

BAREFOOT LAWYERS GUIDE- RAPE AND DEFILEMENT

Qn 1: What is the difference between Rape and Defilement

- BarefootLaw Answer: Defilement occurs when one performs an unlawful sexual act on a person below 18 years old, while rape is one having sexual intercourse with a woman older than 18 years old, and without her consent.

Qn 2: What happens if two children have sexual intercourse

- BarefootLaw Answer: Before 2007, "Defilement" was defined as sex with a GIRL below 18 years old. This meant that if two children had sex, the male child would be guilty of defilement. The 2007 changes to the law redefined "Defilement" as sex with any PERSON below 18 years old, which necessitated the redefinition of "Child to Child sex". Under these changes, if two children have sexual intercourse, then both will be treated as offenders and dealt with according to the law governing Children.

Qn 3: What is the difference between defilement and aggravated defilement?

- Under the revised Penal Code Act, defilement was separated into two broad categories. 1) "Defilement", which is punishable by life in prison, and can be tried by the Magistrates court: 2) "Aggravated defilement" which is a capital offense, punishable by death, and only triable by the High court.

Qn 4 : Is it defilement if I have sex with a secondary school girl who is above 18 years old, and with her permission?

- Barefootlaw Answer: No, since she is not a child anymore, and she gave permission so it cannot be rape.

Qn 6: Why is this law of defilement for boys only yet you can find a case where girl is older than a boy. Can women commit defilement?

- Barefootlaw Answer: Yes, the law on defilement was changed and applies now to anyone having sex with anyone below the age of 18 years old, for both boys and girls.
- If a woman has sex with an underage boy, then that will be considered defilement, the same applies if a man has sex with an sex with a girl.

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ANY FURTHER QUESTIONS?

If you have any questions or issues regarding RAPE AND DEFILEMENT or any other legal issues, ask Barefootlaw by calling 0800XXXXXX, sending an SMS with keyword LAW and then your question to 6464, or contact us over the internet by posting your question on our wall, sending a private message, call 0751529937 or email at ask@barefootlaw.org.