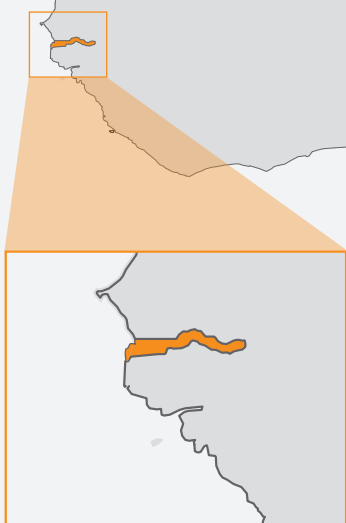




Global Monitoring

status of action against commercial sexual exploitation of children

THE GAMBIA



2nd EDITION

This publication has been produced with the financial assistance of the Swedish International Development Cooperation Agency (SIDA), The Oak Foundation and Irish Aid. The views expressed herein are solely those of ECPAT International. The support from these donors does not constitute endorsement of the opinions expressed.

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GLOSSARY OF TERMS AND ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
BDMR	Births, Deaths and Marriages Registration Act 1968
BSED	Basic and Secondary Education Directorate
CA	Children's Act 2005
CCPC	Community Child Protection Committees
CEDAG	Child and Environmental Development Association
CRC	Convention on the Rights of the Child
CSEC	The Commercial Sexual Exploitation of Children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.
CPA	Child Protection Alliance, the ECPAT group in The Gambia
DoSW	Department of Social Welfare
ECOWAS	Economic Community of West African States
ECPAT	End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
FGM/C	Female Genital Mutilation/Cutting
GDP	Gross Domestic Product
GTB	Gambian Tourism Board
HIV	Human Immunodeficiency Virus
ICA	Information and Communication Act 2009

ICT	Information and Communication Technology
IT	Information Technology
NAATIP	National Agency Against Trafficking in Persons
NCPC	National Child Protection Committee
NGO	Non-Government Organisation
NPA	National Plan of Action
OAVC	Orphans and Vulnerable Children
OPSC	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
PAGE	Program for Accelerated Growth and Employment 2012-2015
TDA	Tourism Development Area
TOA	Tourism Offences Act 2003
TSU	Tourism Security Unit
UNICEF	United Nations Children's Fund
VDC	Village Development Committees
YPP	Youth Partnership Project

FOREWORD

At the First World Congress against Commercial Sexual Exploitation of Children (CSEC) held in Stockholm in 1996, governments from around the world first gave recognition that commercial sexual exploitation of children is a global crime of epidemic proportions. The Stockholm Declaration and Agenda for Action - a strategic framework for actions against CSEC - was adopted by the 122 governments participating in the Congress in order to guide a systematic global response against the sexual exploitation of children.

The outcome document of the First World Congress was soon followed by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC). Adopted in 2000 as a legally binding treaty of the United Nations, the Optional Protocol (and other relevant international treaties) reaffirms the urgent need for political will and concrete actions from governments to ensure that children in their countries can live free from all forms of commercial sexual exploitation.

In 2001, high-level delegates from 136 governments, local and international non-governmental organisations and children and young people, convened in Yokohama for the Second World Congress to review the achievements and challenges in combating CSEC as well as to identify new

priorities needed to bolster and enhance action. Seven years later, the World Congress III in Rio de Janeiro provided the largest global platform to date for delegates from 137 governments to renew their state's commitment to protect children from commercial sexual exploitation. The Rio Declaration and Call for Action strongly urges all stakeholders, including the private sector, to continue their due diligence in taking the necessary follow-up actions to eliminate CSEC. The Rio Call for Action emphasises the obligation to uphold the rights of the child as identified in existing international human rights and child rights instruments. It also offers a framework for the accountability of all duty-bearers of children's rights, particularly governments, in the fight against sexual exploitation of children and re-affirms the continuing relevance of the Agenda for Action, first agreed to in Stockholm twelve years earlier.

This report, as part of the Second Edition series of country monitoring reports produced by ECPAT International, provides a comprehensive baseline of information on all manifestations of CSEC in the country and an assessment of achievements and challenges in implementing counteractions (including the participation of children and young people themselves) to eliminate CSEC. The report, which follows the framework of the Stockholm Agenda for Action, serves as an instrument for the sharing of information and experiences

among various stakeholders and duty-bearers within the country as well as internationally. It also suggests concrete priority actions urgently needed to proactively advance the national fight against CSEC. Furthermore, this report enables the monitoring of the implementation of international instruments on child rights, related to commercial sexual exploitation that have been ratified by the concerned state.

The production of this report is achieved through extensive collaboration within the ECPAT global network. ECPAT International would like to thank ECPAT member groups

in the countries assessed, local and global experts and other organisations for their invaluable inputs to this report. ECPAT International would also like to express its profound appreciation of all the hard work of its dedicated team from within the Secretariat and for the generous support of its donors that helped make the finalisation of this report possible. The contributions of all involved have greatly strengthened the monitoring of the Agenda for Action and the heightened collaboration needed to fight the new and evolving complex manifestations of commercial sexual exploitation of children.

METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2nd Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers

in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2nd Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information

for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations

proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2nd Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.

THE GAMBIA



INTRODUCTION

Background

The Republic of The Gambia, located on the West Coast of Africa, is one of the smallest countries in Africa and is a semi-enclave in Senegal. The Gambia became independent from Britain in 1965,¹ and later separated from the Commonwealth completely in 2013.² Due to its colonial history, The Gambia has a complex legal system that incorporates common law, customary law and Sharia law.³

In 2012, The Gambia's per capita income was US \$512, making it the tenth lowest in the world.⁴ Just less than 50 percent of the population lives below the absolute poverty line of US \$1.25 per day, and 58 percent live in poverty as measured by the US \$2.00 a day threshold.⁵ Poverty disproportionately affects children, with nearly 60 percent of the poor in The Gambia under the age of 20.⁶ Poverty, especially absolute poverty, greatly impacts the situation of children and increases their vulnerability to exploitation.

