**Benin**

**Prostitution**

April 2003 law on sexual and reproductive health contains provisions that apply to sexual offences against children. The law prohibits *all forms of sexual abuse and violence* and calls for the penalisation of all forms of sexual violence affecting children, including paedophilia and exploitation of women and children through prostitution.

** Trafficking**

Law No 2006-04 du 05 avril 2006 portant répression des auteurs de traite et conditions de déplacement des mineurs en République du Bénin). This is the most comprehensive law in the country that deals with child trafficking.

**Pornography**

The Penal Code Act of 12 November 1965 and 12 June 1967, as subsequently amended, broadly regulates cases involving the sexual exploitation of children. The Penal Code covers the following forms of abuse: abduction of females for immoral purposes, abduction of persons under the age of 16 years, indecent assault of young children, defilement of persons under the age of 16 and unlawful carnal knowledge of children.

**Botswana**

**Prostitution**

The Penal Code Act of 12 November 1965 and 12 June 1967, as subsequently amended, broadly regulates cases involving the sexual exploitation of children. The Penal Code covers the following forms of abuse: abduction of females for immoral purposes, abduction of persons under the age of 16 years, indecent assault of young children, defilement of persons under the age of 16 and unlawful carnal knowledge of children.

** Trafficking**

The Penal and The Children’s Act make the abduction of children a criminal offence

**Pornography**

The Botswana Penal Code does not have specific legislation regarding child pornography. Instead, the Penal Code bestows on the president a right to declare a publication as prohibited if he/she is of the opinion that such a publication is contrary to public interest. The Penal Code gives absolute discretion to the president to make such a ruling (Section 47). The term “public interest” is not defined and discretion is given to the president to determine what this entails. This provision assists in prohibiting any publication that constitutes child pornography.
**Prostitution**

The **Penal Code** protects underage children from immoral practices or from cultivating such habits. The **Penal Code** protects children from what it considers immoral practices or indecent acts and represses the “corruption of youth”. This refers to: excite, favour or facilitate the debauchery or corruption of a minor (art 344 of Penal Code), moral danger (where a guardian of a child under the age of 18 would allow a child to reside in a home or establishment where prostitution is practiced, or to work in such a place, (art 345 Penal Code) indecent assault (art 346-347) procuring (meaning to provoke, aid or facilitate the prostitution of another or to share, even casually the proceeds of the prostitution of another or to receive proceeds from another person engaging in prostitution (art 294 Penal Code) and forced marriage (art 356).

**Trafficking**

Although the **Penal Code** contains some provisions that protect the sexual exploitation of children in general, the provisions in the **Penal Code** do not specifically prohibit child trafficking for sexual purposes.

**Pornography**

The **Penal Code** does not contain any provisions on child pornography.
**Chad**

<table>
<thead>
<tr>
<th>Prostitution</th>
<th>Trafficking</th>
<th>Pornography</th>
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<tr>
<td>The <strong>Criminal Code 2005</strong> addresses the suppression of certain acts of violence against children such as prostitution. However the <strong>Criminal Code</strong> has a number of provisions which fail to adequately protect children from CSEC. For example, <strong>art 277 of the Criminal Code</strong> fixes the minimum age of marriage at 13 years and criminalizes customary marriage before that age. <strong>Article 289 (2) provides that if a kidnapped or abducted minor marries her abductor, he may be prosecuted only on the basis of application by persons having the legal capacity to request the annulment and he may not be convicted until after such annulment. This provision implicitly allows for the rape of minors. The persons having the legal capacity to request the annulment of the marriage are often co-perpetrators or accomplices in the abduction of the girl or in marriage by abduction.</strong></td>
<td>The <strong>Criminal Code</strong> revised and approved in 2005 addresses the suppression of attacks on the physical and moral integrity of children, in particular the trafficking of children. Due to the increase in child trafficking in the country, Chad signed a multilateral agreement on regional cooperation and a joint ECOWAS/ECCAS plan of action on 6 July 2006 in Abuja, Nigeria to combat trafficking of persons particularly women and children.</td>
<td>No provisions were found that specifically address child pornography.</td>
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**Comoros**

