



Sexual Offences Discussion Paper

on the proposed
Virgin Islands Sexual Offences Bill, 2025

February 2026

Ministry of Health and Social Development

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Sexual Offences Discussion Paper on the proposed Virgin Islands Sexual Offences Bill, 2025

Consultation Paper on the Sexual Offences Bill, 2025

Introduction

The Government of the Virgin Islands is committed to strengthening the legal framework to prevent, prosecute, and punish sexual offences while ensuring that victims receive adequate protection and support. The Sexual Offences Bill, 2025 represents a significant modernisation of the Territory's laws in line with international best practices and evolving societal standards.

This consultation seeks feedback from stakeholders on key issues addressed in the Bill. The aim is to ensure that the law is comprehensive, fair, enforceable, and responsive to the needs of the Virgin Islands.

Background

The existing provisions on sexual offences are contained in the *Criminal Code (Cap. 140)* and related statutes. These provisions have been viewed as outdated, fragmented, and inadequate for addressing contemporary issues such as marital rape, child sexual abuse, offences involving persons with mental disorders, and emerging crimes like online exploitation.

The Sexual Offences Bill, 2025, consolidates and modernises the Territory's sexual offences laws, improves access to justice for survivors, and enhances public safety. The Bill is divided into twelve parts, covering a wide range of offences, penalties, evidential rules, and victim protections.

Objectives of the Bill

- To provide a comprehensive framework addressing all major categories of sexual offences;
- To strengthen protections for children, vulnerable persons, and victims of sexual violence;
- To modernise the law by including offences related to technology, online exploitation, and intimate images; and
- To ensure penalties reflect the seriousness of sexual offences.

Virgin Islands Sexual Offences Bill, 2025

Key Provisions of the Bill

I. Rape and Sexual Assault

- Defines rape, assault by penetration, and sexual assault.
- Recognises lack of consent through coercion, intimidation, or deception.
- Establishes severe penalties, including life imprisonment for the most serious offences.

II. Child Protection

- Stronger penalties for sexual offences involving children under 13 and under 16.
- Criminalisation of grooming behaviours, such as sexual communications with a child and arranging meetings.
- Offences for causing a child to watch or engage in sexual activity, including online exploitation.

III. Vulnerable Persons and Abuse of Trust

- Specific offences relating to persons with mental disorders who are unable to give consent.
- Abuse of trust provisions covering teachers, caregivers, coaches, religious leaders, and others in positions of responsibility.

IV. Modern Offences

- Criminalisation of sharing or threatening to share intimate images without consent (“revenge porn”).
- Use of computers for child pornography and voyeurism-related offences.
- Protection for young persons aged 16–17 from exploitation through indecent images.

V. Prostitution and Exploitation

- Stronger provisions against human trafficking and child sexual exploitation.
- Criminalisation of controlling prostitution for gain and paying for the services of a person exploited by force.

VI. Evidentiary Provisions

- Abolition of the requirement for corroboration in sexual offence cases.
- Restrictions on the use of a complainant’s sexual history as evidence.
- Greater protection of the identity and privacy of victims during trial.

Objectives of the Consultation

The consultation aims to:

- Engage stakeholders in reviewing the Bill's proposals;
- Identify whether the provisions adequately reflect local values and international human rights standards;
- Ensure that the Bill strikes a fair balance between protecting victims, holding offenders accountable, and safeguarding the rights of the accused; and
- Gather practical feedback on implementation challenges.

Submissions

Your comments and submissions on the matters raised in this Discussion Paper are important. In submitting your response, please indicate the relevant section and/or heading that appears above the matter being commented on.

Some readers may find it useful to read the Discussion Paper in conjunction with the proposed legislation. Copies of the legislation can be obtained from the Front Desk at the Ministry of Health and Social Development, Vorinica's House of Commerce, Long Bush, Tortola, Virgin Islands. You may also wish to raise other issues not included in the Discussion Paper. These will be welcomed and appreciated.

How to Respond

Comments may be:

- Shared at public consultation sessions (to be announced).
- Mailed to Virgin Islands Sexual Offences Bill Review, Ministry of Health and Social Development, Vorinica's House of Commerce, Long Bush, Tortola, Virgin Islands.
- Emailed to ministryofhealth@gov.vg.

Please ensure that your comments are submitted before the **March 31, 2026** deadline.

Next Steps

- Feedback from stakeholders, advocacy groups, legal professionals, and the wider public will be considered before the Bill is finalised and presented to the House of Assembly.
- Stakeholders are encouraged to review the Bill in detail and provide feedback on areas of agreement, concern, or suggested amendments.
- Following the consultation, submissions will be reviewed, and the Bill will be updated to reflect the feedback received before being taken forward for Cabinet and legislative consideration.

