community organizations which provide care and support services to victims of violence.

12. Powers of Commission.

The Commission shall have power —

- (a) to grant funding for approved and certified community programmes or projects of support service providers;
- (b) to provide technical assistance to support service providers in programme and project management and information systems;
- (c) to execute any directive or guideline issued by the Commission;
- (d) to consult, coordinate and cooperate with other regional and international violence based organizations and institutions;
- (e) to engage one or more private health care facilities to conduct medical examinations on victims and to provide any necessary treatment;
- (f) to engage full time legal services to —
 - (i) represent the Commission in all legal matters;
 - (ii) assist with complaints referred to the Commission; and

- (iii) to liaise with the police force, where the victim feels that the full cooperation of the police officer has not been given;
- (g) to do such things as may be incidental to or necessary to carry out its functions.

13. Minister may give directions.

- (1) Subject to subsection (2), the Minister may give written directions to the Commission if he considers it necessary to so direct in the public interest.
- (2) Any directions given under subsection (1) may be general or specific and shall not be inconsistent with the objectives or the provisions of this Act.
- (3) The Commission shall take such steps as may be necessary to give effect to a direction given by the Minister under subsection (1).

14. Financial provisions.

- (1) The funds of the Commission shall consist of —
 - (a) such monies as may be appropriated by Parliament;
 - (b) such monies as are lawfully paid to or otherwise vested in the Commission.
- (2) The provisions of the —
 - (a) Public Finance Management Act;
 - (b) Public Debt Management Act;
 - (c) Public Procurement Act,shall apply with respect to any expenditure, borrowing, reporting or procurement by the Commission.

PROTECTION AGAINST VIOLENCE SECRETARIAT

15. Protection Against Violence Secretariat.

There shall be a Secretariat, which shall serve as the technical division of the Commission, to be known as the “Protection Against Violence Secretariat”.

16. Functions of Secretariat.

- The Secretariat shall be responsible for —
- (a) coordinating, formulating, publishing and implementing protocols and procedures for applications to the Commission for funding and other assistance in relation to community projects and programmes;
 - (b) chairing meetings between the Secretariat, the Council of the Federation of Community Organizations Against Violence

(hereinafter referred to as “the Council”), the Department of Social Services and the Foundation;

- (c) negotiating on behalf of the Council, with local, regional and international bodies, for the funding of community projects and programmes of the Federation of Community Organizations Against Violence;
- (d) assisting the Council with the preparation of request for proposals;
- (e) consulting with the Council on matters relating to the development and registration of support service providers;
- (f) facilitating connections between the Council and relevant international institutions and bodies;
- (g) providing advice to the Council on —
 - (i) the community programmes and projects of the members of the Federation of Community Organizations Against Violence generally;
 - (ii) the funding needs of support service providers, required for effective response to violence;
 - (iii) the availability of funding to members of the Federation of Community Organizations Against Violence, having regard to local corporate social responsibility and international obligations to developing countries.

17. Appointment of Director of Secretariat.

- (1) The Minister shall appoint a suitably qualified person to be the Director of the Secretariat, who shall be the chief technical officer responsible for discharging the day to day functions and powers of the Secretariat under the direction and advice of the Commission, including —
 - (a) the management and support of the technical tasks of the Commission such as grant writing, program and project design, management and information technology;
 - (b) the preparation of the annual budget and grant writing;
 - (c) responsibility for program and project design, management and information technology.
- (2) The Director shall have no ownership of, or monetary interest in, any violence based private or public organization or institution.

PART IV - GENERAL RIGHTS OF VICTIMS OF VIOLENCE

18. Right to be treated with compassion and dignity.

Every victim of violence shall be treated with compassion and dignity by every person who comes into contact with the victim by virtue of his employment or professional capacity in attending to the victim.

19. Right to be informed.

Every victim of violence who seeks support from the Commission shall —

- (a) be informed of his legal rights under this Act and any other law;
- (b) if applicable, be informed about the care and support services available under Part VI;
- (c) be guided as to how to obtain any of the available services that may be needed in the particular circumstances.

