

**UNITED NATIONS SECRETARY GENERAL'S STUDY ON
VIOLENCE AGAINST CHILDREN**

RESPONSES OF THE GOVERNMENT OF THE GAMBIA

I. LEGAL FRAMEWORK

International Human Rights Instruments

1. Describe any developments with respect to violence against children which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo protocol or regional human rights instruments. Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.

In its drive to fulfil the commitments concomitant with the ratification of the child related international legal instruments, in particular the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and ILO Conventions 138 and 182, the country has harmonised its domestic or national laws with the aforesaid legal instruments. The country now has a Children Bill which is awaiting promulgation by the National Assembly. A Code of Conduct relating to CSEC for the tourism industry, the Tourism Offences Act, 2003 and a National Children Policy have now been developed and operational.

The country has signed but not ratified the two Optional Protocols to the UN CRC.

Legal provisions on violence against children

2. Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary laws.

Violence against children, such as neglect, sexual abuse and exploitation, pornography, infanticide, incest and assault are addressed in the Chapter XV of the Criminal Code Act Cap 10 Vol. III laws of the Gambia 1990, Tourism Offences Act, 2003, Chapter IV of The Constitution of the Republic of the Gambia 1997, Anti-Terrorism Act No. 6 of 2003 and Children and Young Persons Act Cap 45 Vol. V Laws of The Gambia.

3. Provide details of any specific legislative provisions on

- **Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment and sexual abuse;**
- **Protection of children from all forms of violence;**
- **Redress, including compensation, for child victims of violence;**
- **Penalties for perpetrators of violence against children;**
- **Reintegration and rehabilitation of child victims of violence**

See annex

4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:

- **The Family/home;'**
- **Schools and pre-school care and education (both formal and non-formal, state and private)**
- **Military schools;**

- **Institutions, state and private, including care, residential, health and mental health;**
- **The context of law and public order enforcement including in detention facilities or prisons;**
- **The neighbourhood, street and the community, including rural areas;**
- **The workplace (informal and formal);**
- **Sports and sporting facilities.**

The following legislative provisions address all forms of violence and are applicable to all places: Chapter XV of the Criminal Code Act Cap 10 Vol. III laws of the Gambia 1990, Chapter IV of The Constitution of the Republic of the Gambia 1997, Anti-Terrorism Act No. 6 of 2003 and Children and Young Persons Act Cap 45 Vol. V Laws of The Gambia.

5. Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.

Corporal punishment of children is not explicitly prohibited in our legal system.

6. Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by under 18 years olds.

The Criminal Code of The Gambia and the Children and Young Persons Act both sanction the corporal punishment of children under 18 years old. Section 13 (e) of the Children and Young Persons Act allow whipping as one of the methods to deal with children charged with an offence. Section 16 of the same Act makes it lawful for a police officer who is thirty years or more and of or above the rank of inspector to order the caning of a child who is 7 years old or more who commits an offence against any law “which could, if it had been committed by an adult, be tried by the procedures specified for petty cases, or any misbehaviour in any public place, and considers that such offence or misbehaviour can in all the circumstances best be dealt with in a summary fashion...” However, this section indicates that the strokes should not be more than 10, and no female over the age of thirteen years should be caned.

Section 27 (c) of the Criminal Code indicates corporal punishment as one of the punishment that a court can order or inflict. Section 30 (1) “A sentence of corporal punishment shall be to be privately whipped once only. Such whipping shall be with a rod or cane to be approved by the Minister or with such other instrument as the Minister may approve. The sentence shall specify the number of strokes which shall not exceed twenty four.” Section 30 (2) indicates that corporal punishment as a sentence should not be passed on females. Section 30 (3) provides for the corporal punishment of a male person under the age of seventeen but the punishment should not exceed 12 strokes “either in addition to or in substitution of any punishment to which he is liable.”

7. Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.

Section 126 (3) of the Criminal Code of The Gambia makes sexual harassment a criminal offence.

Section 126 (3)
Indecently insulting or annoying females

Whoever intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such work or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman is guilty of a misdemeanour, and is liable to imprisonment for one year.

8. Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crimes are addressed in your country.

Harmful traditional practices are addressed through advocacy with policy makers, politicians, traditional and religious leaders, and the women circumcisers. Public awareness is also raised through workshops and radio programmes. NGOs such as BAFROW and GAMCOTRAP are focusing greatly in that direction, and often go to the grassroots to discuss the issues, in particular female genital mutilation.

9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.

All the legislations that address violence against children also protect and apply to all children, regardless of nationality.

10. Provide information on any difference in the definition of violence and the applicable legal framework according to:

- **The sex or sexual orientation of the victim and/or the perpetrator;**
- **The age of the victim and/or the perpetrator;**
- **The relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage, incest, and sexual abuse within the family, and physical chastisement.**

11. Provide information on any recent comprehensive review of the legal framework to address violence against children.

The Government of The Gambia, with support from the UNICEF-Banjul Office, has been able to review and, in some instances, repeal the provisions of some domestic laws relating to children so as to bring them in line with the provisions in the CRC and other international legal instruments that the country has ratified. The outcome of that exercise is a Children Bill which would be tabled before the National Assembly for promulgation into law.

12. Provide information on any studies and surveys which have been undertaken to assess the impact of legal measures to address violence against children.

Baby Abandonment Study, Study on the Sexual Abuse and Exploitation of Children in The Gambia (2003), Gambia....the Smiling Coast (2002)

Courts tasked with addressing violence against children

13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.

The Magistrate's Court is generally tasked with addressing violence against children

The Gambia has no specific family or juvenile courts. However, juvenile cases are heard in camera and the court ensures the involvement of the Department of Social Welfare in the disposition of such cases. The Department of Social Welfare and the Police have also developed a set of procedures known as the "After Arrest Procedures" which clearly stipulate the role of each agency in juvenile justice matters, from the point of arrest to the disposition of the case at court.

Minimum age for sexual activity

14. Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?

In the Criminal Code male children under 12 years are presumed to be incapable of having carnal knowledge, while unlawful carnal knowledge of girls under 16 years is a criminal offence.

Section 12

A male person under the age of twelve years is presumed to be incapable of having carnal knowledge.

Section 127

Defilement of girl under 16 years

(1) Any person who unlawfully and carnally knows any girl under the age of sixteen years is guilty of a felony, and is liable to imprisonment for a term of fourteen years.

