



MINIMUM AGE OF SEXUAL CONSENT:INTERMATIONAL AND REGIONAL LAWS

African Charter on the Rights and Welfare of the Child, 1990

Article 27: Sexual Exploitation

1. States Parties to the present Charter shall undertake to protect the child from all forms of sexual exploitation and sexual abuse and shall in particular take measures to prevent:

- (a) the inducement, coercion or encouragement of a child to engage in any sexual activity;

Convention on the Rights of the Child, 1989

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;



| COUNTRY | MINIMUM AGE OF SEXUAL CONSENT UNDER THE LAWS OF AFRICAN COUNTRIES |
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| Algeria | <p>15 years</p> <p style="text-align: center;">Penal Code, 1966</p> <p>Indecent assault consummated or attempted without violence upon the person of a minor of one or the other sex under fifteen years shall be punished by confinement in time, five to ten years, indecent assault committed by any ascendant of the person of a minor of the same age for more than fifteen years, but not emancipated by marriage is punished in the same sentence,</p> |
| Angola | <p>14 years</p> <p style="text-align: center;">Penal Code, 2006</p> <p>Article 179 (Sexual abuse under 14 years)</p> <ol style="list-style-type: none"> 1. Whoever commits sexual act with a minor less than 14 years or to take to practice it with another person shall be punished with imprisonment for 1-5 years. 2. If there is sexual penetration, the penalty is imprisonment from 3 to 12 years. 3. Whoever commits an act of artificial procreation in women under 14 is punishable with imprisonment for 2-8 years. 4. Whoever commits acts of exhibitionism under 14, is punishable by imprisonment from 6 months to 3 years or a fine of 60 to 360 days. |
| Benin | <p>18 years</p> <p style="text-align: center;">Second periodic report on the Convention on the Rights of the Child: Benin, 2005, p. 32</p> <p>There is no provision of the law which specifically sets a minimum age for sexual relations. Since the ages at which boys and girls may marry are defined by the legislation, these can be considered the ages of consent to sexual</p> |

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| | <p>relations.</p> <p style="text-align: center;">Code of Persons and the Family, 2002</p> <p>Article 123: The Marriage shall be entered into between a man who is at least eighteen (18) years and a woman who is at least eighteen (18) years, except age exemption granted for good cause by order of the presiding trial court at the request of prosecution.</p> <p style="text-align: center;">http://www.enotes.com/topic/Ages_of_consent_in_Africa</p> <p>The Age of Consent in Benin is 18</p> |
| <p>Botswana</p> | <p>16 years</p> <p style="text-align: center;">Penal Code, 1964</p> <p>Article 147 Defilement of person under 16 years: (1) Any person who unlawfully and carnally knows any person under the age of 16 years is guilty of an offence and on conviction shall be sentenced to a minimum term of 10 years' imprisonment or to a maximum term of life imprisonment.</p> <p>(5) It shall be a sufficient defence to any charge under this section if it appears to the court before whom the charge is brought that the person so charged had reasonable cause to believe and did in fact believe that the person was of or above the age of 16 years or was such charged person's spouse.</p> |
| <p>Burkina Faso</p> | <p>15 years</p> <p style="text-align: center;">Penal Code, 1996</p> <p>Section 413: whosoever commits an indecent assault or attempted without violence or coercion, or surprise on the person of a minor under fifteen years of either sex is punished with imprisonment from six months to three years,. If the offender is a parent of the minor or if those who have authority over him or has abused the authority conferred</p> |



