

National Laws

Legislation of Interpol member states on sexual offences against children

Trinidad & Tobago - Trinité et Tobago - Trinidad y Tobago

Port of Spain

The information on this page is up to date as of spring 2006

I. Ages for legal purposes

Age of majority (civil)

Under the Age of Majority Act Chapter 46:06 the age of simple majority is eighteen (18) years of age.

Age of consent for a sexual activity

The legal age at which a male or a female citizen of Trinidad & Tobago is permitted to have sexual Intercourses is sixteen (16) years and over. This governed by the Sexual Offences Act 1986 as amended by Section 31 of the Sexual Offences Act 2000

Age of consent for civil marriage

The age of consent for marriage is governed by **the Marriage Act Chapter 45:01**, which lays down the provisions for the marriage of a minor with the consent of his or her parents or guardian. Bearing this in mind we must look to the definition of minor as found in the Citizenship of the Republic of Trinidad & Tobago Act chapter 1:50. A minor is defined as 'being a person who has not attained the age of 18 years'.

Under the **Muslim Marriage and Divorce Act Chapter 45:02 section 8**, the age at which a person being a member of the Muslim Community, is capable of contracting marriage shall be sixteen (16) in the case of males and twelve (12) in the case of females. However in the case of an intended marriage between persons either of whom is under eighteen (18) consent is required from a father and if deceased from a guardian.

Under the **Hindu Marriage Act Chapter 45:03 section 11**, the age at which a person being a member of the Hindu faith or religion is capable of contracting marriage shall be eighteen (18) years in case of males and fourteen (14) years in case of females. Notwithstanding this, the marriage of a male or female under the ages of eighteen (18) and sixteen (16) respectively may be solemnized where the appropriate consent of a parent or a guardian has been obtained.

II. Rape

Rape is governed by Sexual Offences act N° 27 of 1986 as amended by Sexual Offences Act N° 31 of 2000

Rape is an indictable offence, which is described in Legislation as:

Grievous Sexual Assault

4 (1) Subject to subsection (2), a person ('the accused') commits the offence of rape when he has sexual intercourse with another person ('the complainant') -

a. without the consent of the complainant where he knows that the complainant does not consent to the intercourse or he is reckless as to whether the complainant consents; or

b. with the consent of the complainant where the consent-

1) is extorted by threat or fear of bodily harm to the complainant or to another

2) is obtained by personating someone else

3) is obtained by false or fraudulent representations as to the nature of the intercourse: or

4) is obtained by unlawfully detaining the complainant?

III. Other form of child sex abuse

Other sexual offences provided by Sexual Offences Act N° 27 of 1986 as amended by Sexual Offences Act N° 31 of 2000 are:

- Sexual intercourse with a female under 14
- Sexual intercourse with a female between 14 and 16
- Sexual intercourse with a male under 16
- Incest
- Sexual intercourse with adopted minor
- Sexual intercourse with employed minor
- Sexual intercourse with mentally subnormal person
- Buggery
- Bestiality
- Indecent assault
- Serious indecency
- Procuring defilement of a person

- Detention of a person
- Abduction of a female

Section 6. Sexual Intercourse with a female under fourteen years

Where a male person has sexual intercourse with a female person who is not his wife and who is under the age of fourteen years, he is guilty of an offence, whether or not the female person consented to the intercourse and whether or not at the time of the intercourse he believed her to be fourteen years of age or more, and is liable on conviction to imprisonment for life.

Where a marriage is invalid under Section 13 of the Matrimonial Proceedings and Property Act, the invalidity does not make the husband guilty of an offence under this Section because he has sexual intercourse with the wife, if he believes her to be his wife and reasonable cause for the belief.

Section 7. Sexual intercourse with a female between fourteen and sixteen years

Where a male person has sexual intercourse with a female person with her consent and who has attained the age of fourteen years but has not yet attained the age of sixteen, he is guilty of an offence, and is liable on conviction to imprisonment for twelve years, for a first offence and to imprisonment for fifteen years for a subsequent offence.

A male person is not guilty of an offence under subsection (1) – (a) if he honestly believed that the female person was sixteen years of age or more; or (b) if the male person is not more than three years older than the female person and the court is of the opinion that the evidence discloses that as between the male person and the female person, the male person is not wholly or chiefly to blame.

Section 8. Sexual Intercourse with a male under sixteen years.

Where a female adult has sexual intercourse with a male person who is not her husband and who is under the age of sixteen years, she is guilty of an offence, whether or not the male person consented to the intercourse, and is liable on conviction to imprisonment for five years.