20. Right to confidentiality.

(1) Subject to section 24, every —

- (a) person who provides any type of care or support service to a victim;
- (b) member of the Commission;
- (c) member of the police force with responsibility for conducting an investigation for an offence under any law to which this Act applies; or
- (d) person acting on behalf of a person specified in paragraphs (a) – (c), shall ensure that confidentiality is maintained with respect to the identity of the victim, the alleged offender and potential witnesses and of the circumstances of the act of violence alleged.

(2) A person who contravenes subsection (1), commits an offence and is liable, on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year, or to both.

21. Right to privacy.

- (1) A person shall not publish any report of an investigation under this Act, other than criminal proceedings, except with the leave of the court.
- (2) Where a person reports proceedings under subsection (1), the person shall protect the identity of the complainant, the alleged offender and any witnesses to the proceedings.
- (3) A person who contravenes subsection (1) or (2), commits an offence and is liable, on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year, or to both.

22. Access to telephone hotline.

- (1) The Commission shall ensure that at all times a telephone hotline is available to offer support and assistance to a victim of violence.
- (2) The Commission shall implement measures to ensure that the telephone number for the hotline is widely publicized via social, print or visual media.

**PART V - PROCEDURE FOR THE MAKING AND
HANDLING OF COMPLAINTS**

23. Procedure for making a complaint.

- (1) Any person who —
 - (a) is a victim as defined under this Act; or
 - (b) has information about a victim of violence,may lodge a complaint in person to a police officer, and the police officer shall prepare a written statement specifying —
 - (a) the details surrounding the alleged act of violence;
 - (b) the age and gender of the complainant;
 - (c) the time of the alleged act;
 - (d) the location where the act was committed; and
 - (e) the nationality of the complainant.
- (2) The —
 - (a) person who lodges the complaint with the police officer; and
 - (b) the police officer taking the statement,shall both sign and date the statement and the police officer shall provide a copy thereof to the complainant.

24. Police officer to refer data of complaint to Commission.

Where a complaint has been lodged with a police officer pursuant to section 23, the police officer who has prepared the statement shall notify the Commission in writing of the following —

- (a) the age and gender of the complainant;
- (b) the time of the alleged act;
- (c) the location where the act was committed;
- (d) the nationality of the complainant,

provided that the police officer shall ensure that the identity of the complainant is kept confidential.

25. Police officer to investigate complaint.

Where a complaint has been made pursuant to section 23, the matter shall be investigated and the police officer responsible for the investigation shall in the normal course of his duties —

- (a) assist the victim to obtain medical treatment, where necessary;
- (b) assist the victim in getting to a place of safety, where necessary;
- (c) if necessary, accompany the victim to remove their personal belongings from the alleged offender's residence;
- (d) inform the victim on the importance of preserving any evidence;
- (e) provide the victim with contact information for the Commission for further assistance;
- (f) prepare a detailed written report of the allegation by the victim, including details of —
 - (i) the other person involved;
 - (ii) any witnesses to the violence;
 - (iii) the type of investigation conducted; and
 - (iv) how the incident was resolved;
- (g) take all reasonable steps to ensure that confidentiality is maintained with respect to the identity and circumstances of the persons involved.

26. Procedure where complaint constitutes a criminal offence.

- (1) Where at the conclusion of an investigation, the police officer is satisfied that the complaint made under section 23 constitutes a criminal offence under—
 - (a) the Penal Code (*Ch. 84*);
 - (b) the Sexual Offences Act (*Ch. 99*);
 - (c) the Domestic Violence (Protection Orders) Act (*Ch. 99A*);
 - (d) the Child Protection Act (*Ch. 132*);
 - (e) the Trafficking in Persons (Prevention and Suppression) Act (*Ch. 106*);
 - (f) the Persons with Disabilities (Equal Opportunities) Act (*No. 31 of 2014*); or
 - (g) under any other law,the offence shall be tried and otherwise dealt with in accordance with such law.