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| | by its function or has acted in a meeting, he shall be punished with imprisonment of three to five years. |
| Burundi | <p>18 years</p> <p style="text-align: center;">Penal Code, 1981</p> <p>Article 382: Any indecent assault committed without violence, trickery or threats against a person or with the person of a child or apparently under the age of eighteen years, be punished with imprisonment from five to fifteen years. The age of the child can be determined including medical examination, if vital.</p> |
| Cameroon | <p>16 years</p> <p style="text-align: center;">Penal Code, 1967</p> <p>Article 346 (new): Indecent Exposure to a Minor sixteen(1): one who commits indecent exposure in the presence of a minor sixteen shall be punished by imprisonment of two to five years and a fine of 20,000 to 200,000 francs. (3) The penalty is imprisonment for ten to fifteen years if the author had sex even with the consent of the victim.</p> |
| Cape Verde | <p>14 years</p> <p style="text-align: center;">Penal Code, 2004</p> <p>Article 144(1) (Child sexual abuse): Whoever commits sexual act with or under 14 years, or lead to practice it with another person, shall be punished with imprisonment for 2-8 years. 2 . If there is sexual penetration, the punishment shall be imprisonment from 4 to 10 years.</p> |
| Central African Republic | <p>15 years</p> <p style="text-align: center;">Penal Code, 2010</p> <p>Article 87: Any molestation or attempted on the person of a child one or the other sex under fifteen years is considered rape. In the above cases, if the culprits are ascendants of the person which was the bombing, they are the class of those who have authority over her, they are teachers or hired servants of the people above designated school or she is the student, they are ministers of religion or the guilty whatever was assisted in his crime by one or more persons, the penalty</p> |

Compiled by The African Child Policy Forum (ACPF) <http://www.africanchildforum.org> (September 2013). Please note that for all documents originally available in French and Portuguese the translation in this table is not the official translation

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| | shall increased by one degree. |
| Chad | <p>13 years</p> <p style="text-align: center;">Penal Code, 1967</p> <p>Article 273. The indecent assault or attempted without violence on the person of a child or a either sex under the age of thirteen years shall be punished by two to ten years imprisonment.</p> |
| Comoros | <p>13 years</p> <p style="text-align: center;">Penal Code, 1982</p> <p>Article 299: Whoever, when it comes to consummation of a marriage under the traditional law has done or attempted to perform the sexual act on the person of a child under 13 years of age or immature will be punished by two years to five years imprisonment.</p> <p style="text-align: center;">Initial state party report on the Convention on the Rights of the Child: Comoros, 1998, p.33</p> <p>The Criminal Code recognizes two cases of sexual violence against minors. If the victim is under 15, the offence, which is classified as indecent assault, is punishable by a custodial sentence of between two and five years. If the victim is a minor and aged over 16, sexual violence is classified as “fornication” and is punishable by a custodial sentence of between one to six months. This text, which can give rise to all sorts of abuses, especially considering that civil status registration still does not fully conform to required standards of rigor, certainly needs to be revised.</p> |
| Congo Brazzaville | <p>13 years</p> <p style="text-align: center;">Initial state party report on the Convention on the Rights of the Child: Congo Brazzaville, 2009, P.79</p> <p>Article 331, paragraph 1, of the Criminal Code states that, “Anyone committing or attempting to commit sexual molestation without use of force against the person of a child of either sex, under the age of 13 years, shall be punished by rigorous imprisonment.”</p> <p style="text-align: center;">Child Protection Code, 2010</p> <p>Article I: For the purposes of this Act, a child means every human being below the age of eighteen years and has not</p> |

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| | <p>yet reached the age of majority by special provision. Article 67: No person may practice pedophile.</p> <p>A pedophile practice means any act of sexual penetration or sexual assault, any nature whatsoever, committed against a child, or exploitation of any exposure photographs, films or pornographic drawings featuring one or more children.</p> |
| Cote d'Ivoire | <p>15 years</p> <p style="text-align: center;">Penal Code, 1981-640</p> <p>Article 356: Whoever commits or attempted an indecent assault, without violence upon the person of a minor of one sex or the other under fifteen years, shall be punished by imprisonment of one to three years and a fine of 10 000 to 100 000 francs.</p> |
| Democratic Republic of Congo | <p>18 years</p> <p style="text-align: center;">Law on Child Protection, 2009</p> <p>The indecent assault without violence, deceit, threat or committed to a child is punished six months to five years of penal servitude. The indecent assault with violence, deceit, threat or committed to a child is punishable by five to fifteen years penal servitude. If the assault is committed against a child, with one or more children less than ten years, the author is punishable by five to twenty years of penal servitude. The penalties are increased from five to fifteen years' imprisonment main and a fine of four hundred thousand Congolese francs if the indecent assault has been committed by persons or circumstances described in paragraph 2 of Article 170.</p> <p>Article 2(1):Child is any person under eighteen years</p> <p style="text-align: center;">Second periodic report on the Convention on the Rights of the Child: Democratic Republic of Congo, 2007</p> <p>With regard specifically to protection of children against early marriages and sexual abuse, the Democratic Republic of the Congo has adopted Act No. 06/018 of 20 July 2006. This law amends the Penal Code provisions pertaining to statutory rape with violence and indecent assault, extending the protection of the law to all persons under age 18, whereas only children under 14 years of age were previously covered (articles 170 and 167). This law also has an</p> |