15. Provide information on the minimum age of marriage for women and men

There is no minimum age of marriage for women and men. However, Section 27 of the 1997 Constitution of The Gambia stipulates that marriage shall be based on the free and full consent of the parties.

Section 27

Right to marry

1. Men and women of full age and capacity shall have the right to marry and found a family.
2. Marriage shall be based on the free and full consent of the intended parties

Sexual exploitation of children

16. Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalized. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.

The Tourism Offences Act, 2004, certain provisions in the Criminal Code are some legislative measures to prevent the commercial sexual exploitation of children. A Code of Conduct has been developed by the Gambia Tourism Authority, with technical and financial support from CPA and UNICEF respectively, which explicitly forbids sexual exploitation of children under 18 years in the Tourism Development Area and other places frequented by tourists and which is being signed up to by stakeholders in the tourism industry. The Tourism Offences Act, 2003, has been developed into a brochure which is being circulated to tourists upon arrival at the country's main airport. Trainings on the detection and prevention of commercial sexual exploitation have been undertaken with employers and employees in the tourism sector as well as with the security officers.

Criminal Code, Laws of The Gambia

Sections 131

Housekeeper, etc. permitting defilement of girl under 13 years on his premises

Any person who, being the owner or occupier of any premises or having the management or control thereof, induces or knowingly suffers **any girl under the age of thirteen years** to resort or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a felony, and is liable to imprisonment for a term of five **years**.

Provided that it shall be sufficient defence to any charge under this section if it shall be made to appear to the court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of sixteen years.

Section 132

Housekeeper, etc. permitting defilement of girl under 13 years on his premises

Any person who, being the owner or occupier of any premises or having the management or control thereof, induces or knowingly suffers any girl above the age of thirteen years and under the age of sixteen years to resort or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a misdemeanour.

Provided that it shall be sufficient defence to any charge under this section if it shall be made to appear to the court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of sixteen years.

Section 133
Detention with intent or in brothel

Any person who detains any woman or girl against her will-

- (a) in or upon any premises with intent that she may have unlawful and carnally known by any man, whether any particular man or generally; or
- (b) in any brothel

is guilty of a misdemeanour.

When a woman or girl is in or upon any premises for the purpose having any unlawful carnal connection, or in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel if, with intent to compel or induce her remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the directions of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

No legal proceedings, whether civil or criminal, shall be taken against such woman or girl for taking away or being found in possession of such wearing apparel as was necessary to enable her to leave such premises or brothel.

Section 138
Brothels

Any person who keeps a house, room, set of rooms, or place of any kind whatsoever for the purpose of prostitution is guilty of a misdemeanour.

Tourism Offences Act, 2003

Section 5
Unwanted sexual Advances

A person who makes an unlawful sexual advance to a child commits an offence and is liable on conviction to a fine of twenty thousand dalasis or imprisonment for a term not exceeding two years, or to both the fine and imprisonment.

Section 6
Sexual abuse of child

- (1) A tourist who sexually abuses a child commits an offence whether or not the child consented to the sexual abuse and whether or not at the time of the sexual abuse the tourist believed the child to be over eighteen years.
- (2) A tourist who commits an offence under subsection (1) is liable on conviction to imprisonment for a term of fourteen years

Section 7
Procurement of a child for sex

A tourist or any other person who procures a child-

- (a) to have sexual intercourse with any person either in The Gambia or elsewhere.
- (b) for prostitution , whether or not the child procured is already a prostitute , either in The Gambia or elsewhere ;or
- (c) to become an inmate of a brothel or to frequent a brothel whether not the child procured is already an inmate of a brothel in The Gambia or elsewhere,

commits an offence and is liable on conviction to imprisonment for a term of ten years.

Section 8
Child pornography

(1) A tourist or any other person who-

- (a) takes any indecent photograph of a child;
- (b) distributes or show an indecent photograph of whether or not with a view to its being distributed or shown by that person or any other person ; or
- (c) publishes or causes to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows indecent photographs of children or intends to do so,

commits an offence and is liable on conviction to imprisonment for a term of five years.

(2) For the purposes of this section, a person is to be regarded as distributing an indecent photograph if that person parts with possession of the photograph, or exposes or offers it for acquisition by another person to prove-

- a. that he or she had am legitimate reason for distributing or showing the photograph or having it in his or her possession, as the case may be; or
- b. that he or she had not himself or herself seen the photograph and did not know, nor had any cause to suspect it to be indecent.

Section 9
Sexual exploitation of a child

(1) A tourist, or any other person in a position of trust or authority towards a child or with whom a child is in a relationship of dependency, who for a sexual purpose-

- a. touches, directly or indirectly, or with an object, any part of the body of the child; or
- b. invites, or counsels a child, to touch , directly or indirectly, or with an object, any part of the body of any person, including the body of the person who so invites, or counsels,

commits an offence and is liable on conviction to imprisonment for a term of not less than five years.

Section 10
Bestiality in the presence of a child

A tourist who, in the presence of the a child, commits bestiality or who invites s child to commit bestiality, commits an offence and is liable on conviction to imprisonment for a term of not less than ten years.

Section 11
Owners' occupiers and managers not to permit children in premises for sexual activities.

Every owner, occupier or manager of premises or any other person who has control of premises or assists in the management of or control of premises who knowingly permits a child to resort or to be in or on the premises for the purpose of engaging in any sexual activity prohibited by this Act commits an offence and is liable on conviction to a fine of not less than fifty thousand dalasis or imprisonment for a term of not less than five years, or to both the fine and the imprisonment.

Indecent acts by tourist 12. A tourist or any other person who, in any place, for a sexual purpose, exposes his or her genital organ to a child commits an offence and is liable on conviction to a fine of not less than ten thousand dalasis or imprisonment for a term of not less than two years.

Section 13
Trafficking

A tourist or any other person who buys, sells, procures or, traffics in or brings into or take out of The Gambia for the purpose of trafficking, a child, commits an offence and is liable on conviction to a fine of not less than one thousand dalasis and imprisonment for a term of not less than five years.

Children and Young Persons Act

Section 25
Prohibition against dealing in children

(1) No person shall give or acquire the custody, possession, control or guardianship of a child whether or not for pecuniary or other benefit in such circumstances that it may reasonably be inferred that such child has been sold or bartered or that, by reason of such giving or acquiring, such child may be inferred to be placed in moral danger.