- (2) Subsection (1) shall not prohibit a victim from accessing any of the services available under this Act, where the complaint does not constitute a criminal offence under any law mentioned in subsection (1).

PART VI - CARE AND SUPPORT SERVICES

27. Application of Part.

In addition to the general rights of victims specified in Part IV, the provisions of this Part shall only apply to victims of sexual abuse.

28. Responsibility of victim to immediately seek medical treatment.

Where a person is a victim of sexual abuse, that person should seek to be attended to immediately by a medical practitioner engaged by the Commission or otherwise, for a thorough examination by that practitioner, including the —

- (a) taking any samples as evidence to support the prosecution of the offence;
- (b) recording and documenting any visible markings or bruises;
- (c) administering any drug or medication considered necessary in the circumstances.

29. Provision of safe housing or shelter for women and accompanying children.

In carrying out its obligations under this Act, the Commission shall partner with community organisations to provide appropriate premises, to offer safe housing and shelter for victims, and accompanying children, if any.

30. Psychological, medical and legal assistance.

The Commission shall, where it deems necessary, make arrangements for a victim to whom this Part applies, to obtain —

- (a) psychological counselling, in a language that the victim can understand;
- (b) necessary medical assistance, as may be considered appropriate; and
- (c) legal assistance or legal information, in a language the victim understands.

31. Access to safe spaces and community.

The Commission shall designate safe spaces for victims and shall provide —

- (a) age appropriate counselling services;

- (b) interactive sessions for victims of similar circumstances to share openly their personal methods of coping;
- (c) a space for victims to seek alternative methods of resolution and restorative justice initiatives.

32. Provision of readjustment and training programmes.

The Commission shall implement effective readjustment and training programmes for victims to enable such victims to readjust and fully participate in public, private and social life.

PART VII - PROTOCOL WHEN VIOLENCE RESULTS IN DEATH

33. Interpretation of Part VIII.

In this Part —

“closed cases of death” means a case of death where —

- (a) the coroner has dispensed with or completed an inquest concerning the death;
- (b) any criminal proceedings, including any appeals, concerning the death have been finally determined;

“violence related death” means the death of a person that is attributable, directly or indirectly, to another who was in a domestic relationship with the deceased person;

“relative” in relation to a deceased person means a person who was or is

-
- (a) a father, mother, grandfather, grandmother, stepfather, stepmother, father-in-law or mother-in-law;
- (b) a son, daughter, grandson, granddaughter, stepson, stepdaughter, son-in-law or daughter-in-law;
- (c) a brother, sister, half-brother, half-sister, stepbrother, stepsister, brother-in-law or sister-in-law;
- (d) an aunt, uncle, aunt-in-law or uncle-in-law;
- (e) a nephew or niece;
- (f) a cousin, of the deceased person; or
- (g) the spouse or other person who was in a domestic relationship with the deceased person;

“team-related person” means a member or staff of, or person engaged to assist, the Review Team, in the exercise of its functions, including persons appointed under section 35.

ESTABLISHMENT AND CONSTITUTION OF VIOLENCE FATALITY REVIEW TEAM

34. Establishment of Violence Fatality Review Team.

There is established a body to be known as the Violence Fatality Review Team (hereinafter referred to as the “Review Team”).

35. Constitution of Review Team.

- (1) The Review Team consists of no less than eleven and no more than thirteen members appointed by the Minister, namely —
 - (a) one retired Justice of the Supreme Court, appointed by the Minister, who shall be responsible for coordinating meetings of the Team (hereinafter referred to as the “coordinator”);
 - (b) three persons who shall be ex officio members and representatives of —
 - (i) the Department of Social Services;
 - (ii) the Department of Public Health;
 - (iii) the Public Hospitals Authority,each nominated by the respective Minister responsible;
 - (c) two persons appointed on the recommendation of the Council of the Federation of Community Organizations Against Violence;
 - (d) two persons appointed on the recommendation of the Commission; and
 - (e) such other number of persons as the Minister may deem necessary and who in his opinion has the requisite expertise.
- (2) Each representative referred to in subsection (1) (other than a person referred to in subsection (1)(b)) shall serve for a period not exceeding four years.
- (3) The Review Team may regulate its own proceedings.

