

National Laws

Legislation of Interpol member states on sexual offences against children

Barbados – Barbade - Barbados

Bridgetown

I. Ages for legal purposes

Age of simple majority

According to the article 3 of the Minors Act 1974 the age of majority is eighteen (18) years.

Age of consent for marriage

The Article 4, part 2, of the Marriage Act 1979 determines the age of consent for marriage at sixteen years. A marriage solemnized between persons under sixteen years is void.

II. Rape

Section 3, part I 'Sexual offences of rape' of the Sexual Offences Act 1992

'(1) Any person who has sexual intercourse with another person without the consent of the other person and who knows that the other person does not consent to the intercourse or is reckless as to whether the other person consents to the intercourse is guilty of the offence of rape and is liable on conviction on indictment to imprisonment for life....

(3) Notwithstanding section 21, a person under the age of 14 is deemed incapable of committing an offence of rape.'

III. Other forms of child sex abuse

Section 4, part I 'Sexual intercourse with person under 14' of the Sexual Offences Act 1992

'Where a person has sexual intercourse with another who is not the other's and who is under the age of 14, that person is guilty of an offence whether the other person

consented to the intercourse and whether at the time of the intercourse the person believed the other to be over 14 years of age, and is liable on conviction of indictment to imprisonment for life....'

Section 5, part I 'Sexual intercourse with person between 14 and 16' of the Sexual Offences Act 1992

'(1) Where a person has sexual intercourse with another with the other's consent and that other person has attained the age of 14 but has not yet attained the age of 16 that person is guilty of an offence and is liable on conviction on indictment to imprisonment for a term of 10 years.

1. A person is not guilty of an offence under subsection (1)
 - a. if that person honestly believed that the other person was 16 years of age or more and has reasonable cause for the belief; and
 - b. if that person is not more than 24 years of age and has not been previously charged with the same or a similar offence.'

Section 6, part I 'Incest' of the Sexual Offences Act 1992

'(1) A person commits the offence of incest who, knowing that another person is by blood relationship, his or her parent, child, brother, sister, grandparent, grandchild, uncle, niece, aunt or nephew, as the case may be, has sexual intercourse with that person.

(2) It is immaterial that the sexual intercourse referred to under subsection (1) occurred with the consent of the other person.

(3) A person who commits the offence of incest is liable on conviction on indictment to imprisonment

- (a) if committed by an adult with a person under 14 years of age, for life;
- (b) if committed by an adult with a person 14 years of age or more, for 10 years;
 - a. if committed between minors 14 years of age or more, for 2 years.'

IV. Child prostitution

Section 13 'Procuration' of the Sexual Offences Act 1992

'A person who

- a. procures a minor under 16 years of age to have sexual intercourse with any person either in Barbados or elsewhere; or

- b. procures another for prostitution, whether or not the person procured is already a prostitute, either in Barbados or elsewhere; or
- c. procures another to become an inmate of a brothel or to frequent a brothel, whether the person procured is already an inmate of a brothel in Barbados or elsewhere,

is guilty of an offence and is liable on conviction on indictment to imprisonment for 15 years.'

V. Child pornography

Section 3 of the 'Protection of Children Act, 1990 - 36'

(1) Any person who-

- a) takes or permits to be taken any indecent photograph of a child; or
- b) distributes or shows an indecent photograph of a child;
- c) has in his possession indecent photographs of a child whether or not with a view to their being distributed or shown by that person or others; or
- d) publishes or causes to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows indecent photographs of children or intends to do is guilty of an offence.

(2) For the purposes of this Act, a person is to be regarded as distributing an indecent photograph if that person parts with possession of the photograph, or exposes or offers it for acquisition by another person.

(3) Proceedings for an offence under this Act shall not be instituted by or with the consent of the Director of Public Prosecutions.

(4) Where a person is charged with an offence under paragraph b) or c) or Section 3, it shall be a defense for the person to prove:

- a) that he had a legitimate reason for distributing or showing the photographs or having them in his possession, as the case may be; or
- b) that he had not himself seen the photographs *and did not know, nor had any cause to suspect them to be indecent.*