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| | <p>impact on the interpretation of the discriminatory provision of article 352, paragraph 1, of the Family Code, which provides that “Marriage may not be contracted by a man under age 18 or a woman under age 15.” The same holds true with regard to article ten of the Decree-Law of 6 December 1950 on juvenile delinquency, as amended by the Ordinance of 4 July 1978, which provides: “A minor within the meaning of the present decree-law shall be any child who appears to be under age 16 at the time of the event.”</p> |
| Djibouti | <p>15 years</p> <p style="text-align: center;">Penal Code, 2011</p> <p>Indecent assault or non-violent sexual assault committed or attempted against a minor of either sex under 15 years old is punishable by three to five years' imprisonment. Similarly for rape, if the victim is a minor under 15, the sentence is doubled. A 10-year prison sentence becomes 20 years' imprisonment under article 344 of the Penal Code.</p> |
| Egypt | <p>18 years</p> <p style="text-align: center;">Initial state party report to the African Committee of Experts on the Rights and Welfare of the Child: Egypt, 2008</p> <p>Disgrace the person under 18 years without force or threat, the legislator prescribes a penalty of detention and in the event of the victim being under 7 years old or the culprit was among those mentioned in the first crime, then he will be imprisoned with temporary hard labor (Article 369).</p> <p>http://www.avert.org/age-of-consent.html</p> |
| Equatorial Guinea | <p>18 years</p> <p style="text-align: center;">US Department of State 2009 Human Rights Report: Equatorial Guinea</p> <p>The minimum age for sexual consent is 18 years.</p> |

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| <p>Eritrea</p> | <p>18 years</p> <p>2nd and 3rd periodic report on the Convention on the Rights of the Child: Eritrea, 2007, p.33</p> <p>According to the Transitional Penal Code of Ethiopia (TPCE), minors below the age of 18 are considered incapable of giving consent to engage in sexual intercourse. The TPCE criminalizes all sorts of sexual and physical abuse against children. Article 589 of the TPCE penalizes whosoever compels a child less than 15 years of age to have sexual intercourse with rigorous imprisonment for up to fifteen years. Apart from this, any other sort of sexual outrage or indecent act on an infant under 15 years of age or between 15-18 years of age is penalized under articles 594 and subsequent articles. Sexual outrage on minors between the ages of fifteen and eighteen are dealt with under article 595.</p> |
| <p>Ethiopia</p> | <p>18 years</p> <p>The Criminal Code, 2004</p> <p>Article 626: Sexual Outrages on Minors between the Ages of Thirteen and Eighteen Years</p> <p>(1) Whoever performs sexual intercourse with a minor of the opposite sex, who is between the ages of thirteen and eighteen years, or causes her to perform such an act with her, is punishable with rigorous imprisonment from three years to fifteen years.</p> <p>(2) A woman who causes a male minor between the ages of thirteen and eighteen years, to perform sexual intercourse with her, is punishable with rigorous imprisonment not exceeding seven years.</p> <p>(3) Whoever performs an act corresponding to the sexual act or any other indecent act upon a minor, of the opposite sex who is between the ages of thirteen and eighteen years, induces him to perform such an act, or deliberately performs such an act in his presence, is punishable with simple imprisonment not less than three months or with rigorous imprisonment not exceeding five years.</p> <p>(4) Where the victim is the pupil, apprentice, domestic servant or ward of the criminal, or a child entrusted to his</p> |