FUNCTIONS OF REVIEW TEAM

36. Functions of Review Team.

The functions of the Review Team are —

- (a) to conduct research and gather statistics and other relevant information relating to the causes, consequences and frequency of violence resulting in death;
- (b) to establish and maintain a database of the number of deaths resulting from violence;
- (c) to review closed cases of deaths resulting from violence, when deemed necessary;
- (d) to identify patterns and trends relating to such deaths;
- (e) to make recommendations to the Minister regarding legislation, policies, practices and services to aid in deterring or reducing the number of deaths resulting from violence;
- (f) to facilitate improvements in systems and services;
- (g) to report to the Commission on the rate of femicide.

37. Matters to be considered by Review Team in closed cases of deaths.

- (1) In the review of a closed case, the Review Team shall consider —
 - (a) the events leading up to the death of the deceased persons;
 - (b) any interaction with, and the effectiveness of, any support or other services provided for, or available to, victims and offenders;
 - (c) the general availability of violence support and other services;
 - (d) any failures in the system or services that may have contributed to, or failed to prevent the death.
- (2) Any person may refer a closed case of death resulting from violence to the Review Team.

38. Confidentiality.

- (1) A team-related person shall not make a record of, or directly or indirectly disclose to any person, any information, including the contents of any document acquired by the person by reason of being a team-related person, unless the record or disclosure —
 - (a) is made in good faith for the purpose of exercising a function under this Part; or
 - (b) is authorised to be made by the coordinator in connection with research that is undertaken for the purpose of helping to prevent or reduce the likelihood of violence related deaths.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

- (3) A team-related person who makes a record or disclosure that is authorised under this section in connection with research undertaken for the purpose of helping to prevent or reduce the likelihood of violence related deaths in The Bahamas shall ensure that the information does not identify a person who is the subject of the information.
- (4) For the purposes of this section —
“**court**” includes any tribunal or person having power to require the production of documents or the answering of questions; and
“**produce**” includes to permit access to.

39. Annual report by Review Team.

- (1) The Review Team shall prepare a detailed report for the Minister on all aspects of the work of the Review Team and such report shall be laid in both Houses of Parliament.
- (2) The report may include such recommendations that the Review Team deems fits.

PART VIII - MISCELLANEOUS

40. Psychiatric examination and assessment of offenders.

- (1) Where a person is convicted of an offence, the court may order such person to undergo psychiatric examination and assessment by a psychiatrist or medical practitioner in accordance with the provisions of the Mental Health Act, 2022.
- (2) The practitioner who conducts an assessment carried out pursuant to subsection (1), shall make a determination as to whether the offender should be admitted to a health facility and may make recommendation as to the appropriate medical treatment to be administered to the offender.

41. Mental health support for offenders.

- (1) The Commission may encourage persons from within the community to volunteer in programmes designed —
 - (a) to provide counselling and mental health support to offenders;
 - (b) to serve as mentors for offenders as accountability partners;
 - (c) to encourage self-discipline and intentional choices to deter recidivism.
- (2) A person who volunteers to provide assistance pursuant to subsection (1) shall be properly vetted and must have the requisite skills or professional qualifications to participate in the offer of such assistance.

- (3) The support available to an offender under subsection (1) shall be made accessible at the request of an offender.