In recent history, The Gambia has been subjected to cyclical environmental disasters such as drought and flood.⁷ This greatly affects agriculture, which can then further exacerbate poverty and place children in even more vulnerable positions.⁸ Similarly, The Gambia has been subjected

to cyclical health shocks and chronic illness.⁹ The high prevalence of HIV/AIDS in The Gambia is particularly concerning as HIV/AIDS prevalence has strong links to children's vulnerability to commercial sexual exploitation.¹⁰

Due in part to limited resources, The Gambian government has been relatively slow in implementing and enforcing legislation, policy and services in relation to child protection. The complicated legal system, coupled with a weak public sector,¹¹ make implementation of child protection measures extremely difficult. Further exacerbating the problem of the commercial sexual exploitation of children (CSEC) is the perseverance of harmful cultural and traditional attitudes. In traditional Gambian culture children are not granted a voice in the family or community.¹² Furthermore, harmful practices such as child marriage, female genital mutilation/cutting (FGM/C) and child labour are still deeply rooted in Gambian society.¹³

Following the 1996 Stockholm and the 2001 Yokohama global forums on CSEC, The Gambia reaffirmed its commitments at the World Congress III against the Sexual Exploitation of Children and Adolescents, in November 2008 in Brazil. The World

Congress III renewed global commitment and galvanised international resolve to combat sexual exploitation of children and adolescents. In total, more than 3000 people took part in the three-day gather-

ing, including representatives from government, the private sector and civil society as well as 300 children and adolescents from around the world.

Child prostitution

Child prostitution continues to be a significant problem in The Gambia. Unlike in other parts of the world, third parties in The Gambia primarily act as ‘agents’ rather than ‘captors’ of children who are involved in prostitution.¹⁴ This may be due to the false ‘glamorisation’ of prostitution that is perpetuated between children involved in prostitution who falsely believe involvement will lead to great wealth and living a ‘modern’ lifestyle.¹⁵ Even more concerning is the practice of families and parents pressuring or encouraging children to become involved in prostitution.¹⁶

The *Children’s Act 2005* (CA) prohibits the prostitution of children and complies with international standards, providing serious

punishments for child prostitution and related offences.¹⁷ However, despite having a clear definition of a child as anyone under 18 years old and providing, under the law, that no child is capable of contracting a valid marriage,¹⁸ this provision is subject to any applicable personal law and there is no law providing the minimum age for sexual consent.

Furthermore, although there are significant laws for protecting children against prostitution, the implementation of these laws remains rather piecemeal. This is primarily due to a lack of law enforcement resources and a general lack of awareness of child rights. This is a general trend in the country for all manifestations of CSEC.

Trafficking in children for sexual purposes

The Gambia is a source, transit and destination country for trafficking in children for sexual purposes.¹⁹ Both Gambian and foreign children are trafficked, particularly to Banjul, for sexual exploitation by Gambian nationals and tourists. In particular, children from nearby West African countries are trafficked into The Gambia for commercial sexual exploitation, primarily with tourists.²⁰ There is also some suggestion that trafficking networks coordinate with both Gambian and European tourism agencies to promote and solicit CSEC in tourism.²¹

The protection of children from trafficking for sexual purposes is one of the more developed areas of law in The Gambia, as there are extensive legislative and policy provisions to combat, protect and assist children who are victims of trafficking. *The Trafficking in Persons Act 2007* (Trafficking Act) prohibits all forms of trafficking, including trafficking in children for sexual purposes.²² The *Trafficking in Persons (Amendment) Act of 2010* increased the penalties provided in the legislation for trafficking, with a minimum sentence of 50 years and a maximum of

life imprisonment. Where the victim of trafficking is a child, an offender is liable to “the sentence of death.”²³ However, implementation has been slightly hindered by a lack of resources, training and organisation.

Although law enforcement responses to human trafficking are more developed in comparison to other manifestations of CSEC, they are still similarly hindered by a lack of resources and coordination.²⁴ There have been several investigations into allegations of trafficking of children for sexual purposes;²⁵ however, there have been only a very limited number of successful prosecutions against CSEC trafficking offenders.

There are several collaborative efforts for the protection of children against trafficking currently being undertaken. There exists a functional Board of Directors for the National Agency against Trafficking in Persons (NAATIP), comprised of members from various agencies and organisations, including Child Protection

Alliance (CPA).²⁶ The private sector is also represented by the Gambia Chamber of Commerce and Industry. NAATIP has established relationships with the anti-trafficking agencies of Senegal and Nigeria and there is regular information sharing between NAATIP and these other bodies. A task force also exists comprised of representatives from various agencies and organisations. This body promotes information sharing and coordination.²⁷

NAATIP has been the primary body providing awareness raising and training to stakeholders on the trafficking of children for sexual purposes. The PROTECT Project (October 2011 – December 2013) of Child Fund International – The Gambia, conducted a series of capacity building and awareness raising activities on prevention and response to child trafficking.²⁸ CPA – supported by the British High Commission – has also provided training to promote reporting mechanisms such as the national hotline established by the Department of Social Welfare (DoSW).

The US Department of State annually releases a *Trafficking in Persons Report* which categorises countries into different “tiers” based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act’s* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made “significant efforts” to meet the standards are placed in **Tier 2** and countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**.