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<tr>
<th>Prostitution</th>
<th>Trafficking</th>
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<tr>
<td>The <strong>Comoran Penal Code</strong> criminalizes the exploitation and sexual abuse of children. Article 323 of the Code contains provisions which aim at preventing and protecting children from being enticed into illegal sexual activity or exploited through prostitution or other illegal sexual practices.</td>
<td>Trafficking of a minor is prohibited. Comoros does not have an extraterritorial law that allows the prosecution of citizens who abuse minors abroad. This has made difficult the prosecution of persons who evade justice by leaving the country after violating the law.</td>
<td>The <strong>Information Code of 27 June 1994</strong> stipulates that the publication or diffusion, through public or specialized media, electronic, print or any other mass media, of any information, photograph or films that go against the decency and morals is punishable.</td>
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<tr>
<td><strong>Egypt</strong></td>
<td><strong>Eritrea</strong></td>
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<td><strong>Prostitution</strong></td>
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<td>The Suppression of Prostitution Act No 10 of 1961 renders anyone who engages in prostitution, whatever their age liable to one to three years imprisonment.</td>
<td>The Transitional Penal Code of Eritrea (TPCE) criminalises any trafficking and sale of women and children. The TPCE criminalises the professional procurement of child prostitution for gain, seducing, enticing, inducing and keeping children or women for the purpose of trafficking and prostitution.</td>
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<td><strong>Trafficking</strong></td>
<td><strong>Trafficking</strong></td>
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<td>The Penal Code as amended by Act No. 16 of 1952 lays down penalties for the abduction of children. The penalty is increased if the victim is very young or female.</td>
<td>The TPCE criminalises any act of child trafficking, sale and abduction. The State of Eritrea has not so far concluded bilateral or multilateral agreement against child abduction, sale and trafficking.</td>
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<td>The Suppression of Prostitution Act No 10 of 1961 makes it illegal to incite a male or female to engage in debauchery or prostitution or to aid and abet or facilitate his or her participation therein, and to employ, recruit or entice a person to commit debauchery or to engage in prostitution.</td>
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<td>Any person who facilitates the entry of a person into Egypt for purposes of prostitution may be punished with one to five years’ imprisonment.</td>
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<td><strong>Pornography</strong></td>
<td><strong>Pornography</strong></td>
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<td>Article 178 of the Penal Code, as amended by Act No. 16 of 1952, provides for a penalty of up to two years in prison for anyone found in possession of any pornographic publication or object, or of the means of producing, displaying or disseminating such publications or objects.</td>
<td>The government recognised some websites that deal with pornography are unsuitable and hazardous for the psychological and mental development of children. The government has issued a strong regulation that forbids browsing pornographic websites.</td>
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<td>Egypt’s Children’s Act No. 12 of 1996 bans publishing, exhibiting or circulating arranged or audio prints or artistic items on children that incite inner instincts, increase bad behaviour that violates societal values or encourages delinquency.</td>
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<td>Act No. 430/55, on the censorship of works of art and radio and television programmes, prohibits any production inconsistent with public morals and decency.</td>
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Prostitution

**Art 604** of the Penal Code, 2004 states “whosoever, for gain, makes a profession of or lives by procuring or on the prostitution or immorality of another, or maintains, as a landlord or keeper, a disorderly house” is guilty of habitual exploitation for pecuniary gain and is punishable with simple imprisonment and a fine.

**Art 605** of the Penal Code makes it an offence to traffic women, infants and children:

(a) “whether by seducing them, by enticing them, or by procuring or otherwise inducing them to engage in prostitution, even with their consent; or
(b) keeps such a person in a disorderly house or to let her out for prostitution”.

Violators are punishable by a term of five years and a fine not exceeding US$ 10,000.

Traffic

**Art 18 (2)** of the Ethiopian Constitution 1995 prohibits human trafficking for any purposes.

**Art 558** of the Penal Code makes it an offence to abduct a woman by violence, intimidation, trickery or deceit. However **Art 558(2)** provides provisions to escape culpability “where the woman freely contracts with her abductor a valid marriage, proceeding shall only be instituted only when such marriage is subsequently annulled by law”.

**Art 560** makes it an offence to abduct a minor and is punishable with rigorous imprisonment not exceeding five years.

**Art 605** makes it an offence to traffic women, infants, and young persons “for gain, or to gratify the passions of another”.

**Art 606** makes it an offence to professionally procure or traffic people. This provision makes it an aggravated offence to traffic victims under 15 years of age or to traffic an adopted child, a child of a spouse, brother or sister, or a child under one’s custody or care. This Article also makes it an offence to traffic persons “where the offender has made use of trickery, fraud, violence, intimidation or coercion, or where he has misused his authority over the victim”. If found guilty, the crime carries a term of three to ten years rigorous imprisonment and a fine not exceeding US$20,000.

**Art 607** makes it an offence to engage in organized trafficking of women, infants and young persons. “Where a professional procurer is involved or where arrangements are fully made and intended to apply to many victims” rigorous imprisonment not exceeding three years applies and a fine for not less than US$ 500.

Pornography

**Art 609-613** of the Penal Code contains provisions relating to obscene, indecent publications, indecent performances, indecent publicity and advertisement and the protection of infants and young persons.

**Art 609** makes it an offence to import, export, transport, receive, possess or display in public, for sale or hire, distribute or circulate writing images, posters, films, or other objects which are obscene or grossly indecent, or in any other way traffic or trade in them. It is an offence to advertise or make known how and from whom such objects may be procured or circulated either directly or indirectly. This is punishable by simple imprisonment of no less than one month and a fine not exceeding US$ 10,000 where the perpetrator “knowingly exhibits, hands over or delivers such objects to an infant or young person for consideration”.

**Art 613** provides “whosoever, for gain or to provoke:
(a) publicly displays in a shop window, in a booth or other public place… writing, images or objects such as to stimulate unduly, or prevent or to misdirect the sexual instinct, or to arouse or stimulate unduly brutal or blood-thirsty instincts, or anti-social feelings or feelings that are inimical to the family spirit in infants or young persons; or
(b) knowingly offers, lends, gives or sells such objects, images or writings to an infant or young person”.

This offence is punishable with simple imprisonment not exceeding three months and forfeiture of the incriminating material.
Prostitution

Sections 107 and 108 of the Criminal Code 1960, make many activities relating to the procurement of women and underage sexual activity criminal offences.

The Criminal Code (Amendment) Act 1998 criminalizes the abandonment or exposure of a child to danger (section 5), abduction of a child (article 7), and a range of sexual offences including rape, forced marriage, indecent assault, incest, defilement, procuration, causing or encouraging the seduction or prostitution of a child under 16, custody of child under 16, and allowing persons under 16 to be in brothels (articles 11-13).

The Criminal Code (Amendment) Act 1998 stipulates that the legal age of sexual consent is sixteen years. Defilement of a child below sixteen years whether with or without his or her consent, constitutes an offence and the penalty on conviction is imprisonment for a period between 7 and 25 years.