(2) In any prosecution under subsection (1) of this section, where it is proved that the custody, possession, control or guardianship of a child has been given to or acquired by a person other than a person being a member of the family of such child it shall be presumed by the court that such child has been given or acquired in contravention of the provisions of subsection (1) of this section:

Provided that it shall be a defence to prove that such child was so given or acquired in accordance with customary law so far as such.

(5) Any person contravening the provisions of this section or of any rules made there under shall be liable on conviction to imprisonment for a term of seven years.

(6) In this section the expression ‘‘moral danger’ includes slavery, child bondage and exposure to destitution, prostitution or immorality of any kind.

Pornography and harmful information

17. Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the internet.

Section 165 of the Criminal Code and Section 8 of the Tourism Offences Act prohibits the production, possession and dissemination of child pornography.

There is no measure or control on pornography produced and/or disseminated via the internet.

Criminal Code, Laws of The Gambia

Section 165 Traffic in Obscene Publications

Any person who-

(a) sells, lets to hire, distributes, or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever;

(b) import, export or convey any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that any such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation;

(c) takes part in or receives profit from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited, or in any manner put into circulation;

(d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be produced from or through any person; or

(e) exhibits any indecent show or performance in any public place

is guilty of a misdemeanour.

Every person committing any such misdemeanour as aforesaid forfeits to the State all obscene books, pamphlets, papers, drawings, paintings, representations or figures or any other obscene objects whatsoever connected with the committing of such misdemeanour. of the above-mentioned obscene materials or person engaged or ready to engage in the above

Tourism Offences Act, 2003

**Section 8
Child pornography**

(2) A tourist or any other person who-

(b) takes any indecent photograph of a child;

(b) distributes or show an indecent photograph of whether or not with a view to its being distributed or shown by that person or any other person ; or

(c) publishes or causes to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows indecent photographs of children or intends to do so,

commits an offence and is liable on conviction to imprisonment for a term of five years.

(2) For the purposes of this section, a person is to be regarded as distributing an indecent photograph if that person parts with possession of the photograph, or exposes or offers it for acquisition by another person to prove-

c. that he or she had am legitimate reason for distributing or showing the photograph or having it in his or her possession, as the case may be; or

d. that he or she had not himself or herself seen the photograph and did not know, nor had any cause to suspect it to be indecent.

18. Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, internet, videos, electronic games, etc.

Reporting obligations relating to violence against children

19. Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are require to report, or whether obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.

There is no mandatory reporting of all forms of violence against and abuse of children.

Complaint Procedures

20. Provide information on any complaints procedures relating to all forms of violence against children perpetrated in:

- **The Family/home;'**
- **Schools and pre-school care and education (both formal and non-formal, state and private)**

- **Military schools;**
- **Institutions, state and private, including care, residential, health and mental health;**
- **The context of law and public order enforcement including in detention facilities or prisons;**
- **The neighbourhood, street and the community, including rural areas;**
- **The workplace (informal and formal);**
- **Sports and sporting facilities.**

There are no standard or uniform complaints procedures relating to all forms of violence against children. However, in stances of violence and abuse against children, people often make referral to the Department of Social Welfare or the Police. The education system, military and residential institutions have their separate internal complaints procedures.

21. Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.

More often than not, these complaints procedural mechanisms are access o behalf of children by parents or concerned adults.

Legal aid is only provided by the state in cases of felony, such as murder.

22. Describe steps which have been taken to raise awareness of possibilities to submit complaints about violence against children.

23. Provide information on any special procedural or evidentiary rules which may apply in proceedings with respect to violence against children.

Any person charged with committing any child sexual abuse or exploitation shall be tried in accordance with the provisions of the Criminal Procedure Code, Cap 12:01 Vol. III laws of the Gambia 1990, the Evidence Act 1994 and any other written law. The former prescribes procedure in criminal trials generally. The Evidence Act prescribes procedure for leading with evidence during all trials in court. S.24 of the Constitution also provides for the fair trial of the offender. The Children and Young Persons Act also regulates procedure for trial of juveniles.

24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

Perpetrators of violence against children are punished according to the sentences prescribed by law. However, there have been very few convictions in the cases of sexual abuse and exploitation against children.

25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).

Young persons who are found guilty of perpetrating violence are often fined (to be paid by the parent or guardian). In some instance they are imprisoned and sent to the Juvenile Wing which is built purposely for the rehabilitation of juvenile offenders. However, the Children and Young Persons Act indicates that children under the age of 14 years should not be imprisoned, while imprisonment should be the last resort for young persons convicted for an offence.

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

26. are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level which are currently responsible for addressing violence against children?

The Department of Social Welfare, the Police, the Department of State for Justice and the Medical and Health are the Governmental structures that are responsible for addressing violence against children.

Coordination between and among these authorities is rather weak, although efforts are underway to establish a multi-disciplinary interagency team that would set up mechanisms and protocols to address violence against children

27. Is there a lead Government authority tasked with responsibility for addressing violence against children?

If Yes, provide details.

The Department of Social Welfare has the statutory responsible for protecting children against violence against children and is thus the lead Government authority tasked with responsibility for addressing violence against children.

28. Are specific financial and/or human resources allocated by your country to address violence generally?

If YES, indicate the extent of these allocations

No.

29. Does your country allocate specific financial and/or human resources to activities to address violence against children?

If YES, provide details.

The Government allocates to the Department of Social Welfare a special budget for “children at risk” which is used to address violence against children.

30. Do international or bilateral donors provide resources to your country for activities to address violence against children?

If YES, indicate the extent of these resources and the way in which they are used.

UNICEF has a Rights Promotion and Protection Programme under the UNICEF- Gambia Government Country Programme of Co-operation (2002-2006) which provides resources for activities to address violence against children. These resources are used for researches and surveys, capacity building (training of professionals) and awareness raising. ECPAT and Save the Children-Sweden have also been support the Child Protection Alliance to conduct researches and raise awareness of professionals and the public on violence against children.

31. Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children?

If YES, provide details.

Yes. Peace keepers who are deployed to bring stability to countries who have experienced conflict or war are trained on child protection and child rights issues.

32. If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or competence in the area of violence against children, including receiving complaints?

If YES, provide details.