In the 2013 report, The Gambia was placed on the **Tier 2 Watch List**. Despite “significant efforts” to comply with the minimum standards, The Gambia did not demonstrate evidence of overall increased efforts to address human trafficking since the last reporting period; therefore, The Gambia was placed on the Tier 2 Watch List for a third consecutive year.²⁹

In fact, The Gambia was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making “significant efforts.”³⁰ However, in the 2014 report, The Gambia was downgraded to **Tier 3**.³¹

Child pornography/child sexual abuse materials

There is extremely limited information and data available on the prevalence of child sexual abuse materials in The Gambia. The cases recorded that involved child sexual abuse materials usually occurred in connection with the other manifestations of CSEC.

Gambian law on child sexual abuse materials is extremely under-developed and does not address some of the key

concerns outlined in the *Rio de Janeiro Declaration* (2008).³² Namely, Gambian law is silent on the issue of ‘grooming’ children and does not provide for the criminalisation of knowingly accessing or mere possession of child sexual abuse materials.³³ The Gambia also does not have any legal or policy provisions that require Internet Service Providers or financial institutions to monitor transactions for suspicious behaviour.³⁴

Commercial sexual exploitation of children in travel and tourism

The Gambia’s economy is heavily dependent on the tourism industry; in fact, The Gambia’s economy draws nearly one fifth of its GDP from tourism.³⁵ This heavy reliance on tourism, coupled with high levels of poverty and a weak child protection system, can leave children in The Gambia extremely vulnerable to commercial sexual exploitation.

CSEC in tourism is a significant problem in The Gambia and has received some media attention in recent years. The Gambian government itself has admitted the significance of the problem and has put in place some measures to combat the problem. There are some unique features of CSEC in tourism in The Gambia. Firstly, there is a new trend for offenders to stay at smaller guesthouses and private residences in the community just outside the Tourism Development Area (TDA), instead of at larger hotels within the more regulated TDA.³⁶ Secondly, there are new ‘grooming’ tactics being used by perpetrators in order to gain access to children through non-profit organisations as well as through the provision of support and donations to community-based

projects.³⁷

The first obstacle to the protection of children from commercial sexual exploitation in tourism is the significant reliance on tourism by The Gambia. This reliance may lead tourism providers to satisfy any requests by tourists, including providing the opportunity to engage in the sexual exploitation of children. There is some suggestion that, although hotels may display the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*,³⁸ some hotel staff and guards may accept bribes in order to ignore the illegal activities of their patrons.³⁹

Although there has been a significant push to combat CSEC in tourism through the enactment of extensive new laws, policies and training, there have been only a handful of cases brought to court and even fewer that have resulted in successful prosecution.

In 2011, The Gambian Tourism Board (GTB) launched a training manual on CSEC in tourism.⁴⁰ The manual was distributed to various stakeholders in the tourism

industry and detailed the seriousness of the problem, how CSEC in tourism usually takes place and how stakeholders can help prevent CSEC in tourism.⁴¹ Although

the manual is an important awareness raising tool, gaps remain in the protection of children from commercial sexual exploitation in tourism.

Child, early and forced marriage

Child, forced and early marriages are traditional in Gambian culture and continue to take place, particularly in rural areas. According to UNICEF, 36 percent of Gambian women have been married or in a union before the age of 18.⁴² The CA defines a child as “a person under the age of eighteen years”, in accordance with the Convention on the Rights of the Child.⁴³ According to section 24 of the CA, “no child is capable of contracting a valid marriage.”⁴⁴ This is subject to ‘personal law’, which includes Sharia law. Sharia law provides that Muslims are allowed to marry upon ‘physical maturity’ which may be before 18 years old.⁴⁵ This is particularly concerning considering that 90 percent of the Gambian population are Muslim.⁴⁶ Due to traditional cultural and religious

reasons, cases relating to early or forced marriage are not viewed as inappropriate and often times go unreported as a result of privacy concerns or fear of social stigmatisation.⁴⁷

ECPAT International considers child, forced and early marriage to be a manifestation of CSEC if the marriage involves elements of an ‘exchange’ in cash or kind for the sexual exploitation of the child. ECPAT International also contends that child, forced and early child marriage can contribute to the vulnerability of children to future sexual exploitation due to the harmful consequences of forced and early marriage on the child’s physical and mental health and education prospects.⁴⁸

Sexual exploitation in schools

In The Gambia, CSEC is widespread in schools. Children, especially girls, are often forced to engage in sexual acts with teachers in exchange for better grades, reductions in school fees or other types of in-kind compensation.⁴⁹ There are several different social and educational programmes that aim to increase enrolment in schools through improving the school environment,

providing scholarships and re-integrating pregnant girls.⁵⁰ The Ministry of Basic and Secondary Education has conducted some sensitisation on the issue and distributed a guide to teachers in Gambian schools on its sexual misconduct harassment policy. However, there is a serious need for sensitisation on the issue to be included in school curricular.⁵¹

NATIONAL PLANS OF ACTION AND POLICIES ON THE PROTECTION OF CHILDREN FROM CSEC

Each government should develop and implement specific policies and National Plans of Action (NPAs) to protect children from all forms of commercial sexual exploitation in order to establish a comprehensive framework for intervention in the following five key areas: coordination and cooperation, prevention, protection, recovery and reintegration and child participation. This NPA should act as a springboard for the development of a well coordinated, multi-disciplinary and multi-sectoral approach and response to combating CSEC. The NPA should also enable the creation of a database showing the prevalence of CSEC and thus dictate how better to address CSEC-related issues. There are a number of NPAs that cover the protection of children in The Gambia.