The Children’s Act of 1998 protects children from inhuman and degrading treatment. Section 13 of the Act provides “No person shall subject a child to torture or other cruel, inhuman or degrading treatment or punishment including any cultural practice which dehumanises or is injurious to the physical and mental well-being of a child”.

Section 14 of the Children’s Act of 1998 abolishes child marriages and forced betrothals.

 Trafficking

Section 111 of the Criminal Code 1960, deals with the power to search for a child detained for immoral purposes, and section 314 makes all forms of slave-trading a criminal offence. Although the provisions address the issue of trafficking to some extent, the government recognizes they are inadequate.

To deal with the rising incidence of child trafficking in the country, the government of Ghana enacted The Human Trafficking Act of 2005. This act includes provisions related to the prevention, reduction and punishment of human trafficking as well as the rehabilitation and reintegration of trafficking victims.

Human trafficking is defined as “the recruitment, transportation, transfer, harbouring, trading or receipt of persons within and across national borders by

- the use of threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability, or
- giving or receiving payments and benefits to achieve consent” (Section 1).

“Placement for sale, bonded placement, temporary placement, placement as service where exploitation by someone else is the motivating factor” also constitute trafficking according to the Act. (Section 1 (3)).

“A person who provides another person for purposes of trafficking” or “uses a trafficked person commits an offence” is liable to a term of imprisonment of not less than five years. (Section 2 (2) and 4)

Section 4 of the Act highlights “where children are trafficked, the consent of the child, parents or guardian of the child cannot be used as a defence in prosecution under this Act, regardless of whether or not there is evidence of abuse of power, fraud or deception on the part of the trafficker or whether the vulnerability of the child was taken advantage of”. Prosecution for persons who acts as intermediaries is also provided under section 2(1) and (3) of the Act. Section 3 describes an intermediary as “someone who participates in or is concerned with any aspect of trafficking under this Act who may or may not be known to the family of the trafficked person”.

The Act places a legal duty on anyone aware of trafficking to inform the police, the Commission on Human Rights and Administrative Justice, the Department of Social Affairs, the Legal Aid Board or a reputable Civil Society Organization (section 6). “A person who fails to inform the police commits an offence and is liable to a term of imprisonment not less than twelve months.”
A private person may arrest a person without a warrant where the private person has reasonable suspicion that a person has committed an offence of trafficking or if the person commits an act of trafficking in the presence of a private person. The private person must immediately hand the person over to the police (section 13). Anyone who violated the provisions of the Human Trafficking Act in Ghana may be tried in the country. A non-citizen convicted of trafficking may be extradited subject to the provisions of the Extradition Act, 1960 (Act 22) (Section 35).

The Act also creates a Human Trafficking Fund which aims to meet the material support of victims of trafficking, training victims of trafficking, tracing the families of victims of trafficking, the construction of reception shelters for trafficked persons and training and capacity building to persons connected with rescue, rehabilitation and reintegration of trafficked persons (sections 20 and 21).

**Kenya**

**Prostitution**

The Children’s Act of 2001 contains specific provisions that protect children from sexual exploitation. Section 15 of the Act protects a child from “sexual exploitation and use in prostitution, inducement or coercion to engage in any sexual activity”.

A child is defined as “any human being under the age of eighteen years” (Section 2 Children’s Act)

The Criminal Law Amendment Act of 2003, which incorporated amendments from, the Criminal Procedure Act, the Penal Code and the Evidence Act has in place various stringent measures to curb sexual abuse; these include removal of consent by the Attorney General to prosecute in cases of incest, raising the age of consent from 14 to 16 years for girls, setting stiffer penalties for defilers from a maximum of 14 years to life imprisonment. The requirement for corroboration was removed in sexual offences cases involving children of ten years and under.

The Criminal Law Amendment Act sets the minimum age for sexual consent for girls but is silent on the minimum age for boys. The minimum age set for girls is in stark contradiction to other laws such as the marriage act which allows girls under the age of sixteen to get married, rendering the application of the Criminal Law Amendment Act difficult.

The Sexual Offences Act provides specific provisions that protect children from sexual exploitation. Section 8 of the act prohibits the defilement of a child. Defilement is defined as “an act which causes penetration”.

This section also sets out varying sentences depending on the age of the child. A person who commits and offence of defilement with a child:

(a) aged eleven years or less shall be sentenced to life imprisonment;
(b) a child between the age of twelve and fifteen years to a prison term of not less than twenty years; and
(c) a child between the age of sixteen and eighteen is liable to imprisonment for a term not less than fifteen years.

**Pornography**

The Cinematography Act prohibits exposing children to unsuitable material, particularly via state-owned media, while a Pornography Exhibition Bill will limit children’s access to pornographic material.
A person who attempts to commit an act which would cause penetration with a child is guilty of …attempted defilement” and if convicted “is liable to imprisonment for a term not less than ten years”. (Section 9)

This section also provides a defense to a charge of defilement if “it is proved that such child deceived the accused person into believing that he or she was over the age of eighteen years at the time of the alleged commission of the offence” or “the accused reasonably believed that the child was over the age of eighteen years” (section 5 (a-b)).

However the accused must show belief was taken into account having regard of all circumstances including “any steps the accused person took to ascertain the age of the complainant”.