42. Regulations.

The Minister may make regulations for the better carrying out of the provisions of this Act and, without limiting the generality of the foregoing, such regulations may —

- (a) prescribe the form and content of applications to the Commission for funding and the eligibility requirements of applicants for funding;
- (b) provide for the procedure and other matters relating to the functions of the Review Team;
- (c) establish procedures and protocols for requests made to the Secretariat by support service providers for assistance in grant writing;
- (d) provide for different categories and levels of funding by the Commission in respect of approved community projects and programmes;
- (e) prescribe standards for the education and counselling of victims and offenders of violence;
- (f) prescribe standards, protocols and procedures, recommended practices and guidelines, for the delivery of care and support services;
- (g) prescribe protocols and procedures for the admission of victims to shelters, their assessment and rehabilitation;
- (h) provide for the establishment, operation and inspection of shelters;
- (i) prescribe standards for support service providers and the qualifications and powers of inspectors;
- (j) prescribe and regulate the payment and collection of fees by a support service provider; and
- (k) provide for the better carrying out the purposes of this Act.

SCHEDULE

(section 10(2))

PROTECTION AGAINST VIOLENCE COMMISSION

1. Constitution of Commission.

- (1) The Commission shall consist of a minimum of fourteen and a maximum of seventeen members as follows —
- (a) a representative from each of the following, *ex officio* —
 - (i) the Ministry of Health;
 - (ii) the Ministry of Local Government;
 - (iii) the Ministry of Education, Science and Technology;
 - (iv) the Office of the Attorney General and Ministry of Legal Affairs;
 - (v) the Ministry of Youth, Sports and Culture;
 - (vi) the Foundation formed in accordance with section 8;
 - (vii) the Council of the Federation of Community Organizations Against Violence Council;
 - (b) the Director of the Secretariat Division, *ex officio*;
 - (c) the Director of the Violence Prevention and Awareness Division, *ex officio*;
 - (d) the head of the Department of Social Services, *ex officio*;
 - (e) two support service providers, appointed by the Minister by instrument in writing on the recommendation of the Council of the Federation of Community Organizations Against Violence;
 - (f) two support service providers, appointed by the Minister by instrument in writing; and
 - (g) a maximum of three other persons, having in the opinion of the Minister, expertise appropriate to the functions of the Commission, as the Minister may by instrument in writing appoint.
- (2) A person who is —
- (a) a member of Parliament; or
 - (b) a Director or Member of two or more other statutory bodies,
- shall not be qualified for an appointment as a member or hold office as a member of the Commission.
- (3) A person appointed as a member of the Commission shall have knowledge of, and ability and experience in, law enforcement, social work, community services, finance, law or in any other related field.

2. Tenure.

A member of the Commission other than the *ex officio* member shall hold office for such period, not exceeding three years as the instrument of appointment may direct, and is eligible for re-appointment for a further consecutive term not exceeding three years.

3. Chairman and Deputy Chairman.

The Minister shall appoint a chairman and a deputy chairman of the Commission from among members appointed under paragraph 1 and if the chairman is absent or unable to act, the deputy chairman shall act as chairman during the time the absence or inability continues.

4. Resignation.

A member of the Commission other than an ex officio member, may at any time resign his office by instrument in writing addressed to the Minister and from the date of receipt by the Minister of the instrument, that member shall cease to be a member of the Commission.

5. Removal.

The Governor-General on the advice of the Minister may, by instrument in writing remove a member of the Commission upon being satisfied that the member —

- (a) is an un-discharged bankrupt;
- (b) is, for whatever reason permanently incapable of performing the duties of a member;
- (c) has neglected the duties of a member or has engaged in misconduct; or
- (d) has been convicted of an indictable offence.

6. Publication.

The appointment, removal, death or resignation of a member to the Commission shall be notified in the Gazette.

7. Remuneration.

There shall be paid to the chairman and other members of the Commission such remuneration, if any, as the Minister may determine

8. Meetings.

- (1) The Commission shall meet as often as may be required for the performance of its functions, but in any event, shall meet at least once a month.
- (2) The chairman, or in his absence the deputy chairman, shall preside at all meetings of the Commission.
- (3) The chairman, or in his absence the deputy chairman, and six other members of the Commission shall form a quorum.