Conclusion

The Sexual Offences Bill, 2025 represents a significant step forward in protecting individuals from sexual violence and exploitation in the Virgin Islands. The Government is committed to ensuring that the law is comprehensive, just, and responsive to the needs of all members of society. Your views and participation are critical in shaping this important piece of legislation.

Part I: Preliminary / General Provisions

Section 1 - Short Title & Commencement

This section establishes the name of the Act and when it comes into effect.

Section 2 - Interpretation

This section provides definitions of the principal words used throughout the Act. Fifteen terms are defined in the Act - brothel, child, child abuse material, image, intimate photograph or film, man, mental disorder, penetration, prostitute, prostitution, publish, sexual disease, sexual offence, touching, woman and vagina.

Consultation Questions:

1. Do you believe the proposed Bill adequately protects victims through clear definitions, fair trial processes, and access to survivor support?
 - Yes
 - No
 - Not sure

2. Should the law be updated to align with recognised international human rights instruments such as Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), or the Istanbul Convention?
 - Yes
 - No
 - Not sure

3. Are the definitions clear and easy for the public to understand??
 - Yes
 - No
 - Not sure

4. Are the definitions sufficient for legal enforcement and prosecution?
 - Yes
 - No
 - Not sure

5. Should outdated terms such as “lunatic” be replaced with modern rights-based language?
 - Yes
 - No
 - Not sure

6. Do gender and body references adequately cover all persons?
 - Yes
 - No
 - Not sure

Part II: Rape and Sexual Assault Offences

Relevant Sections 4 - 12

Overview

These sections define rape, assault by penetration, and sexual assault, including circumstances where consent is absent due to coercion, intimidation, or deception. They establish severe penalties, including life imprisonment for the most serious offences. Section 10 specifically addresses marital sexual assault, currently limited to situations involving divorce, separation, or protective orders.

Issues for consideration

- Are the definitions of rape, assault by penetration, sexual assault, and aggravated sexual assault sufficiently clear and comprehensive?
- Does the framework for consent and reasonable belief adequately protect victims?
- Are the penalties, including life imprisonment for certain offences, appropriate?
- Should all form of marital immunity for sexual offences be removed to strengthen protections for spouses?
- What are the potential impacts of removing marital immunity on reporting, prosecution, and family dynamics?

Consultation Questions

1. Should the definition of rape be gender-neutral to include all perpetrators and victims?
 - Yes
 - No
 - Not sure
2. Are the distinctions between “serious sexual assault” and “aggravated sexual assault” clear and sufficient?
 - Yes
 - No
 - Not sure
3. Is life imprisonment an appropriate maximum penalty for rape, serious sexual assault, and aggravated sexual assault?
 - Yes
 - No, penalties should be lower
 - No, penalties should be higher
 - Not sure
4. Should all form of marital immunity for sexual offences be removed?
 - Yes
 - No
 - Not sure

Part III: Sexual Offences Involving Children

Section 13 – Rape of a child under 13

Overview

This section establishes strict liability offences for sexual activity with children under 13 and under 16. It considers potential “close-in-age” exceptions for consensual activity between teenagers under 18 and provides penalties for child sexual exploitation, including grooming, exploitation, and online offences.

Issues for Consideration

- Whether the age of consent (currently 16) remains appropriate.
- The need for enhanced penalties for offences involving children under 13.
- Whether close-in-age exemptions should apply to consensual teenage relationships.
- Adequacy of protections against grooming, exploitation, and online sexual abuse.

Consultation Questions

1. Are the age thresholds (under 13 and under 16) appropriate for strict liability offences?
 - Yes
 - No, they should be higher
 - No, they should be lower
 - Not sure
2. Should close-in-age exemptions apply (e.g., consensual sexual activity between two teenagers under 18)?
 - Yes
 - No
 - Not sure
3. If yes, what should the maximum age difference be between the teenagers for the exemption to apply?
 - 2 Year Age Difference
 - 3 Year Age Difference
 - Other please specify _____
4. Do the penalties for child sexual exploitation sufficiently reflect the seriousness of the offences?
 - Yes
 - No, penalties should be lower
 - No, penalties should be higher
 - Not sure

Issue 2: Age of Sexual Responsibility

Relevant Sections: Part III – Sections 13–25 (Sexual Offences Involving Children)

The Bill criminalises sexual activity with children under 16 years, with enhanced penalties for offences against children under 13 years. These provisions aim to protect children from sexual exploitation while raising questions about how to balance protection with fairness in consensual adolescent relationships.

Key Considerations

- Whether 16 remains the appropriate age of consent in the Virgin Islands.
- Whether a “close-in-age” exemption (sometimes called a Romeo and Juliet clause) should be included for consensual relationships between adolescents of a similar age.
- How these provisions interact with local cultural norms, parental responsibilities, and school environments, particularly where teenagers may be exploring consensual relationships.