The **Sexual Offences Act** provides specific provisions that criminalize child prostitution. **Section 15** of the Act provides any person who:

(a) knowingly permits any child to remain in any premises, for the purposes of causing such child to be sexually abused or to participate in any form of sexual activity or in any obscene or indecent exhibition or show;

(b) acts as a procurer of a child for the purposes of sexual intercourse or for any form of sexual abuse or indecent exhibition or show;

(c) induces a person to be a client of a child for sexual intercourse or for any form of sexual abuse or indecent exhibition or show, by means of print or other media, oral advertisements or other similar means;

(d) takes advantage of his influence over, or his relationship to a child, to procure the child for sexual intercourse or any form of sexual abuse or indecent exhibition or show;

(e) threatens or uses violence towards a child to procure the child for sexual intercourse or any form of sexual abuse or indecent exhibition or show;

(f) intentionally or knowingly owns, leases, rents, manages, occupies or has control of any movable or immovable property used for purposes of the commission of any offence under this Act with a child by any person; and

(g) gives monetary consideration, goods other benefits or any other form of inducement to a child or his parents with intent to procure the child for sexual intercourse or any form of sexual abuse or indecent exhibition or show commits an offence of child prostitution and is liable if convicted for a term not less than ten years.

The **Sexual Offences Act** also targets child sex tourism by making it an offence for “any person who makes or organizes any travel arrangements for or on behalf of another person, whether that other person is resident within or outside the borders of Kenya, with the intention of facilitating the commission of any sexual offence against a child, irrespective of whether that offence is committed” or “introduces, organizes or facilitates contact with another person under the auspices of promoting tourism, in any manner, in order to promote conduct that would constitute a sexual offence against a child” is guilty of an offence of promoting sex tourism and is liable upon conviction to a term of imprisonment not less than ten years. (section 14).

**Section 13** of the **Sexual Offences Act** deals specifically with Child trafficking. This section prohibits a person who “knowingly or intentionally makes or organizes any travel arrangements for or on behalf of a child within or outside the borders of Kenya, with the intention of facilitating the commission of any sexual offence against that child, irrespective of whether that offence is committed; or “supplies, recruits, transports, transfers, harbors or receives a child, within or across the borders of Kenya, for purposes of the commission of any sexual offence under this Act with such child or any other person” guilty of the offence of child trafficking and liable upon conviction of a prison sentence of not less than ten years and a fine of not less than two million shillings.

The **Sexual Offences Act** also includes provisions specific to trafficking for the purposes of sexual exploitation which make it an offence for anyone to arrange and facilitate travel within or across the borders of Kenya by another person, or intends to do anything to or in respect of the person during or after the journey in any part of the world, which if done will involve the commission of any sexual offence within the Act against a child or any other persons. (section 18)
The Children’s Act protects children from “exposure to obscene materials” (Section 15).

The Sexual Offences Act section provides provisions prohibiting child pornography. The section makes it an offence for any person including a juristic person to:
(a) sell, let to hire, distribute publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his or her possession any obscene book, pamphlet, paper, drawing, painting, art, representation or figure or any other obscene object whatsoever which depict the image of any child; (b) import, export or convey any obscene object for any of the purposes specified in subsection (1), or knowingly or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation; (c) takes part in or receives profits from any business in the course of which he or she knows or has reason to believe that any such obscene objects are, for any of the purposes specifically in this section, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation; (d) advertise or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be produced from or through any person; or (e) offers or attempts to do any act which is an offence under this section is guilty of an offence of child pornography and if convicted is liable for a term less than six years or to a fine not less than five hundred thousand shillings or both.

Under the act, "a book, pamphlet, paper, drawing, painting, art, representation or figure or any other object shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or where it comprises two or more distinct items the effect of any one of its items, if taken as a whole, tends to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it."

Lesotho

In 2003 a new Sexual Offences Act was enacted in Lesotho, a response to widespread rape and the burgeoning AIDS crisis. For the first time, the law sets stiff penalties for rape, and incest. This legislation also contains specific sections that protect children against commercial sexual exploitation as well as their use in pornography.

Specifically the act reads as follows: ‘Child prostitution: 1) A person who commits a sexual act with a child for financial or other reward, favour or compensation to the child or to any other person commits an offence. 2) A person who invites, persuades or induces a child to allow himself/herself or another person to commit a sexual act with the child for financial or other reward, favour or compensation to the child or to any other person commits an offence. 3) A person who agrees to the invitation, persuasion or inducement to commit a sexual act with a child for financial or other reward, favour or compensation to the child or to any other person commits an offence. It is an offence to offer children favours for sex.

The legal age of majority is twenty-one (21) years, consent for sexual activity is fourteen (14) years for boys, and sixteen (16) years for girls and the age of consent for marriage is eighteen (18) years for boys, and sixteen (16) years for girls.
**Prostitution**

Section 23 (4) of the Constitution 1994 stipulates that children are entitled to be protected from any treatment that is likely to be harmful to their physical, mental or spiritual, or social development.

The Penal Code criminalises sexual intercourse with a girl below the age of 13 years with or without her consent. Section 138 of the Penal Code provides “any person who unlawfully or carnally knows any girl under the age of thirteen years shall be guilty of a felony and shall be liable to imprisonment for life, with or without corporal punishment”.

A boy below the age of 12 years is irrefutably presumed to be incapable of having sexual intercourse (Section 14 of the Penal Code)

The law discriminates between boys and girls in relation to sexual offences. The disparity also manifests itself in the penalties. For defilement the maximum penalty is life imprisonment, while for indecent assault of a boy, it is seven years. Though the law provides stiff penalties for defilement, courts impose very lenient sentences, ranging from a suspended sentence to six months imprisonment.

The Malawi Law Commission has recommended that the minimum age of sexual consent for a girl be raised to 16 years and that there should be no circumstances under which sexual intercourse with a girl aged below 16 years would be permitted. The only exception recommended applies where the offender is below the age of 21 years. As a consequence, it may be an acceptable defence for a person to plead that he was below 21 years at the time of the sexual intercourse with a girl below the age of 16 years provided that the intercourse had taken place with the consent of the girl and that he had reasonable cause to believe and did believe that the girl was 16 years of age or more.