The country has an Office of the Ombudsman. The mandate of the Ombudsman includes investigation of: maladministration, mismanagement and unfair treatment; discrimination; corruption; injustice; abuse of power; unfair treatment; and functioning of the Public Service Commission. However, children are precluded from access to the services of the Office of the Ombudsman and do not explicitly address itself to the concerns of children. They cannot make complaints to the Ombudsman for the violation of their rights nor does it have the powers to investigate individual cases of violations. Furthermore, the Office of Ombudsman does not have the power to initiate formal investigations or public inquiries into public or private institutions rendering services to children or the implementation of policies that might be operating in violation of children's rights.

The Office of the Ombudsman has, at the beginning of January 2005, established a Human Rights and Legal Unit. It is hoped that this Unit would advocates for the respect for the rights of children.

33. Are there any particular parliamentary structures (for example special committees) to address violence against children?

If YES, provide details.

The National Assembly or Parliament of The Gambia has a Select Committee on Women and Children which looks into the affairs of children.

34. Have there been any recent parliamentary initiatives to address violence against children?

If YES, please give details.

The National Assembly Select Committee on Women and Children is embarking on a countrywide tour to discuss with policy makers, traditional and religious leaders and community members the need to respect and fulfil the rights of women and children, and to protect them from all forms of abuse and violence. It also visited the Juvenile Wing (place where young offenders, convicted or on remand, are kept) to get first-hand information on their situation and well-being. One of its recommendations is for Government institutions and organisations working or addressing juvenile justice issues to discuss and address the problems confronting the Juvenile Wing.

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

35. Describe significant civil society initiatives addressing violence against children in your country; including the type of institutions involved (such as academic institutions, professional associations, women associations, student associations, community based groups, faith based groups, child and youth led groups, trade unions, employers organisations, national and international non-governmental organisations) and the major activities engaged in (including advocacy, awareness raising, research, prevention rehabilitation and treatment of children harmed by violence, provision of services and resources)

There are various efforts being done by different civil society organizations in The Gambia. These initiatives include the capacity building of institutions and individuals, legal reforms, sensitisation of the general public and documentation.

Under capacity building, organisations have been implementing trainings for their members and other partners, as well as acquiring materials in order to enhance their skills and ability to respond to cases where violence is directed to children.

The legal reform that has taken place includes the reviewing of national laws to see how best they can be harmonised with the (UNCRC) United Nations Convention on the Rights of the Child. This acted as a catalyst for the formation of the children bill, which is currently at the level of review by the National Assembly of the Gambia. When it is passed it will repeal all other acts that deal with children and the children of The Gambia will have laws to protect them from abuse and other forms of violence.

Other initiatives include community based sensitisation campaigns such as media coverage, including newspapers, radios and television which are organised and implemented by various organisations. Many institutions concentrate on documentation in the form of materials or resource development for reference purposes. These resource centres can be found in various offices and are used by people researching issues of child protection.

Prominent among the institutions involved in this area is The Child Protection Alliance, which is an interagency collaborative organisation focusing on Childs rights promotion and protection. The membership includes UNICEF; Department of Social Welfare under the ministry of Health and Social Welfare of The Gambia; Forum for African Women Educationists- Gambia Chapter; Christian Children's Fund; Family Rights Advancement and Protection; The Child Welfare Unit at the Gambia Police Force; to name a few.

The Child Protection Alliance, UNICEF and the Department of State for Education have all have conducted researches to establish the magnitude of violence against children at various levels be it at school, in the home or at the community level.

The Department of Social Welfare in collaboration with partners operate a childcare centre which provides services, such as the paying of school fees and providing feeding for needy children. Plans are being developed by Government to build a rehabilitation centre for children who are victims of violence or abuse.

36. Describe the support provided by your government for these activities and the efforts made to coordinate civil society and government initiatives.

The Government provides support through some of its departments such as the Departments of State for Health and Social Welfare, Education, Interior and Justice. These named departments have provided technical and moral support to the above-mentioned programmes. The Government also allocates to the Department of Social Welfare a special budget for “children at risk” which is used to address violence against children.

The efforts of those institutions and partners working together are coordinated solely through the strong collaboration found between organisations. The establishment of the Child Protection Alliance comprising UN bodies, Government departments, national and international non-governmental organisations, and youth and children organisations has made it easier to coordinate the efforts of various institutions.

37. Describe the role played by the media in addressing violence against children

At the moment, the media houses have a minimal role in addressing violence against children. Some newspapers have weekly columns that are dedicated to educate readers both about child rights and the general issues that hinder the development of children. The authors of these columns are children and so the content of the columns reflect the free expression of children.

At the end of 2003 and during early 2004, two training workshops were implemented by the Child Protection Alliance, to educate professionals working in the media houses on ‘ethical reporting’ as it was common to see cases of child abuse reported in a manner that was detrimental to the safety and future of the child. Currently, media reporting on sensitive issues, such as violence against children, seems to follow ethical standards.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

38. Provide information on the involvement and consultation of children in designing activities, and in the implementing and monitoring of programs and policies to address violence against them. Provide details including age and other details of children involved.

Children in the Gambia are involved in almost all issues that relate to them through the organisations that are working on Childs Rights promotion and protection issues. Every effort is made to ensure that they are involved in the decision-making processes at the level of organisations that work in the area of child rights promotion and protection. Some of their involvement includes the reviewing of the children’s bill in 2004, the conceptualisation and process of the Children National Assembly, review of the UN agencies and government cooperation programs directed to children and many children’s forums that have taken place in the country and abroad.

Some organisations always ensure that at least two children sit on the committees that develop the annual activities (plan of activities) of the Child Protection Alliance. These children are usually part of those individuals who will implement the activities. Examples of such programs are training workshops, sensitisation campaigns and a quarterly children’s Bantaba, where children discuss issues that affect their lives.

Children are always given the opportunity to participate on child related programmes and activities and are usually represented in many taskforces.

The children are usually between the ages of 12 – 18 years and are mainly from Voice of the Young, the child rights advocacy group under the Child Protection Alliance (CPA). Many of the children are school going, or are members of other Youth groups and become involved with Voice of the young through this manner.

39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved

No.

40. Describe the amount and type of resources made available to support children's participation in activities and address violence against children.

Resources that are currently available are financial, material and human. Many of these resources are based on the requests made by institutions committed to protecting children to various outside donors.

The monetary aspect varies depending on the institutions, its donors and the activities it is implementing. These financial resources are made available mainly from the UN Agencies and other multilateral bodies like UNICEF and Save the Children – Sweden as well as some bigger NGOs and foreign embassies.