A female adult is not guilty of an offence under subsection (1) – (a) if she honestly believed that the male person was sixteen years of age or more; or (b) if the female adult is not more than three years older than the male person and the court is of the opinion that the evidence discloses that as between the female person and the male person, the female person is not wholly or chiefly to blame.

Section 9. Incest

A person commits the offence of incest who, knowing that another person is by blood relationship, his or her parent, child, brother, sister, grandparent, grandchild, uncle, niece, aunt or nephew, as the case may be, has sexual intercourse with that person.

A person who commits the offence of incest is liable on conviction to imprisonment -
(a) if committed by an adult with person under fourteen years of age, for life;
(b) if committed by an adult with a person fourteen years of age or more, for life imprisonment;
(c) if committed between minors fourteen years of age or more, for two years.

A person is not guilty of an offence under this section if that person committed the offence under restraint, duress or fear.

In this section, any expression importing a relationship between two persons shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock, and "brother" includes half-brother and "sister" includes half-sister.

Section 10. Sexual Intercourse with adopted minor

An adult who has sexual intercourse with a minor who is the adult's adopted child, stepchild, foster child, ward or dependent in the adult's custody is guilty of an offence.

An adult who commits an offence under this section is liable to imprisonment –
(a) if committed with a minor under fourteen years of age, for life;
(b) if committed with a minor fourteen years of age or more, for twenty-five years.

An adult shall not be guilty of an offence under this section if the minor is the spouse of the adult.

Section 11. Sexual Intercourse with a minor employee.

An adult who has sexual intercourse with a minor who –
(a) is in the adult's employment; or
(b) is in respect of any employment or work or in any way subject to the adult's control or direction; or
(c) receives his or her wages or salary directly or indirectly from the adult, is guilty of an offence and is liable on conviction to imprisonment for twenty-five years.
For the purpose of subsection (1) it is a defense for the adult to prove that the minor employee consented to the intercourse.

An adult shall not be guilty of an offence under this section if the minor is the spouse of the adult.

Section 12. Sexual Intercourse with mentally subnormal person.

Where a person under circumstances that do not amount to rape has sexual intercourse with another who is mentally subnormal and who is not the person's spouse, that person is guilty of an offence and liable on conviction to imprisonment for twenty-five years.

It is a defense for that person to prove that he did not know and no reason to believe that the other person was mentally subnormal.

In this section "mentally subnormal" means a state of arrested or incomplete development of mind which includes a significant impairment of intelligence and social functioning and is associated with abnormally aggressive or seriously irresponsible conduct on the part of the person concerned.

No proceedings for an offence under this section shall be instituted except by or with the consent of the Director of Public Prosecutions who shall regard inter alia as to whether or not any abuse in relation to the mentally subnormal person has been committed.

Section 13. Buggery

A person who commits Buggery is guilty of an offence and is liable on conviction to imprisonment –

- (a) if committed by an adult on a minor, for life;
- (b) if committed by an adult on another adult, for twenty-five years;
- (c) if committed by a minor, for five years.

In this section "Buggery" means sexual intercourse per anus by a male person with a male person or by a male with a female person.

Section 14. Bestiality.

A person who commits "Bestiality" is guilty of an offence and is liable on conviction to imprisonment for fifteen years.

In this section "bestiality" means sexual intercourse per anus or per vagina by a male or female person with an animal.

Section 15. Indecent Assault

A person who indecently assaults another is guilty of an offence and is liable on conviction to imprisonment for five years for a first offence and to imprisonment for ten years for a subsequent offence.

A person under the age of sixteen years cannot in law give any consent, which would prevent an act being an assault for the purposes of this section.

In this section, "Indecent Assault" means an assault accompanied by words or circumstances indicating an indecent intention.

Section 16. Serious Indecency.

A person who commits an act of serious indecency on or towards another is guilty of an offence and is liable on conviction to imprisonment –

- (a) if committed on or towards a minor under sixteen years of age, for ten years for a first offence and to imprisonment for fifteen years for a subsequent offence.
- (b) if committed on or towards a person sixteen years of age or more, for five years.

Subsection (1) does not apply to an act of serious indecency committed in private between – (i) a husband and his wife; or (ii) a male person and a female person each of whom is sixteen years of age or more, both of who consent to the commission of the act.

An act of “serious indecency” is an act, other than sexual intercourse (whether natural or unnatural), by a person involving the use of the genital organ for the purpose of arousing or gratifying sexual desire.

Section 18. Procuring defilement of a person.