The Malawi Law Commission has made no recommendation to increase the minimum age of capacity for the boy child to have sexual intercourse.

**Trafficking**

Sections 135, 167 and 265 of the Penal Code establish various offences in relation to abduction, trafficking and sale. Any person found committing these offences is punishable with penalties ranging from five to seven years’ imprisonment.

However the Penal Code does not expressly prohibit or criminalize child trafficking.

There have been calls for the amendment of the Penal Code by the Malawian Law Commission, but the amendments do not recommend the inclusion of the offence of child trafficking.

**Pornography**

There is no specific provision that deals with child pornography in Malawi. However, there is the Censorship Act which addresses pornography but the Act does not address the internet and electronic media because the Act precedes these information technologies.
Prostitution

According to the Child Protection Act 1998 Section, 18(5)(1) sexual abuse of a child includes being forced or voluntarily taking part in any sexual act for another person’s pleasure, and pornographic, obscene or indecent imprisonment. The punishment is increased to up to eight years imprisonment where a prostituted child is mentally handicapped.

The Criminal Code (Amendment Act) 1998 prohibits sexual crimes such as rape (section 249(1)), indecent acts with a child under 12 years of age (section 249(3), incest (section 249(5) and debauchery of youth (section 251(1). Sections 257(2) and 253(2) of the Criminal Code (Amendment Act) prohibits procuring or exploiting a child for prostitution, even if the offender has no motive to gain from prostitution. It is also illegal to procure, entice, exploit, benefit from, share earnings or receive money from a prostituted person. Perpetrators found guilty may be punished with between two and ten years’ imprisonment and a. Allowing a child to use premises that are used for a brothel is also a crime if found guilty and convicted, carries a term of up to two years’ imprisonment (Section 250).

The crime of sodomy when committed on children, may be punished with at least two years imprisonment (section 250 Criminal Code (Amendment Act).

Trafficking

The Child Protection Act was amended in 2005 to explicitly prohibit trafficking for purposes of exploitation. Under this Act, it is illegal to cause, incite, or allow a child to be sexually abused by the offender or by another person; have access to a brothel or to engage in prostitution (section 14(4)).

The amended Child Protection Act protects children who are victims of trafficking by providing provisions that make it illegal to recruit, transport, transfer, harbour or receive a child for purposes of exploitation (section 13A(1)). Exploitation includes prostitution as well as other forms of sexual exploitation.

The Act also targets activities outside Mauritius and bans facilitating or being involved in any act outside Mauritius in furtherance of recruiting, transporting, transferring, harbouring or receiving a child for purposes of exploitation (section 13A(3)), recruiting, transporting, transferring or harbouring a child outside Mauritius for exploitation in Mauritius (section 13A(2) (a)), or recruiting, transporting, transferring, harbouring or receiving a child within Mauritius for exploitation outside Mauritius (section 13A(2) (b)).

The Act also makes it illegal to be involved in any transaction for any valuable consideration in which the possession, custody or control of a child is transferred or conferred in whole or in part, temporarily or permanently (section 13A (4) (a).

It is a crime to harbour or possess custody or control of a child whose temporary or permanent custody or control has been transferred or conferred for valuable consideration by a person within or outside the country (section 13A (4) (b)). Perpetrators found guilty of the crime of child trafficking may be punished with up to 15 years imprisonment (section 13 A (1), (2), (3), (4) (a), and (4)(b)).

The Act provides provisions that relate to abandoning and abducting a child (section 13B, 13C).

This Act protects child witnesses privacy by making it illegal for the press to publish or broadcast information, including photographs or other images that could reveal the trafficked child’s identity. Violators may be punished with up to one year imprisonment.

The Child Protection Act contains extraterritorial provisions relating to trafficking. Traffickers can be prosecuted for performing acts within or outside Mauritius, in furtherance of or related to child trafficking for exploitation (section 13(A) (2) and (3)). However Mauritius does not have any extraterritorial legislation related to other forms of sexual exploitation such as child prostitution or child pornography.
Pornography

The **Child Protection Act** makes it illegal to cause, incite or allow any child to be forced to or voluntarily take part in a sexual act for the purposes of any pornographic, obscene or indecent nature (section 14).

The law prohibits harmful acts such as using a child in an advertisement in a manner that causes reaction that are contrary to morality or are detrimental to a child’s psychological development (section 13(2)).

Similarly, there are other provisions within the Act that make it illegal to expose children to obscene materials i.e. it is against the law to sell, lend or distribute obscene materials to a child, or to subject a child to an advertisement that causes reactions that are contrary to their “morality or detrimental to psychological development” (section 13(2)).

Prostitution

The **Penal Code** prohibits practicing or facilitating prostitution and violators may be punished with up to one year in prison and a fine (**Article 1(2)**). A prostitute is defined as a girl or woman who has illicit sex with any man for remuneration or other economic benefit (**Article 1(2)**).

**Article 391** of the **Penal Code** imposes 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. The Act provides specific provisions to protect minors by establishing that if the person violated is under the age of 16, the penalty will be the same, even if it is not proved that violence was used.