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| | <p>custody or care, or in any other way directly dependent upon or subordinate to him, the punishment shall be:</p> <p>a) with rigorous imprisonment from five years to twenty years in respect of the crime specified in sub-article" (1) above;</p> <p>b) with rigorous imprisonment from three years to ten years in respect of the crime specified in sub-article (2) above; or</p> <p>c) With rigorous imprisonment not exceeding seven years in respect of the crime specified in sub-article (3) above.</p> <p>(5) Where the sexual outrage has caused grave bodily or mental injury to or death of the victim, the relevant provision of this Code shall apply concurrently.</p> |
| <p>Gabon</p> | <p>15 years</p> <p style="text-align: center;">Penal Code, 1963</p> <p>Article 257 (Amended by Law No. 19/93 of 27 August 1993): Whoever commits an indecent assault or attempted with violence against persons of either sex shall be punished with imprisonment of three to six years. If the act was committed against a child less than fifteen years, or a person particularly vulnerable due to pregnancy, illness or physical or mental disability, the offender shall be punished by imprisonment of five to ten years.</p> |
| <p>The Gambia</p> | <p>16 years (for a girl)</p> <p style="text-align: center;">Initial state party report on the Convention on the Rights of the Child: The Gambia, 1999, p.17</p> <p>Section 127 (1) of the Criminal Code also makes any person unlawfully convicted of carnal knowledge of any girl under the age of 16 years guilty of a felony and liable to imprisonment for a term of 14 years.</p> |

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| <p>Ghana</p> | <p>16 years</p> <p style="text-align: center;">Criminal Code, 1960</p> <p>Section 101—Defilement of Child Under 16 Years of Age.</p> <p>(1) For purposes of this Act defilement is the natural or unnatural carnal knowledge of any child sixteen years of age.</p> <p>(2) Whoever naturally or unnaturally carnally knows any child under sixteen years of age, whether with without his or her consent commits an offence and shall be liable on summary conviction to imprisonment a term of not less than seven years and not more than twenty-five years.</p> |
| <p>Guinea</p> | <p>13 years</p> <p style="text-align: center;">Penal Code, 1988</p> <p>Article 302 - Whoever, when it comes to the consumption of marriage according to custom, have done or attempted to perform the sexual act on the person of a child under thirteen years of age, will be punishable by 2 to 5 years imprisonment.</p> <p>15 years</p> <p>http://www.avert.org/age-of-consent.html</p> <p>http://www.enotes.com/topic/Ages_of_consent_in_Africa</p> |
| <p>Guinea-Bissau</p> | <p>16 years</p> <p>Combined 2nd, 3rd and 4th reports on the Convention on the Rights of the Child: Guinea-Bissau, 2009, pp.13, 14</p> <p>Regarding sexual practices, the penal law (art. 134 CP) does not consider relevant the consent of a minor until he/she reaches the age of 16 and it establishes a scale of aggravated charges varying with the phases of being a minor. Thus, the penal structure for those who engage in sexual relations with an underage child at the age of 12, ranges from 2 to 10 years in prison, and for those engaging in sex with an underage child under 12 years of age, the maximum prison</p> |

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| | <p>limit is 5 or 8 years, depending on the intensity of the sexual abuse. For an underage child who is more than 16 years old, the law considers relevant his/her consent; however, it always takes into account his/her experiences and psychological capabilities.</p> |
| Kenya | <p>16 years</p> <p>Initial state party report to the African Committee of Experts on the Rights and Welfare of the Child, 2007</p> <p>By amending the Penal Code (Cap 63), the Criminal Law (Amendment) Act of 2003 sets the age of sexual consent at 16 years for girls. Previously the age of sexual consent was 14 years. There is no minimum age set for boys even though the Penal Code states that boys under the age of 12 years are incapable of having carnal knowledge.</p> |
| Lesotho | <p>16 years</p> <p>Sexual Offenses Act, 2003</p> <p>Section Child molestation:</p> <ol style="list-style-type: none"> 1) A person who commits a sexual act with a child commits an offence 2) A person who invites or persuades a child to engage in a sexual act with himself/herself or another person commits an offence 3) A person who fails to report an unlawful sexual act against a child commits an offence 4) Notwithstanding subsection 1 it shall be a defence where a person who is below the age of 18 years commits a sexual act with a child with that child's consent 5) Notwithstanding the provisions of this section <ol style="list-style-type: none"> a) A child who is 16 years of age or above but below the age of 18 years or b) A child who is 13 years of age or above but below the age of 16 years <p>who commits a sexual act with a child who is below the age of 12 years commits an offence</p> <p>section 2: Child means for the purpose of Part III, a person who is below the age of 16 years</p> |