- (4) The decisions of the Commission are by a majority of votes and in any case in which the voting is equal, the member presiding at the meeting shall have, in addition to an original vote, a casting vote.
- (5) Minutes of each meeting in proper form are to be kept by the secretary or any officer the Commission may appoint for that purpose, and confirmed by the Commission at the next meeting and signed by the chairman or a member of the Commission designated by the chairman as the case may be.
- (6) The Commission may co-opt any one or more persons to attend any particular meeting of the Commission for the purpose of assisting or advising the Commission in any matter with which the Commission is dealing, but no co-opted person has the right to vote.
- (7) Where a quorum is present, the validity of any proceeding of the Commission shall not be affected by any vacancy amongst the members thereof by any defect in the appointment of a member.

9. Authority to regulate its own proceedings.

Subject to this Schedule, the Commission has the power to regulate its proceedings.

OBJECTS AND REASONS

The Protection Against Violence Bill, 2023 seeks generally to provide for the protection of, and support for victims of violence. This Bill also seeks to fulfil the various obligations of The Bahamas under the Convention on the Elimination of all Forms of Discrimination against Women, 1981 (CEDAW) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, 1994 (“Convention of Belem do Para), namely, inter alia —

- (a) to promote the education and training of all those involved in the administration of justice, police and other law enforcement officers as well as other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women;
- (b) to provide appropriate specialized services for women who have been subjected to violence, through public and private sector agencies, including shelters, counseling services for all family members where appropriate, and care and custody of the affected children; and
- (c) to promote and support governmental and private sector education designed to raise the awareness of the public with respect to the problems of and remedies for violence against women.

Part II of the Bill seeks to set out the responsibility of the Commission to ensure international and regional obligations of the country are complied with and enumerates the binding principles for which the Commission is required to adhere to.

Part III of the Bill seeks to provide the framework for the administration of the Act. Specifically the Minister has responsibility to —

- (a) develop and implement a national strategic plan;
- (b) strengthen the institutional capacity in response to violence;
- (c) establish a non-profit Foundation to raise funds for the sole use and benefit of the Commission in its functions; and
- (d) implement programmes to provide sensitivity training for members of the police force and support service personnel and generally raise awareness of the public on problems and remedies of violence.

Clauses 10 to 14 of the Bill establishes the Protection Against Violence Commission and the technical department known as the Protection Against Violence Secretariat. Under the Bill the overarching functions of the Commission include strengthening the collaboration among various stakeholder groups in combating and responding to violence.

Under clause 12 of the Bill, the Commission is empowered to, inter alia —

- (a) grant funding for approved and certified community programmes or projects of support service providers;

- (b) provide technical assistance in program and project management and information systems to support service providers;
- (c) consult, coordinate and cooperate with other regional and international violence-based organizations and institutions; and
- (d) engage one or more private health care facilities to conduct medical examinations and provide necessary treatment to victims.

Part IV of the Bill establishes and expressly states the general rights of victims of violence which include the —

- (a) the right to be treated with compassion and dignity by every person who comes into contact with the victim by virtue of his employment or professional capacity in attending to the victim;
- (b) the right to be informed of all rights and services available to them under Part VI of the Act;
- (c) the right to confidentiality by any person acting in their capacity to provide care or support service; and
- (d) the right to privacy.

Part V of the Bill seeks to set out the procedure for the making and handling of complaints by victims and the various requirements of an investigating officer.

Part VI of the Bill demonstrates the Government's commitment in protecting women as the predominant victims of sexual abuse and outlines the care and support services available to such victims, namely —

- (a) safe housing or shelter for victims and accompanying children;
- (b) psychological, medical and legal assistance;
- (c) access to safe spaces and community; and
- (d) readjustment and training programs to enable victims of sexual abuse to readjust and fully participate in public, private and social life.

Part VII of the Bill establishes a protocol to be followed when violence results in death. A Fatality Review Team is empowered to, inter alia, review closed cases of deaths and make recommendations to the Minister. The work of the Review Team will enable the Commission to accurately report on the rate of femicide in the country.