The issue of human resources is a problem because although some NGO's and organisations may be able to find staff or volunteers to assist them in their work in promoting Childs rights, the issue of human resources on the ground level in other society sectors, such as social services, the police headquarters and the health sector remains sparse. The lack of trained individuals in these areas makes it difficult for the participation of children to be supported in activities that address the issue of violence against children.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

41. Does your Government have a comprehensive policy concerning violence against children?

If YES, provide details and describe any gender-specific provisions included in the policy.

There is no single, unified comprehensive policy concerning violence against children. However, there are policy documents that address the issue of violence against children and these include the Sexual Harassment Policy and the Alternatives to Corporal Punishment document of the Department of State for education and the draft National Children Policy of the Department of Social Welfare

42. Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children?

If YES, please provide available summary reports or URLs of these programmes and indicate, using the table below, which settings and types of violence are addressed by these programmes:

	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family						
School						
Institutions						
Neighbourhood/community						
Workplace						
Law enforcement						
Other						

The Government delivers direct support as well as provides yearly grants to welfare organisations for child protection and violence against children.

43. Does your Government monitor the impact of these policies and programmes directed towards violence against children?

If YES, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.

Government monitors the impact of policies and programmes directed towards violence against children through annual consultation meetings.

44. Does your Government participate in any internationally coordinated activities concerning violence against children?

If YES, provide details.

Government participates in the implementation of programmes especially on Child Sex Tourism and Commercial Sexual Exploitation of Children which are co-ordinated by ECPAT and UNICEF.

The Government was able to, with the support of UNICEF, repatriate about 12 children to Ghana who were trafficked to The Gambia, and were working in the fish processing industry.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

45. Over the past five years, has there been any victimization, epidemiological; or other population-based surveys of any forms of violence against children in your country?

If YES, provide details or references, or attach.

The Government of The Gambia, with support from support, conducted research on the extent, magnitude and prevalence of child sexual abuse and exploitation in The Gambia- the research is entitle “Study on the Sexual Abuse and Exploitation of Children in The Gambia” (2003). In 2004 UNICEF supported the Government of The Gambia to conduct a research on the incidences of baby abandonment (Baby Abandonment Study 2004). The Child protection Alliance, in collaboration with Terre des Hommes of The Netherlands also conducted a research on child sex tourism in The Gambia, in particular the involvement of Dutch tourists (Gambia...the Smiling Coast 2002).

46. Have there been ay small-scale or representative interview studies with parents and children on violent victimisation of children?

If so, please give details.

No. But the Child Protection Alliance has just concluded a research on the incidence and prevalence of corporal punishment in homes and schools. It is not yet published.

47. over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children?

If YES, indicate the subject of this research and where the findings of these projects may be consulted in more detail.

No.

48. Have studies or surveys been undertaken into the impact of legal measures to address violence against children?

If YES, provide details of references, or attach.

No.

49. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part?

Provide details

No.

50. Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system?

If YES, what proportion of all homicide deaths are under the age 18?

.....%

No.

51. If reports on the national profile of known and suspected violent deaths are published by your government, indicate how the data is broken down for the purpose of reporting (check all that apply):

Sex	
Age	
Ethnicity	
Manner of death (homicide, suicide, undetermined)	
External causes of death (firearm, strangulation, etc.)	
Geographical location of incident (address)	
Scene of occurrence (home, school, etc.)	
Time and date of incident	
Victim-perpetrator relationship	
Other:	

Not published.

52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.

Baby Abandonment (2001: 12 cases; 2002: 22 cases; 2003: 22 cases)

53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003.

Not available.

VII. AWARENESS, ADVOCACY AND TRAINING

54. Over the last five years, has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children?

If YES, please describe any recent campaigns, including the settings and types of violence that were the subjects of the campaigns and the target audience (general public, caregivers, teachers, etc.)

Campaigns have been raised on child sexual abuse and exploitation, including commercial sexual exploitation of children (targeting stakeholders in the tourism industry, professionals working with or for children, caregivers and children themselves), corporal punishment (targeting teachers and caregivers), and baby abandonment (targeting the general public).

55. How were the campaign messages and information disseminated (Check all that apply)?

Print Media	X
Radio	X
Television	X
Theatre	
Schools	X
Others	X

Brochures and leaflets were also used to disseminated messages and information.

56. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against Children?

If YES, indicate which of the following areas were addressed by the last such training programmes and which provider groups received training (check all that apply)

	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical professionals(including paediatricians, nurses, psychiatrists and dentists)	X	X	X		
Public health practitioners					
Social workers and psychologists	X	X	X	X	X
Teachers and other educators	X	X	X		
Court officials (including judges)		X			X
Police	X	X	X		X
Prison officers	X	X		X	
Juvenile offenders personnel, institution personnel, parents/guardians	X	X	X	X	
Others (please specify)					

Please provide details.

**ANNEX: LEGAL PROVISIONS ON SEXUAL ABUSE, EXPLOITATION AND VIOLENCE
AGAINST CHILDREN**

1997 CONSTITUTION OF THE GAMBIA

Section 21

Protection from inhuman treatment

No person shall be subject to torture or inhuman degrading punishment or other treatment.

Section 27

Right to marry

- (1) Men and women of full age and capacity shall have the right to marry and found a family.
- (2) Marriage shall be based on the free and full consent of the intended parties.

Section 29 (2)

Rights of children

Children under the age of sixteen years are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or be harmful to their health or physical, mental, spiritual, moral or social development

CRIMINAL CODE LAWS OF THE GAMBIA CAP. 10

Section 12

A male person under the age of twelve years is presumed to be incapable of having carnal knowledge.

Section 18

Responsibility of person who has charged of another

It is the duty of every person having charge of another who is unable by reason of age, sickness, unsoundness of mind, detention or any other cause to withdraw himself from such charge; and who is unable to provide himself with the necessaries of life, whether the charge is undertaken under a contract, or is imposed by law, or arises by reason of an act, whether lawful or unlawful, of the person who has such charge, to provide for that other person the necessaries of life; and he shall be deemed to have caused any consequences which adversely affect the life or health of the other person by reason of any omission to perform that duty.

Section 19

Duty of head of family

It is the duty of every person who, as head of a family, has charge of a child under the age of fourteen years, being member of his household, to provide the necessaries of life for such child; and

he shall be deemed to have caused any consequences which adversely affect the life or health of the other person by reason of any omission to perform that duty.