Consultation Questions

1. Are Sections 13–25 sufficient to protect children while balancing fairness in adolescent relationships?
 - Yes
 - No
 - Not sure
2. Should the age of consent remain at 16 in the Virgin Islands?
 - Yes
 - No, it should be higher
 - No, it should be lower
 - Not sure
3. Should a close-in-age exemption (Romeo and Juliet clause) apply to consensual sexual activity between teenagers under 18?
 - Yes
 - No
 - Not sure
4. Do the penalties for offences against children under 13 and under 16 appropriately reflect the seriousness of the offences?
 - Yes
 - No, penalties should be lower
 - No, penalties should be higher
 - Not sure
5. Do you believe the Bill strikes the right balance between child protection and fairness in adolescent relationships?
 - Yes
 - No
 - Not sure

Part IV: Sexual Activity with Family Members

Relevant Sections: Part IV – Sections 26–32

Overview

These sections address incest and sexual activity between family members, including prohibitions on sexual relationships between parents, children, siblings, and other close relatives. The Bill also provides exceptions for relationships that pre-date family relationships (for example, stepfamilies or adoptions where the relationship began before the legal family bond).

Key Considerations

- Whether incest and other forms of sexual activity within family relationships should remain fully criminalised.
- Whether consensual relationships between adult cousins should be treated as criminal or permitted.
- Whether exceptions for pre-existing relationships (such as couples who later become stepfamily or adoptive family) are necessary or too broad.

Guiding Question

- Do the provisions in Sections 26–32 strike the right balance between protecting family integrity and recognising adult consent in certain circumstances?

Consultation Questions

1. Should consensual sexual activity between adult cousins be criminalised?
 - Yes
 - No
 - Not sure
2. Should exceptions for pre-existing family relationships (e.g., stepfamilies, adoption) remain in the Bill?
 - Yes
 - No
 - Not sure
3. Do the incest provisions sufficiently protect family relationships and vulnerable persons, while avoiding unnecessary criminalisation of adult consensual activity?
 - Yes
 - No
 - Not sure

Part V: Sexual Activity with Persons with Mental Disorders

Relevant Sections: Sections 33–40

Overview

These sections create safeguards against sexual exploitation of persons with mental disorders. They also update the law by removing outdated terms such as “lunatic” and “mental defective,” replacing them with modern, rights-based language. The Bill provides penalties for sexual activity involving persons who are unable to give informed consent due to a mental disorder.

Key Considerations

- Ensuring adequate safeguards are in place to protect persons with mental disorders from exploitation.
- Ensuring that the law uses modern, respectful terminology consistent with human rights standards.
- Whether the penalties for offences are appropriate, proportionate, and enforceable.

Guiding Question

- Do Sections 33–40 provide sufficient protection for persons with mental disorders while respecting their rights and dignity?

Consultation Questions

1. Should outdated terms such as “lunatic” and “mental defective” be replaced with modern, rights-based terminology?
 - Yes
 - No
 - Not sure
2. Are the protections against sexual exploitation of persons with mental disorders sufficient?
 - Yes
 - No
 - Not sure
3. Are the penalties for sexual activity involving persons with mental disorders appropriate?
 - Yes
 - No, penalties should be lower
 - No, penalties should be higher
 - Not sure

Part VI: Abuse of Positions of Trust

Relevant Sections 41 - 52

Overview

These sections criminalise sexual offences committed by persons in positions of trust, such as teachers, caregivers, coaches, religious leaders, and other roles of authority. The provisions aim to protect vulnerable groups, particularly children and persons with mental disorders, from exploitation by those who hold authority over them.

Key Considerations

- Whether the scope of positions of trust adequately covers all roles where abuse of authority could occur.
- Whether the penalties are sufficiently strong to deter potential offenders and reflect the seriousness of the breach of trust.

Guiding Question

- Do Sections 41–52 provide sufficient protection for vulnerable groups against abuse by individuals in positions of trust?

Consultation Questions

1. Do the categories of “positions of trust” (teachers, caregivers, coaches, religious leaders, etc.) adequately cover vulnerable groups?
 - Yes
 - No
 - Not sure
2. Are the penalties for abuse of trust strong enough to deter offenders?
 - Yes
 - No, penalties should be lower
 - No, penalties should be higher
 - Not sure

Part VII: Sexual Images and Pornography

Relevant Sections: Sections 53–60

Overview

These sections address sexual offences involving threats, altered images, online abuse, and include AI-generated or digitally manipulated sexual images of children and adults. Exceptions exist for spouses, law enforcement, or investigative purposes.

Key Considerations

- Whether the offences adequately cover digital and AI-generated images.
- Whether exceptions (spouses, law enforcement, investigations) are too broad.