These include the *National Action Plan on Orphans and Vulnerable Children (2007 – 2015)* ('OAVC NPA') and the *National Plan of Action against Human Trafficking (2012 – 2016)* ('Trafficking NPA'). Both NPAs cover child protection generally. There was also a NPA specifically on the protection of children from all forms of CSEC called the *National Plan of Action to Combat Sexual Abuse and Exploitation of Children (2004 – 2009)* (CSEC NPA). Although the CSEC NPA has since expired, it was reviewed in December 2012 by the DoSW with the assistance of UNICEF.⁵² A new draft CSEC NPA for the period 2013 – 2016 has now been developed, but it has not yet been nationally validated.⁵³ The rest of this section of the report will focus on the pending draft CSEC NPA, as it is the most recent and relevant NPA in The Gambia.

Creation and design

The *Rio de Janeiro Declaration (2008)* emphasises the importance of all stakeholders, especially children, to participate in the creation of any NPAs on child protection.⁵⁴ Unfortunately, The Gambia did not heed this recommendation, as only the DoSW, CPA, Police Child Welfare Unit, Ministry of Justice, and Gambia Tourism Authority, with support from UNICEF, were involved in the creation of the draft CSEC NPA.⁵⁵

Despite the lack of stakeholder involvement in the development of the NPA, The Gambia has a generally good record of developing well-designed NPAs that identify all the relevant implementing partners as well as success indicators. The major problems with The Gambia's NPAs have been in relation to their monitoring and implementation.

Content

The draft CSEC NPA provides a multi-sectoral approach to child protection from sexual abuse and exploitation, consistent with standards under the *Stockholm Agenda for Action (1996)* and Rio de

Janeiro Declaration (2008).⁵⁶ Importantly, the draft CSEC NPA provides a clear framework that outlines the activities for which the key stakeholders are responsible. This should make the best use

of their individual and collective effort for an effective and efficient national response to CSEC and avoid the duplication of efforts and fragmentation of resources.

The draft CSEC NPA attempts to reduce some factors that make children vulnerable to CSEC through the development of awareness raising programmes for children on drug and substance abuse.⁵⁷ However, although drug and substance abuse may be a general risk factor in vulnerability to CSEC, there is no evidence available to suggest this is a significant problem in The Gambia that warrants the investment of vulnerability reduction resources. Importantly, the draft CSEC NPA states that life skills programmes for children at risk and their families must be established as well as various other support programmes including educational support programmes.⁵⁸

The draft CSEC NPA states that there should be rehabilitation services for offenders while in prison and after release to reduce the risk of reoffending.⁵⁹ The draft CSEC

NPA also proposes that more probation officers and social workers are recruited and trained to assist offenders and help them reduce their risk of reoffending.⁶⁰ The draft CSEC NPA does not provide any specific strategies for reducing the *demand* from offenders.

Notably, the draft CSEC NPA highlights schools as a key entry point for encouraging child participation,⁶¹ and proposes that the Ministry of Higher Education, Research, Science and Technology incorporates a child protection module into the curricular of the Gambia College.⁶² However, this should be expanded to include all educational institutions, not just the Gambia College. Interestingly, the draft CSEC NPA seeks to enforce the effective implementation of the provision in the Gambian Constitution that makes basic education compulsory by tasking the Ministry of Basic and Secondary Education with creating learning environments that are girl-friendly, gender-sensitive and child-centred.⁶³

Implementation

The DoSW is the primary stakeholder responsible for the overall coordination and implementation of the draft CSEC NPA.⁶⁴ The other stakeholders who will be involved in the implementation of the draft CSEC NPA include the Child Rights Unit of the Ministry of Justice, the Gender Education Unit of the Ministry of Basic and Secondary Education, all Child Welfare Units, the Gambian Tourism Board and other key stakeholders.⁶⁵ Importantly, the draft CSEC NPA promotes a participatory process that seeks to engage all stakeholders, including communities, traditional and religious leaders and community-based organisations.⁶⁶ Previously, the Gambian government has

not allocated the necessary resources to implement NPAs. There has been some limited resource allocation to combat human trafficking in general which has assisted in the protection of children from trafficking for sexual purposes.⁶⁷ However, there is a general lack of resource allocation for implementing NPAs. This inadequate resource allocation includes both financial and human resources. The lack of systematic, disaggregated data collection makes it difficult to reliably assess the financial resources dedicated to child protection.⁶⁸ In relation to human resources, there is a lack of child protection professionals such as social workers, counsellors and child

psychologists.⁶⁹ Successful implementation of the draft CSEC NPA requires not only appropriate resource allocation but also that all stakeholders involved in implementation are appropriately trained.

The draft CSEC NPA states that efficient and accurate research is needed to better understand the magnitude and

impact of CSEC, the profile of sexual exploiters of children and to help to create better targeted programmes for implementation.⁷⁰ Record keeping, data collection and cooperation between stakeholders is a continuing problem in The Gambia and needs to be prioritised by stakeholders.

Monitoring and reporting mechanisms

The draft CSEC NPA provides several mechanisms for monitoring and evaluation of the NPA, including ‘indicators of achievement.’ The DoSW must establish multi-sectoral regional and national steering committees to help coordinate and monitor implementation.⁷¹

The draft CSEC NPA proposes the requirement of monthly reporting by all stakeholders initially and then, when more established, reporting and monitoring can be conducted annually.⁷² In relation to programmes and projects, it is proposed that reporting and monitoring will be conducted in the mid-term and at the end of the project.⁷³ Furthermore, it is proposed that all reports will be distributed to all stakeholders.⁷⁴

The draft CSEC NPA provides a number of ways children can participate in the monitoring and evaluation of the NPA. Firstly, the draft CSEC NPA states that the DoSW should develop an accessible complaints procedure and mechanism for reporting to enable children to seek support or assistance, although the draft does not provide more detail as to how this should be achieved apart from setting up a 24-hour hotline.⁷⁵ Secondly, the draft CSEC NPA provides that the Ministry of Justice should establish a Children’s Parliament and support the building of a partnership between the proposed Children’s Parliament and the National Assembly.⁷⁶ The draft CSEC NPA also states that a yearly national forum that enables children to engage regularly in decision making on national policies and programmes that affect them should be organised.⁷⁷

COORDINATION AND COOPERATION

Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the *Stockholm Declaration* (1996), close interaction and cooperation between government and non-government sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC.

