

eSwatini

Girls' and Women's Protection Act, 1920

Act 39 of 1920

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Girls' and Women's Protection Act, 1920

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Girlsâ and Womenâs Protection Act, 1920

Act 39 of 1920

Commenced on 17 September 1920

[This is the version of this document at 1 December 1998.]

An Act to provide for the protection of women and girls.

1. Short title

This Act may be cited as the Girls' and Women's Protection Act, 1920.

2. Interpretation

In this Act, unless the context otherwise requires—

“**unlawful carnal connection**” means carnal connection otherwise than between husband and wife.

3. Offences in relation to girls under sixteen

- (1) Every male person who has unlawful carnal connection with a girl under the age of sixteen years or who commits with a girl under that age immoral or indecent acts or who solicits or entices a girl under such age to the commission of such acts shall be guilty of an offence and liable on conviction to imprisonment not exceeding six years with or without whipping not exceeding twenty-four lashes and with or without a fine not exceeding one thousand emalangeni in addition to such imprisonment and lashes.
- (2) If, upon the trial of any person for the crime of rape, the court is satisfied that the accused is guilty of an offence under subsection (1), but is not satisfied that he is guilty of the crime of rape or of an assault with intent to commit rape, it may acquit the accused of rape and find him guilty of an offence under subsection (1) and thereupon he shall be liable to the punishments provided therein.
- (3) If upon the trial of any person for the crime of rape or assault with intent to commit rape or for an offence under subsection (1) insufficient evidence is adduced *aliunde* as to whether or not the complainant is under the age when her consent would be a lawful defence to the act charged against the accused, the court may decide the question of the complainant's age from her appearance:

Provided that it shall be a defence to any charge under this section if it appears to the court before whom the charge is brought that the girl at the time of the commission of the offence charged was a prostitute, or that the person so charged was at the said time under the age of sixteen years:

Provided further that this section shall not be deemed to alter or impair the law in regard to the crime of rape upon girls who are of or above the age of twelve years and under the age of sixteen years.

4. Offences with female idiots and imbeciles

Every person who—

- (a) has or attempts to have carnal connection with any female idiot or imbecile under circumstances which do not amount to rape;
- (b) commits or attempts to commit immoral or indecent acts with such female; or

- (c) solicits or entices such female to the commission of immoral or indecent acts;
shall be guilty of an offence if it is proved that he knew that such female was an idiot or imbecile, and liable on conviction to the penalties mentioned in [section 3](#).