**Article 392** of the **Penal Code** also establishes that 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. This sentence is increased to between 8 and 12 years for the rape of a child under 12 years of age (**Article 394**). The penalties laid down against incitement or compulsion to engage in illegal sexual activity, or to be exploited for the purposes of prostitution or other illegal sexual practices are increased when those guilty are the child’s parents, teachers or people charged with educating, guiding and looking after children, who use their influence or fear for their own lascivious purposes or illicit desires. Inciting, promoting or facilitating prostitution or corruption of any minor by someone responsible for him or her, to satisfy the dishonest desires of another person, will lead the parent concerned to a prison term of one to two years and a corresponding fine, and the suspension of political rights for 12 years (**Article 405**). Should a guardian or any other person charged with educating or looking after a minor under 21 commit the same crime, he will be punished with a prison term of between six months and two years and a corresponding fine, as well as the suspension for 12 years of the right to be a guardian or member of any family council, and the right to teach, direct or apply for office in any educational establishment.
**Article 406** lays down a prison term of three months to a year, a corresponding fine and the suspension of political rights for five years for anyone who habitually favours or facilitates the debauchery or corruption of a minor under the age of 21, to satisfy the dishonest desires of another person.

Mozambique enacted **Law 4/2004 of 17 June 2004** which specifically prohibits child sex tourism. This Act provides that “the practice of child sex tourism, whether as a supplier of tourism products and services or as a consumer or tourist, with the involvement of minors, is considered to be a criminal offence punishable under law”. It is unclear how far the implementation of this Act has gone in combating child sex tourism in the country.

The **Jurisdictional Statute of Assistance to Minors (Decree 417/71)** provides provisions that prosecute persons exercising parental power of minors who sexually abuse minors under their care. The decree determines that sexual abuse of the minor is just cause for restraining parental power. Partial or total limitations on parental power may be requested, amongst other things, in cases where parents “incite their children to crime and to corruption” (Article 108).

**Law 6/99 Regulating Access of Children in Public Venues for Night Entertainment and to Consumption of Alcohol and Tobacco** regulates the access of minors to public places of nocturnal entertainment. It forbids children under 18 years of age from entering cabarets, night clubs and similar places normally associated with the hotel and tourism industry, the purpose of which is to carry out entertainment, including songs and dance. This provision seeks to protect children against their growing participation in entertainment shows, particularly in dance, song and striptease shows to entertain clients.

**Article 3** of this law also bans minors under 16 years of age from discotheques and similar places providing nocturnal entertainment activities. Heavy penalties prescribed in this law and the **Penal Code** applies to those who break this law. The penalties are increased when the offenders are responsible for the children, or in charge of these places of entertainment. These penalties apply to the father, mother, legal representative or any other person who facilitates, promotes, or in any way instigates the entry or presence of minors in the public places mentioned in the previous paragraphs, as well as their participation in activities to entertain clients (Article 14). When the instigator is the owner or manager of the respective public place, he will suffer the additional penalty of the suspension of his activity and the closure of the establishment for a year. In the event of a second offence, the offender shall lose his license.

**Trafficking**

Mozambique has no law that specifically defines and prohibits all activities related to child trafficking.

The **Penal Code** contains provisions related to kidnapping of or depriving a child of his/her family. **Article 342** provides it is illegal to use violence and fraud to take or withdraw, or assist in taking, a child under seven years of age from his/her home. Offenders may be punished with between two and eight years' imprisonment.

Law reform initiatives are currently taking place in the country and the Council of Ministers is currently looking into introducing a **Law to Prevent and Combat Trafficking in Human Beings**. This law will seek to ensure that Mozambican law contains provisions to effectively punish trafficking in human beings, especially the trafficking in children, for the purposes of sexual exploitation, labour, commerce of organs, practices similar to slavery and forced marriages. It also feature provisions to enhance protection of victims and witnesses in trafficking cases.

**Pornography**

The **Penal Code** prohibits the production and dissemination of pornography however, no specific provisions regarding child pornography are provided.

**Law 6/99 Regulating Access of Children in Public Venues for Night Entertainment and to Consumption of Alcohol and Tobacco** regulates the sale, screening and renting of video cassettes containing pornographic and other material and prevents children under 18 years from accessing such material (**Articles 9 and 10**). With regard to access to places authorized to show films on video-cassettes, it is also compulsory to display, in a highly visible place, the classification of the film concerned and the fact that it is prohibited for under-18s whenever this is the case (Article 11). Those who violate this article will be fined and will lose their license for a period of six months (Article 21).

If a second offence is committed, the punishment is a prison sentence of up to three months, a fine, and the closure of the establishment.
Prostitution

Under The Combating of Immoral Practices Act Law No. 21 of 1980 it is illegal to keep or maintain a place for the purpose of prostitution (Article 9). It is also illegal to live wholly or in part on the earnings of prostitution (Article 10). The Combating of Immoral Practices Act penalizes taking any female to a brothel or detaining her against her will for the purpose of unlawful carnal intercourse with another person (Article 13).

A female under 16 years of age who is found in a brothel will be deemed to be held there against her will. Punishment for the offense is imprisonment for up to 7 years (Article 13 (2)).

It is an offense for any male to have, to attempt to have, or to solicit a girl younger than 16 years of age for the purpose of having carnal intercourse or committing an immoral or indecent act. Punishment is imprisonment for a period not exceeding 6 years, a fine, or both (Article 14). However contradictory provisions exist in Namibian law on the age of sexual consent. For example, under the Combating of Rape Act 2000, the age for sexual consent is 14 whilst the Combating of Immoral Practices Act states that the age for sexual consent is 16. This creates a conflict of laws making it hard to effectively implement the laws.

The Combating of Rape Act is a very progressive law on rape and sexual offences that specifically recognizes complainants under the age of thirteen as exceptionally vulnerable. The Act was enacted to combat rape through the prescription of minimum sentences, and the abolition of the rule that a boy under the age of fourteen is presumed incapable of sexual intercourse. The Act also regulates circumstances when certain criminal proceedings should not take place in open court.

