
LAWS OF THE GAMBIA

TOURISM OFFENCES ACT

CHAPTER 13:02

**Act No.
7 of 2003**

CHAPTER 13:02**TOURISM OFFENCES ACT****ARRANGEMENT OF SECTIONS****SECTION**

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CHAPTER 13:02

TOURISM OFFENCES ACT

An Act to create offences relating to tourism, and for connected matters.

[Act No. 7 of 2003.]

[Date of commencement: 9th April, 2003.]

1. Short title

This Act may be cited as the Tourism Offences Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**beg**” or “**begging**” includes beg and begging for money, gift, friendship and any other thing;

“**child**” means a person under the age of eighteen years;

“**Tourism Development Area**” has the meaning assigned to it in The Gambia Tourism Authority Act;

[Cap. 32:06.]

“**tourist**” has the meaning assigned to it in The Gambia Tourism Authority Act;

[Cap. 32:06.]

“**tourist enterprise**” means a restaurant, casino, hotel or any of the enterprises listed in the Second Schedule to The Gambia Tourism Authority Act.

[Cap. 32:06.]

3. Sundry offences

A person who—

- (a) follows a tourist with the intention of begging, harassing, or hassling him or her;
- (b) stalks, threatens or insults a tourist; or
- (c) loiters, wanders or idles in a Tourism Development Area or its environs or in areas frequented by tourists, including a beach and restaurant, for the purpose of begging, following, stalking or harassing a tourist,

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

4. Offences by employees

(1) A person who, being an employee in a Tourism Development Area, tourist enterprise or in any other place that provides services to tourists, alone or jointly with any other person, whether that person is an employee in the Tourism Development Area, tourist enterprise or place or is posted to the Tourism Development Area, tourist enterprise or place to provide any service to or for the benefit of tourists—

- (a) stalks, insults, intimidates, threatens, begs, harasses or hassles a tourist;
- (b) does any act that is likely to harm, injure or be detrimental to the image of The Gambia as a tourist destination; or
- (c) makes sexual advances, or offers any illegal service or product to a tourist,

commits an offence.

(2) A person who commits an offence under subsection (1) 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 and, in addition, the person shall be disqualified for ten years from—

- (a) working in a Tourism Development Area or a tourist enterprise; or
- (b) providing any service whatsoever to a tourist.

(3) In this section, “**employee**” includes a self-employed person.

5. Unlawful 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.

6. Sexual abuse of a 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 of age.

(2) A tourist who commits an offence under subsection (1) is liable on conviction to imprisonment for a term of fourteen years.

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 or 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.

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 a child whether or not with a view to its being distributed or shown by 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.

9. Sexual exploitation of a child

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.

10. Bestiality in the presence of a child

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

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 to or to be in or on the premises for the purposes 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 imprisonment.

12. Indecent acts by tourist

A tourist or any other person who, in any place, exposes his or her genital organ to a child for a sexual purpose 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.

13. Trafficking

A tourist or any other person who buys, sells, procures or, trafficks in or brings into or takes 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 hundred thousand dalasis and imprisonment for a term of not less than five years.

14. Conspiracy, attempt, 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.

15. Inconsistency

Where a provision of this Act is inconsistent with a provision of any other law, the provision of this Act shall prevail.

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TOURISM OFFENCES ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