At an international level, effective cooperation is required between countries and international organisations, including regional organisations, to ensure a concerted and coordinated approach is taken in eliminating CSEC.

At the local and national levels

There is a significant lack of coordination and cooperation between child protection stakeholders who operate within The Gambia. The only area where there is some level of cooperation between stakeholders is in regard to case management. However, there is no definitive set of rules, procedures or standards agreed upon

by all stakeholders on case management coordination and cooperation. In fact, some of the stakeholders are not even aware of the general activities and responsibilities of other stakeholders.⁷⁸ This lack of coordination and cooperation has led to a duplication of activities and responsibilities.

The Department of Social Welfare (DoSW)

The DoSW is the primary coordinating body responsible for child protection in The Gambia. In 2012, the DoSW set up a National Child Protection Committee (NCPC) tasked with coordinating child protection activities at the national level.⁷⁹ The establishment of the NCPC is part of The Gambia's broader national development agenda under the Programme for Accelerated Growth and Employment 2012-2015 (PAGE).⁸⁰

While assisting the coordination of child protection generally, the DoSW also provides specific coordination in relation to CSEC in tourism. The DoSW accepts reports of CSEC in tourism and then notifies the Tourism Security Unit (TSU) which is responsible for enforcing all CSEC-related laws and also preventing children from entering tourist areas unaccompanied. The GTB also has the capacity to receive reports of CSEC in tourism and similarly notifies the TSU.

The DoSW also assists with coordination in relation to child victims of trafficking. The DoSW operates a national hotline where suspected trafficking cases can be reported. However, the hotline has been criticised due to its limited availability (it is not available 24 hours a day, 7 days a week) and the inadequate training of the hotline operators.⁸¹

Further exacerbating issues is the poor representation of the DoSW outside the Greater Banjul Area.⁸² In fact, there are only three regional offices, each headed by a trained social worker. These offices are located in Brikama (West Coast Region), Soma (Lower River Region) and Basse (Upper River Region). The officer in the Lower River Region covers the North Bank Region while the one in the Upper River Region covers the Central River Region.⁸³

National Agency against Trafficking in Persons (NAATIP)

NAATIP is the agency responsible for administering and monitoring the implementation of the *Trafficking in Persons Act 2007* (Trafficking Act). It is headed by an Executive Director

and assisted by a prosecutor and two investigators. It has its own Board of Directors which is comprised of government agencies and departments (such as the Ministries of Health and Social

Welfare, Tourism and Trade and Foreign Affairs) and the National Intelligence Agency, as well as NGOs and private sector members.⁸⁴ Its implementing partners include the DoSW, Child Fund and Police and Immigration Departments. NAATIP had an action plan for 2012-2014 to implement preventive activities mainly focused on sensitising communities.⁸⁵ Although NAATIP receives funding for operations, there is no fund available specifically for victims, which is against the spirit of the Trafficking Act.

The functions of NAATIP, as set out in section 14 of the Trafficking Act, include: receiving and investigating reports of activities of trafficking; cooperating with governments of other states in the investigation and prosecution of trafficking offences; strengthening cooperation between all stakeholders; and taking charge, supervising and coordinating the recovery of victims. NAATIP has set up a task force which supports in coordination.

Often, the cases that NAATIP receives are jointly investigated with either the police or Immigration, depending on from where the referral comes. DoSW only becomes involved if the victims require psychosocial support. This joint investigation “strengthens team work, reduces traumatisation of the victims, reduces duplication and minimises resource wastage.”⁸⁶ According to CPA, there is still a need to strengthen the communication and timely sharing of information relating to cases first reported to one agency.⁸⁷

Furthermore, despite its expansive responsibilities, there is only one NAATIP office in The Gambia and it is located in Banjul.⁸⁸ At this office there are only seven staff members and there is no staff member specifically assigned to deal with children’s cases.⁸⁹ Finally, as with many child protection stakeholders, NAATIP has limited resources to provide all the services and functions that the Trafficking Act stipulates.

Community Child Protection Committees (CCPC)

CPA, Child Fund, UNICEF and the DoSW collaborated together to design and establish CCPCs throughout The Gambia.⁹⁰ However, most CCPCs are set up in the West Coast Region and the Upper River Region.⁹¹ The membership of the Committees is diverse and can include religious leaders, village heads, women leaders, youth leaders, child representatives, Child Welfare Officers, health officers, teachers and any other interested stakeholders.⁹²

CPA has provided training for CCPC members on child protection laws, identification of children at risk and children in need of special protection, counselling skills and techniques, child-friendly interviewing and referral support services.⁹³ Interestingly, when CCPCs have cases referred to them they may refer the matter to the appropriate institution; however, sometimes they will bring together stakeholders at the community level to address the issue.⁹⁴

NGO collaboration with the Gambian government

The Gambian government also coordinates and cooperates with several child protection NGOs such as CPA, Child

Fund, ECPAT Netherlands and UNICEF. A good example of this coordination and cooperation is the PROTECT project which

was launched in 2011 by Child Fund to develop and strengthen a viable national child protection system focused on child protection in relation to trafficking, sexual abuse and forced marriage.⁹⁵ It has been working closely with government institutions, civil society and community

child protection committees to improve coordination between stakeholders. Notably, over 320 local stakeholders have been trained on victim identification and accessing appropriate reporting mechanisms by the PROTECT project.⁹⁶

Data Collection

There is limited data on CSEC in The Gambia. Most of the reports on CSEC in The Gambia are conducted by international or foreign organisations such as UNICEF, the US Department of State and the International Labour Organization. Furthermore, the reports available make either only general observations or observations on particular manifestations of CSEC and offer limited statistical data.