Section 20

Duty of master/mistress

It is the duty of every person who as master or mistress has contracted to provide necessary food, clothing, or lodging for any servant or apprentice under the age of sixteen years to provide the same; and he or she shall be deemed to have caused any consequences which adversely affect the life or health of the servant or apprentice by reason of any omission to perform that duty.

Section 23

Principal Offender

When an offense is committed, each of the following persons is deemed to have taken in committing the offence and to be guilty of the offence, and may be charged with actually committing it, that is to say-

- (a) every person who actually does the act or makes the commission which constitutes the offence;
- (b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;
- (c) every person who aids or abets another person in committing the offence;
- (d) any person who counsels or procures any other person to commit the offence.

Section 121

Definition of Rape

Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent if the consent is obtained by means of force or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act, or, in the case of a married woman, by impersonating her husband, is guilty of the felony termed rape.

Sections 122

Punishment of rape

Any person who commits the offence of rape is liable to be punished with imprisonment for life

Section 123

Attempt

Any person who attempts to commit rape is guilty of a felony, and is liable to imprisonment for a term of seven years.

Section 124

Abduction

Any person , with intent to marry or carnally know a woman of any age, or to cause her to be married or carnally known by any other person, takes her away, or detains her, against her will, is guilty of a felony, and is liable to imprisonment for a term of seven years.

Section 125
Abduction of girls under 16

Any person who unlawfully takes or causes to be taken an unmarried girl under the age of sixteen years out of the custody or protection of her father or mother, or other person having the lawful care or charge of her, and against the will of such father, mother or other person, is guilty of a misdemeanour.

Section 126 (1)
Indecent assault on females

Any person who unlawfully and indecently assaults any woman or girl is guilty of a misdemeanour, and is liable to imprisonment for two years.

It shall be no defence to a charge for an indecent assault on a girl under the age of sixteen years to prove that she consented to the act of indecency.

Section 126 (3)
Indecently insulting or annoying females

Whoever intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such work or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman is guilty of a misdemeanour, and is liable to imprisonment for one year

Section 127
Defilement of girl under 16 years

(1) Any person who unlawfully and carnally knows any girl under the age of sixteen years is guilty of a felony, and is liable to imprisonment for a term of fourteen years.

(2) Any person who attempts to have unlawful carnal knowledge of any girl under the age of sixteen years is guilty of a felony, and is liable to imprisonment for a term of three years.

Provided that it shall be sufficient defence to any charge under this section if it shall be made to appear to the court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of sixteen years.

Section 128
Defilement of idiots or imbeciles

Any person who, knowing a woman or girl to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her under circumstances not amounting to rape, but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile, is guilty of a misdemeanour, and is liable to imprisonment for a term of two years.

**Section 129
Procuration**

Any person who-

- a) procures or attempts to procure any girl or woman under the age of twenty-one years to have unlawful carnal connection, either in The Gambia or elsewhere, with any other person or persons;
- b) procures or attempts to procure any woman or girl to become, either in The Gambia or elsewhere, a common prostitute;
- c) procures or attempts to procure any woman or girl to leave The Gambia, with intent that she may become an inmate of or frequent a brothel elsewhere; or
- d) procures or attempts to procure any woman or girl to leave her usual place of abode in The Gambia, with intent that she may for the purpose of prostitution become an inmate of or frequent a brothel either in The Gambia or elsewhere,

is guilty of a misdemeanour:

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

**Section 130
Procuring defilement of woman by threats or fraud or administering drugs**

Any person who-

- (a) by threats or intimidation procures or attempts to procure any woman or girl to have unlawful carnal connection, either in the Gambia or anywhere;
- (b) by false pretences or false representations procures any woman or girl to have any unlawful carnal connection, either in the Gambia or anywhere; or
- (c) applies or administers to, or causes to be taken by any woman or girl any drug, matter or thing, with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl,

is guilty of a misdemeanour;

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

**Sections 131
Housekeeper, etc. permitting defilement of girl under 13 years on his premises**

Any person who, being the owner or occupier of any premises or having the management or control thereof, induces or knowingly suffers any girl under the age of thirteen years to resort or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a felony, and is liable to imprisonment for a term of five years.

Provided that it shall be sufficient defence to any charge under this section if it shall be made to appear to the court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of sixteen years.

Section 132

Housekeeper, etc. permitting defilement of girl under 13 years on his premises

Any person who, being the owner or occupier of any premises or having the management or control thereof, induces or knowingly suffers any girl above the age of thirteen years and under the age of sixteen years to resort or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a misdemeanour

Provided that it shall be sufficient defence to any charge under this section if it shall be made to appear to the court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of sixteen years.

Section 133

Detention with intent or in brothel

Any person who detains any woman or girl against her will-

- (c) in or upon any premises with intent that she may have unlawful and carnally known by any man, whether any particular man or generally; or
- (d) in any brothel

is guilty of a misdemeanour.

When a woman or girl is in or upon any premises for the purpose having any unlawful carnal connection, or in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel if, with intent to compel or induce her remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the directions of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

No legal proceedings, whether civil or criminal, shall be taken against such woman or girl for taking away or being found in possession of such wearing apparel as was necessary to enable her to leave such premises or brothel.

Section 138

Brothels

Any person who keeps a house, room, set of rooms, or place of any kind whatsoever for the purpose of prostitution is guilty of a misdemeanour.

Section 139
Conspiracy to defile

Any person who conspires with another man to induce any woman or girl, by means of any false pretence or other fraudulent means to permit any man to have unlawful carnal knowledge of her is guilty of a felony, and is liable to imprisonment for a term of **three years**

Section 143
Knowledge of age of female immaterial

Except as otherwise expressly stated, it is immaterial in the case of any of the offence committed with respect to a woman or girl under a specified age that the accused person did not know that the woman or girl was under that age, or believed that she was not under that age.

Section 144
Unnatural Offences

Any person who-

- (a) has carnal knowledge of any person against the order of nature; or
- (b) has carnal knowledge of an animal; or
- (c) permits a male person to have carnal knowledge of him or her against the order of nature;

is guilty of a felony, and is liable to imprisonment for a term of **fourteen years**

Section 145
Attempting to commit Unnatural Offences

Any person who attempts to commit any of the offences specified in section 144 of this Act is guilty of a felony, and is liable to imprisonment for a term of **seven years**

Section 146
Indecent assault of boys under fourteen

Any person who unlawfully and indecently assaults a boy under the age of 14 years is guilty of a felony, and is liable to imprisonment for a term of **seven years**

Sections 148
Incest by males

(1) Any male person who has carnal knowledge of a female person, who is to his knowledge his granddaughter, daughter, sister or mother, is guilty of a felony, and is liable to imprisonment for a term of five years.