Trafficking

The Combating of Immoral Practices Act Law No. 21 of 1980 prohibits procuration, including procuring a woman for the purpose of unlawful carnal intercourse, enticing a woman to a brothel for the purpose of prostitution, procuring a woman to make her become a prostitute or an inmate of a brothel, or causing any drug or intoxicating liquor to be taken by a woman with intent to stupefy or overpower her so as to enable any person to have unlawful carnal intercourse with her (Article 5).

Apart from the Combating of Immoral Practices Act Namibia has no specific law on child trafficking.

 Pornography

There is no specific law that addresses child pornography in Namibia.
Nigeria’s laws relating to the protection of children from sexual exploitation are contained in a variety of statutes. However, these legal provisions reflect varying definitions of a child, making it difficult to determine what laws apply to a given situation. For example, while the Children’s Act 2003 prescribes a uniform definition of a child as a person under the age of 18 years, under some provisions, a child is considered a person under the age of 16 years of age, while in others, it is 21 years. The disparities in definitions are also reflected in the minimum age of sexual consent and marriage.

Nigeria is a federal state and not all the laws relating to children apply uniformly across the country. The Criminal Code 2000, for example, only applies to southern states while the Penal Code applies to northern states. While the age of sexual consent is generally 18 years, however, in two states, it is as low as 13 years and in the western states it is between 16 and 19 years. In the northern Islamic states, sexual consent is not allowed between unmarried persons. Similarly, variations exist in the age of marriage with 14 years being the age of marriage in northern states and a range between 16 to 18 years in southern states. This creates fragmented application to the law often not in conformity with the provisions in the CRC and the ACRWC.

The Criminal Code contains provisions that criminalize prostitution. Section 222A(1) makes it an offence for the guardian or caretaker of a girl under 16 years of age to cause or encourage her seduction, engagement in sexual activity, prostitution, or commission of an indecent assault upon her. Violators may be punished with two years imprisonment (section 222A (1)). This offence includes allowing a girl under 16 years of age to consort with, enter or continue being employed by a prostitute or a person of know immoral character (section 222A (2)).

It is also illegal for a guardian or caretaker to allow a girl between the ages of 4 and 16 to reside in a frequent brothel. Offenders may be punished with up to six months imprisonment and a fine or both (section 222B (1)).

The Criminal Code also prohibits procuring a girl under 18 years of age to engage in sexual activity with any other person(s) or to become a prostitute in Nigeria or elsewhere (section 223 (1), (2)). Furthermore, it is illegal to procure a girl or woman under the age of 18 years to leave Nigeria to become an inmate of a brothel in Nigeria or elsewhere (section 223 (3), (4)). It is illegal to use threats, intimidation or false pretences to procure a girl or woman to have unlawful carnal connection with a man in Nigeria or elsewhere (sections 244 (1), (2)). The law also prohibits the use of drugs to overpower or enable any man to engage in sexual activity with a woman or girl (section 224 (3)). Perpetrators found guilty may be punished with up to two years imprisonment. A person cannot be convicted of any of these offences based on the testimony of an uncorroborated witness (sections 223A, 224, 225).

Section 225 makes it illegal to take or cause a girl under 18 years of age to be taken from the custody of her parents or any other person having custody of her, against their will, for sexual purposes. Violators may be punished with two years imprisonment. It is a defense for a violator to argue he reasonably believed the girl was 18 years or older.

Nigerian law prohibits male persons from knowingly living wholly, or in part, on the earnings of prostitution, of from publicly soliciting for immoral purposes. This includes living with or being habitually in the company of a sex worker, or exercising control, direction, or influence over the movements of a sex worker that amounts to aiding, abetting or compelling a person’s prostitution (section 225A(1), (3)). The ban also applies to female persons (section 225A (4)). Violators of these provisions may be punished with two years’ imprisonment, and a second or subsequent offence by a male person may result in caning as well as an additional term of imprisonment (section 225A (1) (b), 225A (4)).

Under the Criminal Code it is an offence to keep, manage or assist in managing a brothel; rent, lease occupy or be in charge of any premises, knowing that any part of the premises are being used as a brothel or for purposes of habitual prostitution; as a lessor or landlord’s agent, lease premises knowing that any part of the premise is being used a brothel; or willingly be a party to the continued use of any part of the premises as a brothel (section 225B (a), (b) , (c)). Offenders may be punished with six months’ imprisonment or a fine of 100 nira; a second subsequent conviction may be punished with one years’ imprisonment, a fine of 300 nira or both (section 225B(c) (i), (ii)).
The Criminal code also makes it illegal to detain a girl or woman against her will in a brothel or in any premises in order for any man to engage in sexual activity with her. This offence is a misdemeanor that may be punished with two years’ imprisonment (sections 226 (1), (2)). It is a felony to conspire with another person to induce any girl or woman, by false pretences or other fraudulent means, to permit any man to have sexual relations with her. Violators may be punished with three years’ imprisonment (sections 227).

The Trafficking in Persons (Prohibition) Law and Enforcement and Administration Act (Trafficking Act), 2003 although dealing specifically with trafficking of human beings contains provisions that protect children for prostitution.

This law prohibits using deception, coercion or debt bondage to induce a person under 18 years of age into prostitution (Article 12), or to cause or encourage prostitution of a person under 18 years of age by any person having custody of that person. It is illegal to procure a person under the age of 18 years to: (1) engage in sexual activity with another person or persons, in or outside Nigeria; (2) become a prostitute in or outside Nigeria, or to leave Nigeria to become a prostitute; or (3) leave home with the intent of engaging in prostitution (Article 14). It is also illegal to detain a person under 18 years of age for sexual purposes with any man (Article 17 (2)). Perpetrators found guilty of the above mentioned offences may be punished with ten years’ imprisonment (Articles 12, 13 (1), 14, 17(2)).