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| | <p>16 years for girls and 14 years for boys</p> <p>http://www.avert.org/age-of-consent.html</p> <p>http://www.enotes.com/topic/Ages_of_consent_in_Africa</p> <p>The age of consent is 16 for girls (sexual intercourse with a girl under 16 is considered rape), and 14 for boys</p> |
| Liberia | <p>16 years</p> <p>Initial state report on the Convention on the Rights of the Child: Liberia, 2002, p.44</p> <p>The New Penal Code of Liberia protects children below the age of 16 years against sexual exploitation and sexual abuse. The law states in part that a male who has sexual intercourse with a female who is not his wife has committed rape if the female is less than 16 years of age, provided the male is 16 years or older.</p> |
| Libya | <p>18 years</p> <p>3rd and 4th periodic report on the Convention on the Rights of the Child: Libya, 2009</p> <p>Articles 407 and 408 of the Penal Code provide for the punishment of any person who has sexual intercourse with or rapes a child under the age of 18 years, even if it is consensual.</p> |
| Madagascar | <p>14 years</p> <p>Penal Code Amendment Act, 1998</p> <p>Article 331: The indecent assault or attempt without violence of the same on the person of a child of either sex aged under fourteen years shall be punished by five to ten years imprisonment and a fine of ten million fifty million francs (Ord. 62-013, 10. 08. 62)</p> |

3rd and 4th periodic report on the Convention on the Rights of the Child: Madagascar, 2009

The age of sexual consent has not been legally set. Nevertheless, age has been taken into consideration to define some morality-related offenses, in order better to protect children from the risk of this kind of abuse. The Penal Code therefore set the age at under **14** years to characterize indecent assault without violence, which is punishable by five to 10 years of prison and a fine of two to 10 million ariary.¹⁰³ Moreover, committing rape against a child under the age of **15** is punishable by a term of hard labour.

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| <p>Malawi</p> | <p>16 years</p> <p style="text-align: center;">Penal Code, 1930</p> <p>Article 160(b): Any person engaged in sexual intercourse with a child is liable for 14 years imprisonment)</p> |
| <p>Mali</p> | <p>15 years</p> <p style="text-align: center;">Penal Code, 2001</p> <p>Article 225: Any indecent act committed or attempted, without violence, against a child of either sex below the age of 15 years shall be punishable by five to 10 years' imprisonment and, optionally, 1 to 20 years' expulsion..."</p> <p>Article 227: Anyone who carries out or attempts to carry out the customarily authorized sex act with a girl below the age of 15 years shall be punishable by 1 to 5 years' imprisonment...</p> |
| <p>Mauritania</p> | <p>18 years</p> <p style="text-align: center;">Code of Judicial Protection of Children, 2005</p> <p>Article 26: Sexual assault other than rape is punishable by two to four years imprisonment and 120,000 to 160,000 ouguiyas fine when committed against a child.</p> <p>Acts of sexual touching of any nature whatsoever, committed against a child constitutes the crime of pedophilia and</p> |



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| | <p>sentenced to 5 years imprisonment and a fine of 200,000 ouguiyas.</p> <p>Article 27: The offense in the first paragraph of Article 25 of this ordinance is punishable by five to seven years imprisonment and 140,000 to 180,000 ouguiyas fine when committed by a relative or any person having authority on the child.</p> <p>Article 1: For the purposes of this Ordinance, every human being under eighteen years is a child and shall be registered immediately after birth.</p> <p>http://www.enotes.com/topic/Ages_of_consent_in_Africa</p> <p>The age of consent is 16</p> <p style="text-align: center;">Initial state party report on the Convention on the Rights of the Child: Mauritania ,1993</p> <p>Sexual relations are envisaged solely in the context of marriage</p> <p style="text-align: center;">Human rights report 2010, US Department of State, Mauritania</p> <p>Since rape was tied to the concept of Zina or sinful sexual relations outside marriage, judges may hold the victims responsible for the rape.</p> |
| Mauritius | <p>16 years</p> <p style="text-align: center;">Criminal Code,1838</p> <p>Article 249 Rape, attempt upon chastity and illegal sexual intercourse: (4) Any person who has sexual intercourse with a minor under the age of 16 or a mentally handicapped person, even with his consent, shall be liable to penal servitude for a term not exceeding 10 years.</p> |