Consultation Questions

1. Do the offences adequately cover digital and AI-generated sexual images of children and adults?
 - Yes
 - No
 - Not sure
2. Are the exceptions (e.g., spouses, law enforcement) too broad?
 - Yes
 - No
 - Not sure

Part VIII: Prostitution and Sexual Exploitation

Relevant Sections: Sections 61–67

Overview

These sections criminalise paying for sex with a person known to be exploited by force and address human trafficking and sexual exploitation.

Key Considerations

- Adequacy of provisions for human trafficking and sexual exploitation.
- Penalties for paying for sex with exploited persons.

Consultation Questions

1. Do the provisions adequately address human trafficking and sexual exploitation?
 - Yes
 - No
 - Not sure
2. Should paying for sex with a person known to be exploited by force carry harsher penalties?
 - Yes
 - No
 - Not sure

Part IX: Facilitation Offences

Relevant Sections: Sections 68–73

Overview

Criminalises acts that facilitate sexual offences, such as administering substances, drugging, or trespassing with intent to commit a sexual offence.

Key Considerations

- Clarity of offences like drugging/incapacitating and trespassing.
- Proportionality of penalties.

Consultation Questions

1. Are facilitation offences such as drugging, incapacitating, or trespassing clearly defined?
 - Yes
 - No
 - Not sure
2. Should penalties for drugging or incapacitating a person to commit a sexual offence be higher?
 - Yes
 - No
 - Not sure

Part X: Indecency

Relevant Sections: Sections 74–81

Overview

Covers offences including indecent exposure, voyeurism, and sexual activity in public, with consideration of digital technology and surveillance risks.

Key Considerations

- Adequacy of protection from indecent acts in public.
- Impact of digital technology and surveillance on privacy and consent.

Consultation Questions

1. Do the offences for indecent exposure, voyeurism, and sexual activity in public provide adequate protection?
 - Yes
 - No
 - Not sure
2. Should penalties for voyeurism be increased given the rise of digital technology?
 - Yes
 - No
 - Not sure

Part XI: Unnatural Sexual Acts

Relevant Sections: Sections 82–86

Overview

Covers intercourse with animals and penetration of a corpse as distinct criminal offences with specific penalties.

Key Considerations

- Whether these should remain separate offences.
- Appropriateness of penalties.

Consultation Questions

1. Should intercourse with animals and penetration of a corpse remain as separate criminal offences?
 - Yes
 - No
 - Not sure
2. Are the proposed penalties sufficient?
 - Yes
 - No, penalties should be lower
 - No, penalties should be higher
 - Not sure

Part XII: Miscellaneous and Evidence

Relevant Sections: Sections 87–95

Overview

Covers rules limiting the use of complainants' past sexual history, anonymity protections, and statutory definitions of consent, evidential, and conclusive presumptions.

Key Considerations

- Adequacy of rules on complainants' sexual history.
- Strength of anonymity protections.
- Clarity and sufficiency of statutory consent provisions.
- Balancing victim protection with the defendant's right to a fair trial.

Consultation Questions

1. Do Sections 87–90 provide an adequate and modern definition of consent?
 - Yes
 - No
 - Not sure
2. Do Sections 91–95 provide sufficient protection for complainants in sexual offence trials?
 - Yes
 - No
 - Not sure
3. Do the proposed restrictions on using a complainant's past sexual history in court strike the right balance between fairness for the accused and protection for the victim?
 - Yes
 - No
 - Not sure
4. Should anonymity protections for complainants be strengthened further?
 - Yes
 - No
 - Not sure

Acknowledgement, Closing, and Other Matters

The Government of the Virgin Islands expresses sincere gratitude to all stakeholders, institutions, and members of the public for engaging with this discussion paper and for contributing their voices to this critical legislative reform.

Your insights, lived experiences, and technical expertise are vital to ensuring that the Sexual Offences Act is comprehensive and enforceable, as well as reflective of the values, realities and aspirations of our diverse community. Your participation directly supports the development of a legal framework that upholds justice, strengthens protection for victims and survivors, modernises the language and structure of the law and reinforces accountability across society.

If you have any issues, concerns, or suggestions related to the Sexual Offences Bill that have not been covered in this discussion paper, we invite you to share your views. Comments can be submitted in writing or expressed during the public consultation sessions arranged for this purpose. Your input on any other matters is valued. All feedback received will be considered as we finalise the Bill for presentation to Cabinet and the House of Assembly.

The Government appreciates your time, expertise, and commitment. Your input will help ensure the final legislation is effective, equitable, and responsive to the needs of all stakeholders.

This process reflects the Government's broader commitment to participatory governance, human rights, and social justice. Thank you for lending your time, voice, and leadership to this effort. Working together, we can deliver progressive, balanced, and enduring reforms that protect and empower all people of the Virgin Islands.



Ms. Tasha K. Bertie
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Ministry of Health and Social Development