Provided that if it is alleged in the information or charge and proved that the female person is under the age of thirteen years, the offender shall be liable to imprisonment for life.

(2) It is immaterial that the carnal knowledge was had with the consent of the female.

(3) If any male person attempts to commit any such offence as aforesaid he is guilty of a misdemeanour.

(4) On the conviction before any court of any male person of an offence under this section, or of an attempt to commit the same against any female under the age of twenty one years, it shall be in the power of the court to divest the offender of all authority over such female, and, if the offender is the guardian of such female, to remove the offender from such guardianship, and in any such case to appoint any person or persons to be the guardian or guardians of such female during her minority or nay less period.

Provided that the Supreme Court may at any time vary or rescind the order by the appointment of any other person as such guardian, or in any other respect.

Section 149 **Incest by females**

Any female person of or **above the age of sixteen years** who with consent permits her grandfather, father, brother, or son to have carnal knowledge of her (knowing him to be her has sexual intercourse with her grandfather, father, brother or son as the case may be) is guilty of a felony, and is liable to imprisonment for a term of **five years**

Section 150 **Test of relationship**

In section 148 and 149 of this Code, the expression “brother” and “sister” respectively include half-brother and half-sister, and the provisions of the said sections shall apply whether the relationship between the person charged with an offence and the person with whom the offence is alleged to have been committed is or is not traced through lawful wedlock.

Section 156 **Desertion of Children**

Any person who being the parent, guardian or other person having the lawful care or charge of a child under the age of fourteen years, and being able to maintain such child, wilfully and without lawful or reasonable cause deserts the child and leaves it without means of support, is guilty of a misdemeanour

Section 157 **Neglecting to provide food, etc. for children**

Any person who being the parent, guardian or other person having the lawful care or charge of any child of tender years and unable to provide for itself, refuses or neglects (being able to do so) to provide sufficient food, clothes, bedding and other necessaries for such a child, so as to thereby injure the health of such child, is guilty of a misdemeanour.

Section 165
Traffic in Obscene Publications

Any person who-

(a) sells, lets to hire, distributes, or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever;

(b) import, export or convey any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that any such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation;

(c) takes part in or receives profit from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited, or in any manner put into circulation;

(d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be produced from or through any person; or

(e) exhibits any indecent show or performance in any public place

is guilty of a misdemeanour.

Every person committing any such misdemeanour as aforesaid forfeits to the State all obscene books, pamphlets, papers, drawings, paintings, representations or figures or any other obscene objects whatsoever connected with the committing of such misdemeanour. of the above-mentioned obscene materials or person engaged or ready to engage in the above

Section 197
Infanticide

Where a woman by any wilful act or omission causes the death of her child being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effects of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of felony of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.

Section 198
Child Destruction

Subject as hereinafter in this section provided, any person who, with intent to destroy the life of a child capable of being born alive, by any wilful act causes a child to die before it has existence independent of its mother, shall be guilty of the felony of child destruction, and shall be liable on conviction to imprisonment for life.

**Section 210
(Exposing Children under 14 to Harm)**

If any person over the age of sixteen years, who has the custody, charge, or care of any child under the age of fourteen years willfully assaults, neglects, abandons, or expose such child, or causes or procures such child to be assaulted, ill-treated, neglected, abandoned, or expose in a manner likely to cause such child unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanour.

**Section 211
Suffocation of Infants while under the influence of a drink**

Where it is proved that the death of an infant under 3 years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant) whilst the infant was in bed with some other person over sixteen years of age,, and that that other person was at the time of going to bed under the influence of drink, that other person shall be deemed to have neglected the infant in a manner likely to cause injury to its health within the meaning of section 210 of this Code.

**Section 212 a, b,
Acts intended to cause grievous harm or prevent arrest**

Any person who, with intent to maim, disfigure, or disable any person, or to do some grievous harm to any person, or to resist or prevent the lawful arrest or detention of any person-

- a) unlawfully wounds or does any grievous harm to any person by any means whatever;
- b) unlawfully attempts in any manner to strike any person with any kind of projectile or with a spear, sword, knife or other dangerous or offensive weapons;

is guilty of a felony, and is liable to imprisonment for life.

**Section 214
Grievous Harm**

Any person who unlawfully does grievous harm to another is guilty of a felony, and is liable to imprisonment for a term of seven years.

**Section 217 (a)
Wounding and other similar acts**

Any person who-

- (a) unlawfully wounds another is guilty of a felony and is liable to imprisonment for a term of 3 years

Section 218
Failure to Provide or Supply Necessaries of Life

Any person who, being charged with the duty of providing for another person the necessaries of life but fail to do so, whereby the life of that other person is or is likely to be endangered, or his health is or is likely to be permanently injured, is guilty of a felony, and is liable to imprisonment for a term of three years.

Section 221 A
Rash or negligent act causing death

Any person who by any rash or negligent act not amounting to manslaughter causes the death of another person is liable to imprisonment for a term of three years.

Section 223
Other negligent acts causing harm

Any person who unlawfully does any act, or omits to do any which it is his duty to do, not being an act or omission specified in section 22 of this Code, by which act or omission harm is caused to any person, is guilty of a misdemeanour, and is liable to imprisonment for a term of six months.

Section 227
Common Assault

Any person who unlawfully assaults another is guilty of a misdemeanour, and, if the assault is not committed in circumstances for which a greater punishment is provided in this Code, is liable to imprisonment for a term of one year.

Section 228
Assaults causing actual bodily harm

Any person who commits assault occasioning actual bodily harm is guilty of a misdemeanour, and is liable to imprisonment for a term of five years.

Section 232
Kidnapping from Lawful Guardianship

Any person who takes or entices any minor under 14 years of age if a male, or under sixteen years of age if a female or any person of unsound mind, out of the keeping of a lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

Section 234
Punishment for kidnapping

Any person who kidnaps any person from the Gambia or from lawful guardianship, is guilty of a felony, and is liable to imprisonment for a term of seven years.

Section 242
Unlawful Compulsory Labour

Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour.