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| Morocco | <p>15 years</p> <p style="text-align: center;">Country Profile Drugs and Crime: Morocco, 2003</p> <p style="text-align: center;">Penal Code, 1963</p> <p>Article 484: indecent assault or attempted without violence on the person of a minor under the age of eighteen years of the one or the other sex, an incompetent person, a disabled person or a person known for his mental low, is punished by imprisonment of two to five years.</p> |
| Mozambique | <p>16 years</p> <p style="text-align: center;">Initial state party report on the Convention on the Rights of the Child: Mozambique, 2000</p> <p>Penal Code Article 391: a prison sentence on anyone guilty of a sexual offence carried out with violence against a person of the other sex, whether to satisfy lascivious passions, or for any other motive.</p> <p>As regards children, this article specifically establishes that if the person offended is under the age of 16, the penalty will be the same, even if it is not proved that violence was used.</p> <p>Penal Code Article 392: seduction leading to the deflowering of a virgin girl aged between 12 and 18 shall be punished by a prison term of between two and eight years.</p> <p>Article 394: this sentence shall be increased to between 8 and 12 years for the rape of a child less than 12 years of age, if none of the circumstances mentioned in the previous article are proved.</p> |
| Namibia | <p>16 years</p> <p style="text-align: center;">Initial state party report on the Convention on the Rights of the Child: Namibia, 1992</p> <p>Statue: it is an offence for a male to have or attempt to have intercourse or to commit or attempt to commit an immoral or indecent act with a girl under the age of 16.</p> |

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| | <p>Common law: a child 12 years of age or older can give consent to sexual acts which is competent to exclude a charge of rape.</p> <p>Section 14 of the 'Combating of Immoral Practices Act 1980' The age of consent is 16 for girls. 'Sexual offences with girls under sixteen (16) years', '(1) Any male who a) Has or attempts to have unlawful carnal intercourse with a girl under the age of sixteen (16) years; or b) Commits or attempts to commit with such a girl an immoral or indecent act; c) Solicits or entices such a girl to the commission of an immoral or indecent act, -shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six years with or without a fine not exceeding three thousand rand in addition to such imprisonment. (2) It shall be a sufficient defence to any charge in terms of this section if it appears to the court - a) That the girl at the time of the commission of the offence was a prostitute, that the person so charged was at the said time under the age of twenty-one (21) years and that it is the first occasion on which he is so charged; or b) That the person who charged was at the said time under the age of sixteen (16) years ; and c) That the girl or person in whose charge she was deceived the person so charged into believing that she was over the age of sixteen (16) years at the said time.'</p> |
| <p>Niger</p> | <p>13 years</p> <p style="text-align: center;">Penal Code,2004</p> <p>Article 278: Any indecent assault, or attempted without violence on the person of a child of either sex under the age of thirteen, will be punished with imprisonment of two to less than ten years and a fine of 20,000 to 200,000 francs.</p> |
| <p>Nigeria</p> | <p>18 years</p> <p style="text-align: center;">Child's Right Act, 2003</p> <p>Article 31: Unlawful sexual intercourse with a child etc</p> <p>1. No person shall have sexual intercourse with a child</p> |

