

Gambia: MPs Approve Life Sentence for 'Aggravated Homosexuality'

A person who commits the offence of aggravated homosexuality in The Gambia "is liable on conviction to imprisonment for life."

Aggravated homosexuality is committed when the person against whom the offence is committed is below the age of 18 years; the offender is a person living with HIV; the offender is a parent or guardian of the person against whom the offence is committed; the offender is a person in authority over the person against whom the offence is committed; the victim is a person with a disability; the offender is a serial offender; or when the offender applies, administers or causes to be used by any man or woman any drug, material with intent to stupefy or overpower him or her, so as to enable any person to have unlawful carnal connection with any person of the same sex.



Photo: [CCR Justice](#)

This is according to the Criminal Code (Amendment) Act, 2014 which came into being recently, after the National Assembly passed on 25 August passed a bill to amend the Criminal Code.

A new section added by the bill to the Criminal Code is the "Prohibition of Pornography". Henceforth in The Gambia, "a person shall not produce, traffic in, publish, broadcast, procure, import, export, sell or abet any form of pornography."

"A person who produces or participates in the production of, or traffic in, publishes, broadcasts, procures, imports, exports or in any way abets pornography... commits an offence and is liable on conviction to a fine of not less than D20,000 or imprisonment exceeding ten years or both.

"A person who produces, participates in the production, trafficks, publishes, broadcasts, procures, imports, exports or in any way abets pornography depicting images of children, commits an offence and is liable on conviction to a fine of not less than D20,000 or imprisonment not exceeding ten years or both."

The presenter of the bill was Justice Mama Fatima Singhateh, at the time minister of Justice and Attorney General. The Justice minister told deputies that the bill provided for the "criminalization" of aggravated homosexual acts and pornography.

Another new section introduced in the Criminal Code is about "Absconding State Officials". According to this section, "a person who leaves The Gambia under a government-sponsored programme or on a mission as a representative of The Gambia and refuses to return home on completion of his or her programme or mission commits an offence.

The person is liable on conviction to a fine of D500,000 and in addition to imprisonment for five years; and to refund the money spent by the government, if any, on his or her behalf and, in default, to imprisonment for four years with hard labour."

In spelling out the "objects and reasons" for the new bill, the Justice minister said: "This is necessitated by the increasing trend of public officers absconding after they have been away on government sanctioned missions, as well as homosexual acts committed under aggravated circumstances."

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