The Trafficking Act also makes it illegal to use threats, intimidation or false pretences to procure a person under the age of 18 years of age to engage in sexual activity in and outside of Nigeria or to use any drug to overpower a person under 18 years to age in order to have sex with the drugged person. Offenders of these provisions may be punished with a fine or 14 years imprisonment (Article 18).

It is also an offence for any Nigerian resident to encourage the prostitution of a person under 18 years of age (Article 26(1)(a)); permitting such a person’s defilement on one’s premises (Article 26(1) (C)); or allowing such a person to be in a brothel (Article 26(1)(d)). Similarly, it is illegal to keep a brothel or trade in prostitution (Article 26(1) (b), 26 (1) (d)). All these offences may be punished with 10 years’ imprisonment (Article 26(1)).

The Trafficking Act also makes provisions prohibiting sex tourism. It is illegal to organize or promote foreign travel that promotes or encourages prostitution. Perpetrators may be punished with 10 years’ imprisonment (Article 16). Tour operators and travel agents must notify their clients of their obligation under this law, particularly not to aid, abet, facilitate, or promote a person’s exploitation in tourism (Article 30). Contravening the above mentioned provisions may result in a fine or up to 12 months imprisonment.

 Trafficking

The Trafficking Act defines trafficking to include all acts involved in recruiting, transporting, buying, selling, transferring, receiving, or harbouring a person using deception, coercion or debt bondage for purpose of placing or holding a person in involuntary domestic, sexual or reproductive servitude, forced or bonded labour, or slavery-like conditions (Article 50). The definition of trafficking also extends to attempted acts of trafficking.

The Trafficking Law establishes the “National Agency for Prohibition of Traffic in Persons and Other Related Matters” (NAPTIP), which the Nigerian Government set up in August 2003. Section 4 of the Nigerian trafficking law empowers the NAPTIP to coordinate all the laws on trafficking in persons in the country. Thus, all laws on human trafficking at the state level became subordinate to the national law on trafficking.

Under this Act, it is illegal to take or entice a child under 18 years of age from the custody of a lawful guardian; unlawfully convey a child outside Nigeria; forcibly or fraudulently take away or detain a child; or receive or harbour a child knowing that the child has been detained or taken away. Offenders maybe punished with up to 14 years imprisonment (Article 19(1)). It is also an offence to take an unmarried person under 18 years from the custody or protection of the child’s parents, and if found guilty, may be punished with 10 years imprisonment.

Buying, selling, hiring, letting or otherwise obtaining possession or disposing of any person under 18 years of age with the intent to employ or use that person for immoral purposes is a crime that may be punished with 14 years imprisonment (Article 21).
This Act also contains specific provisions relating to slavery. It is a crime to import, export, remove, buy, sell, dispose of, traffic, deal in, accept, receive, or detain any person as a slave (Article 23). It is also illegal to convey or induce any person to enter Nigeria in order to be held, possessed, dealt with or treated in, bought, sold, or transferred as a slave or place in servitude for debt (Article 24 (c)). Similarly, it is illegal to enter a contract or agreement to perform any of the abovementioned offences (Article 24(e)). Contravening all the above provisions can result in life imprisonment (Article 23, 24 (c), 24 (e)).

The Trafficking Act also prohibits commercial carriers from knowingly carrying a person in violation of these laws, and violations may result in two years imprisonment and a fine, in addition to the penalties for any violated provisions (Article 29). Tour operators and travel agents have specific obligations not to aid and abet, facilitate or promote in any way the trafficking in persons by: (1) notifying their clients of the obligations not to aid and abet, facilitate or promote in any way the traffic of any person; (2) inserting clauses in contracts requiring suppliers in destination countries to comply with these obligations; (3) refraining from communicating information via a printed matter, video or the internet that is incompatible with the law; (4) and informing staff of their obligation to publicly promote the principles of this law through inflight magazines, tickets, jackets, Internet units and video on long-haul flights (Article 31).

The Trafficking Act extends the obligation of tour operators and travel agents to notify their clients on the obligations not to aid, abet, facilitate, or promote the involvement of persons in creating pornography (Article 30).

The Trafficking Act allows for the extradition of persons convicted of an offence related to human trafficking outside Nigeria. Upon returning to Nigeria, the convicted person may be tried for bringing the country’s reputation into disrepute and may be required to forfeit assets and may also be punished with up to two years imprisonment (Article 25). Similarly, if a person commits an act outside Nigeria that violates the provisions in the Trafficking Act, the offender may be prosecuted as if the act was committed in Nigeria. Nigeria is a leading member of ECOWAS and has endorsed the ECOWAS Interim Plan of Action to combat trafficking in human beings 2002-2003.

**Pornography**

The Trafficking Law makes it illegal to procure, use, or offer a person for producing pornography or pornographic performance. Violators may be punished with 14 years imprisonment (Article 15). The Trafficking Law however fails to define child pornography.

The Criminal Code also contains provisions that prohibit distributing or projecting “obscene articles” and offenders may be punished with up to three years imprisonment, a fine of up to 400 naira or both (section 233D(1)). The law broadly defines an obscene article as one that, as a whole, tends to deprave or corrupt people who read, see or hear it. An “article” includes anything that is likely to be looked at or read, including a film, a record of a picture or pictures, and sound records (section 233B). This law does not apply to exhibitions in private houses to which the public is not admitted or to television or sound broadcasting (section 233C (2)).