A person who –

by threats or intimidation procures another to have sexual intercourse with any person either in Trinidad and Tobago or elsewhere; or

by deception procures another to have sexual intercourse with any person either in Trinidad and Tobago or elsewhere; or

applies, administers to or causes to be taken by any person any drug, matter or thing with intent to stupefy or overpower that person so as thereby to enable any other person to have sexual intercourse with that person, is guilty of an offence and is liable on conviction to imprisonment for fifteen years.

Section 19. Detention of a person.

A person who detains another against that other's will –

(i) in or upon any premises with intent that the person detained may have sexual intercourse with any person; or

(ii) in any brothel, is guilty of an offence and is liable on conviction to imprisonment for ten years.

A Magistrate or Justice who is satisfied upon oath that there is reasonable ground for believing that a person is unlawfully detained in any place for immoral purposes, may issue a warrant authorizing any Constable to enter (if need be by force) and search any place specified in the warrant and to remove any person so detained and apprehend any person accused of the unlawful detention.

Section 20. Abduction of a female.

A person who takes away or detains a female person against her will with intent – to marry her or to have sexual intercourse with her; or to cause her marry or to have sexual intercourse with a male person, is guilty of an offence and is liable on conviction to imprisonment for ten years.

IV. Child prostitution

Children Act Chapter 46:01

Section 7- 'Allowing children or young persons to be in brothels'

If any person having the custody, charge or care of a child or young person between the ages of 4 and 16 allows that child or young person to reside in or to frequent a brothel, he is liable on conviction...

Section 8 - 'Causing, encouraging or favouring the seduction or prostitution of a young girl'

If any person having the custody, charge or care of a girl under the age of 16 causes or encourages the seduction or prostitution or unlawful carnal knowledge of that girl, he is liable, on conviction on indictment, to imprisonment for 2 years.

Sexual Offences Act N° 27 of 1986, as amended by Sexual Offences Act N° 31 of 2000

Section 17 - Procuring

(1) A person who -

- a. procures a minor under 16 years of age, to have sexual intercourse, with any person either in Trinidad & Tobago or elsewhere; or
- b. procures another for prostitution, whether or not the person procured is already a prostitute, either in Trinidad & Tobago or elsewhere; or
- c. procures another to become an inmate, whether or not the person procured is already an inmate elsewhere, or to frequent a brothel either in Trinidad & Tobago or elsewhere is guilty of an offence and is liable on conviction to imprisonment for 15 years.

Section 21 - 'Householder etc. permitting defilement of a minor under 16 years of age'

1) A person who-

- a. being the owner, or occupier or manager of premises;
- b. having control of premises or assisting in the management or control of premises, permits a minor under 16 years to resort or to be in or upon the premises for the purpose of having sexual intercourse with any person is guilty of an offence and is liable on conviction to imprisonment to 10 years.

Section 22 - 'Suppression of brothels'

1) A person who -

- a. keeps or manages or acts or assists in the management of a brothel; or

- b. being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits the premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution; or
- c. being the lessor or landlord of any premises, or the agent of the lessor or landlord, lets the same or any part thereof with the knowledge that the premises or some part thereof are or is to be used as a brothel, or is willfully a party to the continued use of the premises or any part thereof as a brothel is guilty of an offence and is liable on conviction to imprisonment for 5 years.

Section 23 - 'Person living on earnings of prostitution'

A person who -

- a. knowingly lives wholly in or in a part on the earnings of prostitution, or
- b. in any places solicits for immoral purposes, is guilty of an offence and is liable on conviction to imprisonment for 5 years

Section 24 - 'Person aiding in prostitution'

A person who for purposes of gain, exercises control, direction or influence over the movements of a prostitute in a way which shows that the person is aiding, abetting or compelling the prostitution is guilty of an offence and is liable on conviction to imprisonment for 5 years.

V. Child pornography

The legislation does not specifically pertain to child pornography, but to all pornographic material.

Section 46(g) of the Summery Offences Act Chapter 11:02

Any person who offers for sale or distribution or who exhibits to public view, any profane, indecent, or obscene book, paper, print, drawing, painting or representation, shall be liable to imprisonment for 2 months.

Section 104 - Indecent pictures and writings

Any person who-

- a. affixes to or inscribes an any land, building, wall, hoarding, gate, fence, pillar, post, board, tree or any other thing whatsoever, so as to be visible to any person being in or passing along any street or being in any house; or
- b. delivers, sends or exhibits to any person being in or passing along any street; or

- c. throws into any house, yard or premises; or
- d. exhibits to public view in the window or any house or shop, any picture or printed or written matter which is of an indecent or obscene nature, is liable to a fine of 400 \$.

There are no statutory provisions for the mere possession of child pornography materials.

VI. Internet

At present the legislation of Trinidad & Tobago does not encompass or cover 'crimes against children using Internet'.