There are some Gambian stakeholders instructed to conduct limited data collection but this is usually only in relation to specific manifestations of CSEC. For example, NAATIP is responsible for compiling trafficking data from across all government agencies and creating a database.⁹⁷ However, despite receiving funding for the establishment of a database and a specialist to implement data collection, there are only a small number of cases entered in the database.⁹⁸

Data collection is also limited by the poor record keeping of various government institutions. For example, police stations still lack computers and all the record keeping is done on paper.⁹⁹ In fact, district chiefs and *alkalolu* (community leaders)

do not keep records of cases at all.¹⁰⁰ A further problem with data collection in The Gambia is that the limited data that is collected is not collected in a standardised way and there is no systemisation on data management between stakeholders.¹⁰¹

Data collection is also limited due to the general and widespread lack of funds and capacity of stakeholders to conduct data collection. For example, there is usually only one scribe for all the district tribunals in the whole region so most operate without a scribe.¹⁰²

There are several cultural and social reasons why there is limited data on CSEC in The Gambia. There is a 'culture of silence' in The Gambia as children are not given a 'voice' in the family or community and sexual abuse and exploitation is perceived as a 'personal' matter to be dealt with privately.¹⁰³ There is therefore limited reporting of instances of child sexual abuse and exploitation and, consequently, limited data to collect. Furthermore, those who may have knowledge of such incidences may not be aware it is a breach of children's rights.

At the regional and international levels

Most of the examples of regional and international coordination and cooperation by The Gambia are in relation to human

trafficking. For example, the Gambian government participates in a project named Children on the Move, which is a

three year regional programme funded by a Swiss NGO which provides services to children who are victims of trafficking.¹⁰⁴

The Gambia is a member state of the Economic Community of West African States (ECOWAS) and contributed towards the regional Plan of Action against trafficking for West Africa.¹⁰⁵ ECOWAS requires that all member states adopt a National Plan of Action against Human Trafficking (NPA) and thus The Gambia created and adopted an NPA for 2012-

2016.¹⁰⁶ Additionally, The Gambia also signed a Multilateral Cooperation Agreement with Central African countries on the issue of human trafficking.¹⁰⁷ The Gambia also has a bilateral agreement with Ghana in relation to human trafficking.¹⁰⁸

Internationally, The Gambia has signed and ratified several bilateral agreements in relation to human trafficking such as its 2013 agreement with Taiwan on 'Co-operation on Immigration Affairs and Human Trafficking Prevention.'¹⁰⁹

PREVENTION

The effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. These strategies should target both vulnerable children and those who engage in sexual activities with children while also addressing the root causes of CSEC such as poverty and lack of education.

Long term prevention strategies include improving the status of children who are most vulnerable to CSEC by implementing policies to reduce poverty and social inequality and improving access to education, health and social services. Effective short to medium term strategies include awareness raising campaigns and education and training initiatives for the general public, vulnerable groups and government officials.

The resources, expertise and influence of the private sector, particularly the tourism

and IT industries, should also be engaged in prevention measures, in particular in awareness raising activities.

Furthermore, information, education and outreach programmes should be directed at those engaging in the commercial sexual exploitation of children (e.g. exploiters of children in prostitution) to promote changes in social norms and behaviour and reduce the demand for CSEC.

The Gambian government only conducts a very small number of prevention activities and, when it does, it is usually in collaboration with NGOs. NGOs carry out advocacy and research activities, provide training to agencies and departments on child protection issues, sensitise communities on child protection and other relevant issues and provide various support to communities to empower them to improve their lives.

Awareness raising

The CPA is one of the most involved child protection stakeholders in regard to awareness raising activities. CPA has been involved in many different awareness raising activities including the creation of radio shows to sensitise listeners to the issue of child rights and creating a documentary on violence against children.¹¹⁰ CPA has also teamed up with other NGOs such as ECPAT Netherlands, ECPAT International and UNICEF to conduct various awareness raising campaigns.

Notably, CPA, with funding from ECPAT Netherlands, contributed financially to the installation of an electronic signboard in the Banjul International Airport displaying messages on child protection and CSEC prevention.¹¹¹ CPA has also, with funding from ECPAT Netherlands, put up two billboards with messages on prevention of sexual exploitation of children in tourism at two strategic places in the TDA. The GTB conducts a weekly radio programme “The Tourist” on a popular FM radio station to sensitise the public on the prevention of sexual exploitation of children in tourism and other related issues. It has carried out, in collaboration with the Ministry of Basic and Secondary Education, school outreach programmes to sensitise school children on the importance of tourism as a career and how they can prevent themselves from the lure of travelling child sex offenders. NAATIP has sensitised border communities at Farafenni/Kerr Ayib, Giboro, Soma and Amdalli on child trafficking.¹¹² However, there should be a wider dissemination of awareness raising materials available to tourists at places such as tourist information centres.

There are currently no awareness raising campaigns that are specifically targeted

at vulnerable groups, although there is a drive to include sensitisation on CSEC in school curricular as demonstrated in the draft *National Plan of Action Against Sexual Abuse and Exploitation of Children of The Gambia 2013-2016*.¹¹³ Although there are plans under the draft CSEC NPA to provide CSEC sensitisation in some schools, this needs to be widely implemented across all schools.

