

## THE CHILDREN'S ACT, 2005

The Children's Act of The Gambia has been effective since 2 August 2005. This landmark piece of legislation brings together all the laws relating to children, sets out the rights and responsibilities of children and provides for their care, protection and maintenance.

The Act says a child is any person under the age of eighteen years and regards child abuse as any violation of the rights of a child which causes physical or mental harm to the child.

The Act aims to protect children through several important provisions or Articles which the public should know about:

- ☞ the best interest of the child should be the primary consideration in any matter concerning him or her.
- ☞ the Act applies to all children residing in The Gambia, regardless of nationality.
- ☞ stipulates the responsibilities of children towards their parents, elders, community and country
- ☞ prohibits social and cultural practices that affect the welfare, dignity, normal growth and development, and life and health of a child or are discriminatory to the child on the grounds of sex.
- ☞ provides for the establishment of Children's Courts in all Divisions and Police Child Welfare Units
- ☞ prohibits the engagement of a child in exploitative labour and hazardous work, or labour that deprives the child of his or her health, education or holistic development
- ☞ prohibits the media from publishing the identity of a child whose case is before the Children's Court.
- ☞ a company, organisation, any body corporate, or its members of staff can be punished for aiding or abetting the sexual abuse and exploitation of children in any form.

- ☞ makes the protection of children everyone's responsibility.

### PENALTY FOR THE OFFENDER

The Children's Act also aims to prevent the sexual abuse and exploitation of children in every form. Therefore, the Act stipulates severe penalties or punishment for any person who plays a part, small or big, in the sexual abuse and exploitation of children. These penalties are as follows:

- ☞ For a person who exports or imports children for the purpose of prostitution (Section 26)

#### *The punishment is life imprisonment*

- ☞ For any person who seduces or forces a child into having sexual intercourse with another person or for immoral purposes (Section 27)

#### *The punishment is 10 years imprisonment without an option of a fine.*

- ☞ For any person who takes away a child or detains that child so that he or she will be sexually assaulted or married off (Section 28)

#### *The punishment: is imprisonment for ten years without an option of a fine.*

- ☞ For any parent, guardian, custodian or carer who encourages or causes the seduction, prostitution of, sexual assault, or indecent assault on a child under his or her care (Section 29)

#### *The punishment is ten years imprisonment*

- ☞ For any person who procures a child for prostitution or to have sexual intercourse with anyone within or outside The Gambia (Section 30).

#### *The punishment is 10 years imprisonment*

- ☞ For any person who procures or offers a child for prostitution, pornography, drug trafficking or use in armed conflict (Section 31)

#### *The penalty is imprisonment for fourteen years without an option of fine.*

- ☞ For any person who organises, promotes or encourages foreign travels which promote child prostitution (Section 32)

#### *The penalty is a fine of not less than D200, 000 or imprisonment for a term not exceeding ten years, or both the fine and imprisonment.*

- ☞ For any person who detains or confines a child in order for him or her or other person to sexually abuse or assault that child (Section 33).

#### *The punishment is ten years imprisonment.*

- ☞ Any person who, through threats, deceit, or intimidation procures a child for sexual intercourse with someone or an animal, uses a sex gadget or device on a child or administers drugs or a substance to a child with the intention to overcome and have sex with that child (Section 34)

#### *The penalty is a fine of D500, 000 or ten year imprisonment or both the fine and imprisonment.*

- ☞ For a person who buys, sells or hires a child for immoral purpose (Section 37)

#### *The punishment is fourteen years imprisonment.*

- ☞ For any person who causes or encourages the seduction or prostitution of a child, keeps a brothel, permits the defilement of a child in a person's premises; allows a child to be in a brothel; trades in prostitution; procures, uses or offers a child for the production of pornography or for pornographic performance; or procure a child into prostitution (Section 38)

***The punishment is ten years imprisonment.***

- ☞ For a person who traffics a child for sexual exploitation or for any other form of exploitation (Section 39)

***The punishment is life imprisonment***

- ☞ For any person who exploits a child in any other form or way that is prejudicial to the welfare of the child (Section 58).

***The punishment is a fine not exceeding D50, 000 or imprisonment for a term not exceeding five years, or to both fine and imprisonment.***

- ☞ For a person who imports any harmful publication such as a book, magazine, film, picture, video or audio tape which is bad for the moral development of children (Section 60)

***The punishment is a fine of not less than D50, 000 or imprisonment for a term of not less than three years or more than five years or to both fine and imprisonment.***

- ☞ For any person who prints, publishes, sells, hires or possesses any harmful publication, commits an offence (Section 61)

***The punishment is a fine of D50, 000 or imprisonment for a term not exceeding three years or to both the fine and imprisonment.***

- ☞ Any corporate body that commits or whose director, manager, secretary, or any officer is found guilty of the sexual abuse or exploitation of a child in any form will be punished accordingly (Section 65)

**Remember that.....**

**The Children's Act defines a child as any person under the age of 18 years of age.**

**The Children's Act protects all the children in The Gambia without discrimination.**

**The best interest of the child shall be the primary consideration in any matter that affects or concerns a child.**

**Everyone has a duty to report to either the Police or Department of Social Welfare any case of child abuse or the violation of the right of any child that he or she knows about.**

**It is against the law to sexually abuse or exploit a child in any form or even encourage it, to keep a brothel or allow a child to be in your brothel.**

**The Children's Act takes child abuse and exploitation very seriously and punishes **WITHOUT MERCY OR RESPECT FOR POSITION IN THE SOCIETY.****

**BE VIGILANT: CHILD PROTECTION IS EVERYONE'S RESPONSIBILITY.**

**YOU HAVE A CHOICE - PROTECT OR GET PUNISHED.**

*Produced by the Child Protection Alliance, tel: 4497425*



**CHILD PROTECTION ALLIANCE**

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OF THE GAMBIA**

**PROVISIONS ON SEXUAL ABUSE  
AND EXPLOITATION OF  
CHILDREN**

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