

## National Laws

Legislation of Interpol member states on sexual offences against children

# Mauritius – Ile Maurice - Mauricio

Port Louis

## I. Ages for legal purposes

---

### Age of simple majority

No information has been received about the legal age of majority. However, according to the Child Protection Act 1994, 'Child' means any unmarried person under the age of eighteen (18).

### Age of consent for marriage

Article 144, Title V of the Civil Code provides that the age of consent for marriage is complete eighteen (18) years old. However, a person under the age of eighteen (18) and over sixteen shall be able to contract marriage with his or her parents allowance or the person who has legal authority.

## II. Rape

---

### Article 249 'Rape, attempt upon chastity and illegal sexual intercourse' of the Penal Code

*'(1) Any person who is guilty of the crime of rape, shall be liable to penal servitude.*

*... (3) Any person who commits an indecent act, even without violence and with consent, upon a child of either sex under the age of twelve (12) shall be liable to penal servitude for a term not exceeding five (5) years.*

*Any person who has sexual intercourse with a female under the age of sixteen (16), even with consent, shall be liable to penal servitude not exceeding ten (10) years.*

*(a) Any person who has sexual intercourse with a specified person, even with consent, shall commit an offense and shall, on conviction, be liable to penal servitude.*

*Any person who commits an indecent act, even without violence and with consent, upon a specified person shall commit an offence and, on conviction, be liable to penal servitude for a term not exceeding eight (8) years.*

*In this subsection, 'specified person'--*

*means any person who, in relation to the person charged, comes within the prohibited degrees set out in articles 151 and 152 of the Code Napoleon;*

*includes—*

*a step child or an adopted child, of whatever age, of the person charged;*

*a child of whatever age whose custody or guardianship has been entrusted to the person charged by virtue of any other enactment or of an order of a court.'*

### **III. Child prostitution**

---

#### **Section 14 'Sexual offenses' of the Child Protection Act, 1994**

*'(1) Any person who causes, incites or allows any child-*

- 1. to be sexually abused by him or by another person;*
- 2. to have access to a brothel;*
- 3. to engage in prostitution*

*shall commit an offense.'*

#### **Section 18 § 5 'Offenses and Penalties' of the Child Protection Act, 1994**

*'(5) Any person who commits an offense under Section 14 or 15 shall, on conviction, be liable—*

- 1. where the victim is mentally handicapped, to a fine not exceeding 75,000 rupees and to an imprisonment for a term not exceeding eight (8) years.*
- 2. in any other case, to a fine not exceeding 50,000 rupees and to an imprisonment for a term not exceeding five (5) years.'*

### **IV. Child pornography**

---

#### **Section 13 § 2 'Ill treatment' of the Child Protection Act, 1994**

*'For the purposes of this section, any person in an advertisement exploits a child by using him in such a way as is likely to cause in him or in any child watching him reactions which are contrary to morality or detrimental to psychological development shall be deemed to expose a child to harm.'*

**Section 15 'Child trafficking' of the Child Protection Act, 1994**

*'Any person who wrongfully takes part in any transaction, the object or one of the objects of which is to transfer or confer, wholly or partly, permanently or temporarily, the possession, custody or control of a child for valuable consideration shall commit an offense.'*

**Section 18 § 4 'Offenses and Penalties' of the Child Protection Act, 1994**

*'An person who commits an offense under section 9, 13 or 16 shall on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding two years.'*