The establishment of the Neighbourhood Watch Groups by CPA, with financial support from UNICEF, in the communities of Bakau, Kololi, Manjai Kunda, Kerr Serign and Bijilo helps to raise awareness of the communities surrounding the TDA on sexual exploitation of children in travel and tourism. The Neighbourhood Watch Groups comprise young people and adults, identified by the communities to monitor and report activities of suspected paedophiles to the Police.¹¹⁴ There is a need for greater sensitisation at the local level as many communities, particularly outside Banjul, are not aware of the existence of child protection services.¹¹⁵ Firstly, there is a growing trend of CSEC in tourism occurring outside the TDA. Secondly, as communities are unaware of child protection mechanisms, they seek out assistance from local and community leaders such as *alkalolu*, councils of elders and Village Development Committees (VDCs), who are likely to be unaware of child protection laws.¹¹⁶ In fact, some *alkalolu* have even admitted to not knowing how to handle certain cases that come before them such as teenage pregnancy.¹¹⁷ This demonstrates the clear gap in awareness of child protection law and policies between local and central governments.

Training and education

There has been extremely limited training and education provided to stakeholders from the Gambian government with a few exceptions. The GTB conducted a two-day capacity building workshop in 2012 where officers in the TSU were educated on the *Tourism Offences Act 2003*, among other tourism related issues.¹¹⁸

CPA is the main and most active training provider and capacity builder. They have provided training to various stakeholders including the Gambian Armed Forces, as well as police and Immigration officials.¹¹⁹ CPA has also conducted information workshops with tourist professionals and members of the TSU on CSEC issues in tourism.¹²⁰

Private sector involvement

The GTB has been active in promoting its own *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*. The Code operates differently in The Gambia in comparison to other countries because it is a government-driven initiative, as opposed to an industry-driven initiative. In fact, it is mandatory for any tourism business to sign up to the Code in order to obtain an operating licence in the TDA.¹²¹ Therefore,

tourism businesses may not necessarily be interested in implementing the Code but in simply fulfilling their minimum obligations. An indication of tourism businesses' reluctance to implement the Code is the lack of annual reports submitted to CPA, as required by the Code.¹²² Furthermore, there are reports of hotels and hotel staff being compliant and even encouraging CSEC.¹²³

In a 2008 report on child sex tourism in The Gambia, several hotel security guards were interviewed and reported: *"Security guards of tourist accommodation are likely to be bribed in return [for] accommodating Child Sex Tourists at night. [As those exploited through prostitution] (Informal Conversation 09-2008) were saying: "I give 50 dalasi to the watchman and he will let me in." Security and watchmen of accommodations are relatively low educated, low paid and little informed about tourism and its negative aspects [such] as child sex tourism. In addition, the Tourism Security Unit (Interview 06-2008) is blaming these security and watchmen about keeping silent [about] what they know, implicating that they benefit of it, or being ignorant. A watchman (Informal Conversation 09-2008) of a popular bar among tourist and non-Gambian residents in Kotu seems to agree by saying: "I know many, many toubabs (local word for white person) coming to The Gambia to have small, small, small girls, 13 or 14 years old ... I know personally two girls here in Kotu who are spoiled by old toubabs, they are 14! I never reported something, but toubabs know I do not like it. I have had many discussions with these toubabs. They do not try it at my place." [The] knowledge these watchmen have does give an insight in[to] the problem, and is invaluable for an effective legal counteraction of Child Sex Tourists."*¹²⁴

There is, therefore, a serious need to conduct more extensive and effective sensitisation within the tourism industry so the Code is respected and adhered to and stakeholders understand its importance. A result of more extensive awareness and 'ownership' of the Code by the stakeholders should filter down into more awareness by tourists as stakeholders implement the Code and further disseminate information.

There is extremely limited involvement of the information technology (IT) industry and Information and Communications Technology (ICT) providers in The Gambia.

There are no monitoring and reporting obligations on such providers. The only example of limited involvement is a child-led 'Make-IT-Safe' campaign organised by CPA in August 2009. As part of this campaign a group of children went to their local Internet cafes and spoke to them about monitoring the usage of their computers, exhibiting the Code of Conduct and buying filters to block indecent websites.¹²⁵ However, the success of this campaign remains to be proven and a recent report by ECPAT Netherlands shows the complacency of Internet cafes in combating CSEC.¹²⁶

The ECPAT Netherlands 2013 report interviewed Internet cafe operators and found that *"...most internet cafe operators make money through recommending dating sites to their customers and even helping them register on those sites. Café operators have lists of sites that they introduce customers to. Most of the youth registering a profile hide their ages according to internet operators, or state on their profiles that they are in their twenties when actually they are 16 or 17 years. Some of these young boys invite these European women into their homes as it is common in the Gambia for boys to have their own quarters separated from their parent's house at 16 years of age."*¹²⁷

Vulnerability reduction

Child protection can be intertwined with social and economic problems in the community and, therefore, general community empowerment projects can help with the reduction of children's vulnerability. There are NGO projects that invest in community development by providing support in opening up income-generating activities such as the 'Community Empowerment Program' conducted by Tostan.¹²⁸ However, much more needs to be done to empower communities and support families in order to reduce children's vulnerability. The DoSW and other government departments

and ministries should be instrumental in this.

The length and quality of education also affects the vulnerability of children to sexual exploitation. Importantly, the Education Policy 2004-2015 seeks to improve the quality of education as well as increase the number of children attending school, particularly among girls.¹²⁹ There is also a collaborative initiative between the Gambian government, UNICEF and CPA to advise local parent-teacher associations on the importance of girls' school attendance.¹³⁰ These initiatives,

if successful, may reduce the general vulnerability of children to CSEC.