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| | <p>2. A person who contravenes the provision of sub section 1 of this section commits an offence of rape and is liable on conviction to imprisonment for life.</p> <p>3. Where a person is charged with an offence under this section it is immaterial that the offender believed the person to be of or above the age of eighteen years or the sexual intercourse was with the consent of the child.</p> <p style="text-align: center;">Second periodic report on the Convention on the Rights of the Child: Nigeria, 2003</p> <p>In two States of the south-south zone, the age of sexual consent is 13.</p> |
| <p>Rwanda</p> | <p>18 years</p> <p style="text-align: center;">Law Relating to Rights and Protection of the Child against Violence, 2001</p> <p>Article 33: In this law, any sexual relations with a child, whatever the means or methods used, are considered as rape.</p> <p>Article 1: For the purpose of this law, a child is anybody aged below eighteen (18) years with the exception of what is provided for in other laws</p> |
| <p>Sao Tome & Principe</p> | <p>16 years for a girl</p> <p style="text-align: center;">Initial state party report on the Convention on the Rights of the Child: Sao Tome and Principe, 2003</p> <p>Criminal Code, Article 391: intercourse with a female under 16, with or without her consent, although not considered debauchery or rape, is punishable by a prison sentence</p> |
| <p>Senegal</p> | <p>16 years</p> <p style="text-align: center;">Penal Code, 1965</p> <p>Article 32: every gesture, touch, caress, handling pornographic use of images or sounds by any technical process, for sex on a child of one or the other sex under sixteen years of age is the act punished by a pedophile imprisonment of five to ten years.</p> <p style="text-align: center;">Concluding observation to the 2nd periodic report on the Convention on the Rights of the Child: Senegal, 2006</p> |

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| <p>Seychelles</p> | <p>Penal Code, art. 300: Rule prohibiting sexual intercourse with a girl under the age of 12.</p> <p>14 years for boys and 15 years for girls</p> <p style="text-align: center;">Penal Code, 1955</p> <p>Section 135 (1) : Any person who commits an act of indecency towards another person who is under the age of fifteen years is guilty of an offence and liable to imprisonment for 20 years</p> <p>(2) A person is not guilty of an offence under this section if at the time of the offence the victim of the act of indecency was –</p> <p>(a) fourteen years old or older and the accused had reasonable ground to believe that the victim was over fifteen years old; or</p> <p>(b) the spouse of the accused</p> <p>(3) A girl under the age of fifteen years cannot in law give any consent which would prevent an act being an assault for the purposes of subsection (1):</p> |
| <p>Sierra Leone</p> | <p>14 years for a girl</p> <p style="text-align: center;">Prevention of Cruelty to Children Act, 1926</p> <p>Article 6: Whosoever shall unlawfully and carnally know and abuse any girl under the age of thirteen, whether with or without her consent, shall be guilty of felony, and shall be liable on conviction before the Supreme Court to imprisonment, with or without hard labour, for any period not exceeding fifteen years.</p> <p>Article 7: Whosoever shall unlawfully and carnally know and abuse any girl being above the age of thirteen years and under the age of fourteen years, whether with or without her consent, shall be guilty of a misdemeanor, and shall be liable on conviction before the Supreme Court to imprisonment with or without hard labour, for any period not exceeding two years.</p> |

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| Somalia | 18 years http://www.enotes.com/topic/Ages_of_consent_in_Africa |
| South Africa | 16 years <p style="text-align: center;">Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007</p> <p>Section 15(1): A person ("A") who commits an act of sexual penetration with a child ("B") (a person 12 years or older but under the age of 16 years, Section 1(1,b)) is, despite the consent of B to the commission of such an act, guilty of the offence of having committed an act of consensual sexual penetration with a child.</p> |
| South Sudan | 18 years <p style="text-align: center;">The Penal Code Act 9, 2008</p> <p>Article 247 Rape (1): Whoever has sexual intercourse or carnal intercourse with another person, against his or her will or without his or her consent, commits the offence of rape, and upon conviction, shall be sentenced to imprisonment for a term not exceeding fourteen years and may also be liable to a fine.</p> <p>(2) A consent given by a man or woman below the age of eighteen years shall not be deemed to be consent within the meaning of subsection (1), above.</p> |
| Sudan | 18 years for a girl <p style="text-align: center;">Penal Code, 2003</p> <p>Section 316(A) "Sexual Intercourse with Girls":</p> <p>Whoever has sexual intercourse with a girl, not being his wife, who is 18 years of age or above with her consent, commits an offence and shall on conviction, be punished with imprisonment for a term not exceeding two years or</p> |

