

### Question 3

#### **Defilement of persons under sixteen (16) years of age.**

203.(1) Whosoever, by lewd acts, defiles a person who has not completed the age of sixteen years, shall, on conviction, be liable to imprisonment for a term from four to eight years:

(c) if the offence is committed by any ascendant by consanguinity or affinity, or by the adoptive parents, or by the tutor, or by any other person charged, even though temporarily, with the care, education, instruction, control or custody of the person who has not completed the age of **sixteen years**;

(d) when the offender abuses of a **recognised position** of trust, authority, **influence** or during his duties as a professional in the possession of an official qualification and, or warrant to practice as counsellor, educator, family therapist, medical practitioner, nurse, pathologist, psychiatrist, psychologist, psychotherapist, social worker and, or youth worker over the person who has not completed the age of sixteen years and one of the circumstance referred to below occurs:

#### **Participation in sexual activities with persons under the age of sixteen**

204C (1) Whosoever takes part in sexual activities with a person who has not completed the age of sixteen years shall, on conviction, be liable to imprisonment for a term from five to ten years.

(2) The punishment for the offence in sub-article (1) shall be increased by one or two degrees if any one or more of the following circumstances results:

(c) when the offender abuses of a **recognised position** of trust, authority, **influence** or during his duties as a professional in the possession of an official qualification and, or warrant to practice as counsellor, educator, family therapist, medical practitioner, nurse, pathologist, psychiatrist, psychologist, psychotherapist, social worker and, or youth worker over the person who has not completed the age of sixteen years and one of the circumstance referred to below occurs:(i) the offender wilfully or recklessly endangered the life of the person who has not completed the age of sixteen years;(ii) the offence involves violence or grievous bodily harm to such person;(iii) the offence is committed with the involvement of a criminal organisation within the meaning of article 83A(1).

- **Meeting a child following sexual grooming**

208AA. (1)Whosoever being a person aged eighteen (18) years or over who has met or communicated with a person under the age of sixteen (16) years on one or more occasions intentionally meets or by any means proposes to meet or arranges to meet the said person under the age of sixteen (16) years, who he does not reasonably believe to be over the age of sixteen (16) years, intending to do anything to or in respect of the said person under the age of sixteen (16) years during or after the said meeting which if done would involve the commission of any of the offences in articles 204, 204A to 204D, both included, or208A, shall be liable on conviction to the punishment of imprisonment not exceeding six (6) years.

(2) The punishment for the offence in sub-article (1) shall be increased by one degree, if any one or more of the following circumstances results:

(d) when the offender abuses of a **recognised position** of trust, authority or **influence** over the person under the age of sixteen (16) years.

- **Advertisement of sexual tourism**

208AB. (1) Whosoever disseminates any materials advertising the opportunity to commit any of the offences under articles 204,204A to 204C, both inclusive, 208A(1) and 208A(1A), or is involved in the organization of travel arrangements with the purpose of committing any of the said offences, shall, on conviction, be liable to imprisonment for a term from two to five years.

(2) The punishment for the offence in sub-article (1) shall be increased by one degree, with or without solitary confinement, if any one or more of the following circumstances results:

(d) when the offender abuses of a **recognised position** of trust, authority or **influence** over the person under the age of sixteen (16) years.