

Zambia: The Penal Code (Amendment) Act 15 of 2005

Assented to on 28 September this Act amends the Penal Code. The following sections focus on child protection issues.

Excerpts

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136. Any person who unlawfully takes a child out of the custody or protection of the child's father, mother or other person having lawful care or charge of the child and against the will of such father, mother or other person, commits a felony and is liable, upon conviction, to imprisonment for a term of not less than seven years and not exceeding ten years

...

137A. (1) Any person who practices sexual harassment in a workplace, institution of learning or elsewhere on a child commits a felony and is liable, upon conviction to imprisonment for a term of not less than three years and not exceeding fifteen years

...

(3) in this section, sexual harassment means

...

(d) sexual imposition using forceful behaviour or assault in an attempt to gain physical sexual contact.

138. (1) Any person who unlawfully and carnally knows any child commits a felony and is liable, upon conviction, to a term of imprisonment of not less than fifteen years and may be liable to imprisonment for life.

...

140. Any person who

(a) procures or attempts to procure any child or other person to have unlawful carnal knowledge either in Zambia or elsewhere, with any person or other persons for pornography, bestiality or any other purpose;

(b) procures or attempts to procure an child or other person to become either in Zambia or elsewhere, a common prostitute;

(c) procures or attempts to procure any child or person to leave Zambia with the intent that the child or person may become an inmate of or frequent a brothel elsewhere; or

(d) procures or attempts to procure any child or person to leave that child's or other person's usual place of abode in Zambia with intent that the child or other person may, for the purposes of prostitution, become an inmate of or frequent a brothel either in Zambia or elsewhere;

commits a felony and is liable, upon conviction, to imprisonment for a term of not less than twenty years and may be liable to imprisonment for life...

143. Any person who sells or traffics in a child or other person for any purpose or in any form commits an offence and is liable, upon conviction, to imprisonment for a term of not less than twenty years

Provided that where it is proved during the trial of the accused person that the sale or trafficking in a child or other person was for the purpose of causing that child or person to be unlawfully and carnally known by any other person, whether such carnal knowledge was intended to be with any particular person or generally, the person is liable, upon conviction, to imprisonment for life.

144. (1) Any person who detains any child or other person against that child or other person's will-

(a) in or upon any premises with intent that the child or other person may be unlawfully and carnally known by any third person, whether particularly or generally or for rituals or any other purpose; or

(b) in any brothel;

commits a felony and is liable, upon conviction, to imprisonment for a term of not less than twenty years and may be liable to imprisonment for life.

...

157. (1) Any person who conducts or causes to be conducted a harmful cultural practice on a child commits a felony and is liable, upon conviction, to imprisonment for a term of not less than fifteen year and may be liable to imprisonment for life.

(2) in this section "harmful cultural practice" included sexual cleansing, female genital mutilation or an initiation ceremony that results in injury, the transmission of an infectious or life threatening disease or loss of life to a child but does not include circumcision on a male child.

The principal Act is amended by the repeal of section *one hundred and sixty-nine* and the substitution therefore of the following

169. Any person who being the

(a) parent;

(b) guardian: or

(c) person in charge;

of a child that is unable to provide for itself, refuses or wilfully neglects to provide, being able to do so, sufficient food, clothes, bedding or other necessities for such child, and thereby injures the health of such child, commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding three years or to both.

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