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| | with fine or with both. |
| Swaziland | <p>16 years</p> <p>Initial state party report on the Convention on the Rights of the Child: Swaziland, 2005</p> <ul style="list-style-type: none"> - For girls, the Girls' and Women's Protection Act (1920) places the minimum age of consent at 16 years, modifying common law prescription of a minimum of 12 years. - The same Act raises this minimum to 16 for boys in a proviso to its provisions protecting girls which states that this would constitute a defense to any charge under this law. |
| Tanzania | <p>14 years for a girl</p> <p>Penal Code, 1962</p> <p>Article 136 (1): Any person who carnally knows any girl under the age of fourteen years is guilty of a felony, and is liable to imprisonment for life, with or without corporal punishment.</p> <p>(2) Any person who attempts to have carnal knowledge of any attempt girl under the age of fourteen years is guilty of a felony, and is liable to imprisonment for fourteen years, with or without corporal punishment: Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of fourteen years.</p> <p>(3) This section shall not apply in a case in which the accused is married to the girl.</p> <p>Article 138(1): Any person who, being married to a girl under the age of twelve years has or attempts to have carnal knowledge of the girl, whether with or without her consent, before she has attained the age of twelve years, is guilty of a misdemeanor, and is liable to imprisonment for five years.</p> |

| | Sexual Offences Act, 1998 |
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| | <p>18 for a girl</p> <p>Section 5 (2) . A male person commits the offence of, rape if he has sexual intercourse with a girl or woman under circumstances falling, under any of the following' descriptions: (d) with her consent when the. man knows that be, is, not her husband, and that her consent is given. Because she has been made to believe that he is another man to whom, she is, or believes herself to be, lawful married;</p> |
| Togo | <p>14 years</p> <p style="text-align: center;">Penal Code, 1980</p> <p>Article 85; The indecent assault committed without violence on a child under age of 14 years shall be punished by five years' imprisonment</p> |
| Tunisia | <p>15 years for a girl</p> <p style="text-align: center;">Penal Code, 2005</p> <p>Article 227: who inflicted without violence sexual act on a female child under the age of fifteen years shall be punished by imprisonment for six years. The penalty is five years' imprisonment if the victim's age is greater than fifteen years and less than twenty years old. The marriage of the offender with the victim in both cases provided for in this Article stops prosecution or the effects of the conviction. The continuation or the effects of the conviction will be taken if, before the expiry of two years from the date of consummation of the marriage, it ends by divorce delivered at the husband's request, in accordance with Article 31 of the Statute 3 of the Code Staff.</p> |
| Uganda | <p>18 years</p> <p style="text-align: center;">Penal Code, 2007</p> <p>Article 129(1) “Defilement of persons under eighteen years of age: Any person, who performs a sexual act with another person who is below the age of eighteen years, commits a felony known as defilement and is on conviction</p> |



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| | liable to life imprisonment. |
| Zambia | <p>16 years</p> <p style="text-align: center;">Penal Code Act</p> <p>Article 138 (1) Defilement of Child: Any person who unlawfully and carnally knows any child commits a felony and is liable, upon conviction, to a term of imprisonment of not less than fifteen years and may be liable to imprisonment for life.</p> <p>131A. In this Part "child" means a person below the age of sixteen years</p> |
| Zimbabwe | <p>16 years</p> <p style="text-align: center;">Criminal Code,2004</p> <p>Article 70 Sexual intercourse or performing indecent acts with young person's:</p> <p>(1) Subject to subsection (2), any person who—</p> <p>(a) has extra-marital sexual intercourse with a young person; or</p> <p>(b) commits upon a young person any act involving physical contact that would be regarded by a reasonable person to be an indecent act; or</p> <p>(c) solicits or entices a young person to have extra-marital sexual intercourse with him or her or to commit any act with him or her involving physical contact that would be regarded by a reasonable person to be an indecent act; shall be guilty of sexual intercourse or performing an indecent act with a young person, as the case may be, and liable to a fine not exceeding level twelve or imprisonment for a period not exceeding ten years or both.</p> <p>(2) It shall be no defence to a charge of sexual intercourse or performing an indecent act with a young person to prove</p> |



that he or she consented to such sexual intercourse or indecent act.

(3) It shall be a defence to a charge under subsection (1) for the accused person to satisfy the court that he or she had reasonable cause to believe that the young person concerned was of or over the age of **sixteen years** at the time of the alleged crime



Reference

ACPF (2012), Harmonisation of Children's Laws in West and Central Africa: County Briefs

ACPF (2012), Harmonisation of Children's Laws in Eastern and Southern Africa: Country Briefs

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