TOURISM OFFENCES ACT, 2003

Section 5
Unwanted sexual Advances

A person who makes an unlawful sexual advance to a child commits an offence and is liable on conviction to a fine of twenty thousand dalasis or imprisonment for a term not exceeding two years, or to both the fine and imprisonment.

Section 6
Sexual abuse of child

- (3) A tourist who sexually abuses a child commits an offence whether or not the child consented to the sexual abuse and whether or not at the time of the sexual abuse the tourist believed the child to be over eighteen years.
- (4) A tourist who commits an offence under subsection (1) is liable on conviction to imprisonment for a term of fourteen years

Section 7
Procurement of a child for sex

A tourist or any other person who procures a child-

- (a) to have sexual intercourse with any person either in The Gambia or elsewhere.
- (b) for prostitution , whether or not the child procured is already a prostitute , either in The Gambia or elsewhere ;or
- (c) to become an inmate of a brothel or to frequent a brothel whether not the child procured is already an inmate of a brothel in The Gambia or elsewhere,

commits an offence and is liable on conviction to imprisonment for a term of ten years.

Section 8
Child pornography

- (1) A tourist or any other person who-

a. takes any indecent photograph of a child;

(b) distributes or shows an indecent photograph of whether or not with a view to its being distributed or shown by that person or any other person ; or

(c) publishes or causes to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows indecent photographs of children or intends to do so,

commits an offence and is liable on conviction to imprisonment for a term of five years.

(2) For the purposes of this section, a person is to be regarded as distributing an indecent photograph if that person parts with possession of the photograph, or exposes or offers it for acquisition by another person

(3) Where a person is charged with an offence under subsection (1) (b) or (c), it shall be a defence for the person to prove-

(a) that he or she had a legitimate reason for distributing or showing the photograph or having it in his or her possession, as the case may be; or

(b) that he or she had not himself or herself seen the photograph and did not know, nor had any cause to suspect it to be indecent.

Section 9

Sexual exploitation of a child

(1) A tourist, or any other person in a position of trust or authority towards a child or with whom a child is in a relationship of dependency, who for a sexual purpose-

(a) touches, directly or indirectly, or with an object, any part of the body of the child; or

(b) invites, or counsels a child, to touch , directly or indirectly, or with an object, any part of the body of any person, including the body of the person who so invites, or counsels,

commits an offence and is liable on conviction to imprisonment for a term of not less than five years.

Section10

Bestiality in the presence of a child

A tourist who, in the presence of the a child, commits bestiality or who invites s child to commit bestiality, commits an offence and is liable on conviction to imprisonment for a term of not less than ten years.

Section11

Owners' occupiers and managers not to permit children in premises for sexual activities.

Every owner, occupier or manager of premises or any other person who has control of premises or assists in the management of or control of premises who knowingly permits a child to resort or to be in or on the premises for the purpose of engaging in any sexual activity prohibited by this Act

commits an offence and is liable on conviction to a fine of not less than fifty thousand dalasis or imprisonment for a term of not less than five years, or to both the fine and the imprisonment.

Indecent acts by tourist 12. A tourist or any other person who, in any place, for a sexual purpose, exposes his or her genital organ to a child commits an offence and is liable on conviction to a fine of not less than ten thousand dalasis or imprisonment for a term of not less than two years.

Section 13
Trafficking

A tourist or any other person who buys, sells, procures or, traffics in or brings into or take out of The Gambia for the purpose of trafficking, a child, commits an offence and is liable on conviction to a fine of not less than one thousand dalasis and imprisonment for a term of not less than five years.

Section 14
Conspiracy, attempts, aiding and abetting, etc.

A person who conspires with any other person or attempts to commit, or aids, abets or counsels the commission of an offence under this Act is liable on conviction to the same punishment as the principal offender.

CHILDREN AND YOUNG PERSONS ACT
CHAPTER 45

Section 13
Methods of dealing with children and young persons charged with offences

Where a child or a young person charged with any offence is tried by a court, and the court is satisfied of all his guilt, the court shall take into consideration the manner in which under the provisions of this or any other Act, the case should be dealt with, namely, whether

(e) by ordering the offender to be whipped;

Section 16
Summary punishment in certain cases

(1) Notwithstanding the provisions of this or any other law in force it should be lawful for any police officer of or above the rank of Inspector whom is of thirty years of age or more, who is satisfied of his own knowledge or as a result of what he considers to be reliable information, that any child of the age of seven years or more or any young person has committed any offence against any law, which could, if it had been committed by an adult, be tried by the procedures specified for petty cases, or any misbehaviour in any public place, and considers that such offence or misbehaviour can in all the circumstances best be dealt with in a summary fashion, to order such child or young person to be caned forthwith without further formality in lieu of any other proceedings.

(2) Not more than ten strokes may be ordered or given under the provisions of this section.

(3) No female under the apparent age of thirteen years shall be caned under the provisions of this section.

(4) A cane under the provisions of this section shall be administered personally by the person ordering such caning, or under his personal supervision, with a cane of a pattern approved by the Director of Health Services:

Provided that any caning of a female shall only be carried out by a female.

(5) No caning shall be ordered under the provisions of this section unless such caning can be administered within twenty-four hours of the commission of the offence or misbehaviour for which it is to be awarded.

(6) The Inspector-General of police may issue directions to the police officers for the better carrying out of the provisions of this section.

(7) No action shall lie against any person in respect of any action 16 of 1964. taken by him bona fide under the provisions of this section.

Section 25

Prohibition against dealing in children

(1) No person shall give or acquire the custody, possession, control or guardianship of a child whether or not for pecuniary or other benefit in such circumstances that it may reasonably be inferred that such child has been sold or bartered or that, by reason of such giving or acquiring, such child may be inferred to be placed in moral danger.

(2) In any prosecution under subsection (1) of this section, where it is proved that the custody, possession, control or guardianship of a child has been given to or acquired by a person other than a person being a member of the family of such child it shall be presumed by the court that such child has been given or acquired in contravention of the provisions of subsection (1) of this section:

Provided that it shall be a defence to prove that such child was so given or acquired in accordance with customary law so far as such.

(5) Any person contravening the provisions of this section or of any rules made there under shall be liable on conviction to imprisonment for a term of seven years.

(6) In this section the expression ‘moral danger’ includes slavery, child bondage and exposure to destitution, prostitution or immorality of any kind.