There are several organisations such as Network Against Gender Based Violence, ActionAid International – The Gambia and Child Fund – The Gambia, as well as the Basic and Secondary Education Directorate (BSED), that offer a range of life skills programmes and services for children that reduce their vulnerability to sexual exploitation.¹³¹ These programmes and services include sensitisation on reproductive health and HIV/AIDS, gender issues, employment opportunities for children who have dropped out of school, psychosocial support and financial incentives for staying in school.¹³²

Recovery and reintegration services for CSEC victims are rare in The Gambia. The Child and Environmental Development Association – The Gambia (CEDAG) does provide some limited assistance in the process of re-integration of trafficked children to their families and communities within the ‘Children on the Move’ project of the West African Network.¹³³ However, this service is only available to CSEC victims of trafficking and does not assist those who are victims of other manifestations of CSEC. Interestingly, as a vulnerability reduction initiative, the Gambian government now issues biometric national ID cards to all its citizens.¹³⁴ Once again, this vulnerability reduction initiative is targeted at CSEC victims of trafficking and does not assist victims of other manifestations of CSEC.

Birth registration

In The Gambia, the *Births, Deaths and Marriages Registration Act 1968* (BDMR)¹³⁵ and section 7(2) of the *Children’s Act 2005*¹³⁶ make the registration of birth a “legal entitlement of every child in the country.”¹³⁷ The BDMR provides for free birth registration and requires immediate registration of children by parents, with harsh penalties, including imprisonment of parents, if registration is not completed.¹³⁸

However, in 2010, only about 53 percent of The Gambia’s children under five years old had a birth certificate.¹³⁹ Birth registration is an important right which has been clearly identified in the Convention on the Rights of the Child (CRC) and other international human rights instruments.¹⁴⁰ Many basic rights such as school registration, access to health care services, national identity cards and passport applications are contingent upon birth registration documentation.

Deterrence measures

Most of the deterrence measures present in The Gambia are only deterrents for CSEC in tourism. There are several provisions that criminalise the organisation, promotion and assistance of CSEC in tourism in the *Children's Act 2005*¹⁴¹ and the *Tourism Offences Act 2003*.¹⁴²

Additionally, if the person organising, promoting, or assisting the CSEC in tourism is an employee in the TDA, the person will be disqualified for 10 years from working in the TDA and from providing any kind of service to a tourist.

Research on CSEC

Most of the research on CSEC in The Gambia has been conducted by NGOs and focused on CSEC in tourism. This research is now quite dated and there is a serious need for more current and accurate research on CSEC in The Gambia to be conducted in order to evaluate the extent of the problem and better target initiatives. One of the first steps towards improving the significant lack of research is the 'Mapping and Assessment Report' on child protection systems in The Gambia which was commissioned by the DoSW and

UNICEF.¹⁴³ One of most recent pieces of research is the 'Assessment on Commercial Sexual Exploitation of Children related to Tourism and Reporting Mechanisms in Gambia' from 2013, commissioned by Defence for Children – ECPAT the Netherlands.¹⁴⁴ However, there is still a serious need for more field-based research to be conducted in order to gather accurate statistical data on a number of important issues such as the number of victims, perpetrators and their profiles and the actual extent of the problem.

PROTECTION

International law on rights of the child and human rights

The Gambia has signed and ratified the core international instruments relating to

child protection against commercial sexual exploitation.

International Instruments		
Children's rights Instruments	Date of signature	Date of ratification or accession
Convention on the Rights of the Child - 1989	5 February 1990	8 August 1990
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography - 2000	21 December 2000	8 April 2010
ILO Convention on the Worst Forms of Child Labor - 1999 (No. 182)		3 July 2001
UN Convention against Transnational Organized Crime - 2000	14 December 2000	5 May 2003
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – 2000	14 December 2000	5 May 2003
Regional Instruments		
African Charter On Human And Peoples' Rights (1981)	8 June 1983	
Protocol to the African Charter on Human and Peoples' Rights (2003)	1 September 2003	25 May 2005
African Charter on the Rights and Welfare of the Child 1990		4 December 2000
African Youth Charter (2006)	29 January 2008	30 April 2009

As required under article 44 of the CRC, The Gambia submitted its initial report to the Committee on the Rights of the Child in 1999¹⁴⁵ and its combined second and third periodic reports in 2011.¹⁴⁶ In its review of The Gambia in 2015, the Committee made the following recommendations:

- Strengthen awareness-raising programmes, including campaigns with the tourism industry and the public at large on the prevention of child sex tourism; strengthen international cooperation against child sex tourism through multilateral, regional and bilateral arrangements;
- Strengthen actions to respond to the health, legal and psychosocial needs of child victims of sexual exploitation and violence;
- Ensure the development of programmes and policies for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against CSEC;
- Harmonise legislation to ensure that child marriage is not permitted before the age of 18;
- Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family and community, including traditional community, schools, and the care and judicial systems, as well as the Children's Court and the Community Child Protection Committees, with particular attention to girls and children in vulnerable situations.¹⁴⁷

As per article 12 of the *Optional Protocol on the sale of children, child prostitution, and child pornography* (OPSC), The Gambia was due to submit its initial report to the Committee on the Rights of the Child on the implementation of the OPSC on 8 April 2012, but has yet to submit its report.

The UN Special Rapporteur on sale of children, child prostitution and child pornography issued a formal request to the government of The Gambia for an invitation to visit. The Government has yet to respond to the Special Rapporteur's request.

The United Nations Human Rights Council reviewed the Gambia's overall human

rights record through the Universal Periodic Review process in October 2014. The Working Group issued specific recommendations to The Gambia in respect of CSEC or CSEC-related offences, which included:

- Explore and maximise the benefits from international cooperation and partnerships to support initiatives to combat trafficking in persons, especially women and children;
- Set 18 years as the minimum legal age of marriage;
- Take steps to prevent child, early and forced marriage, including through education and awareness campaigns.¹⁴⁸

The domestic implementation of international law on child rights and protection

Comprehensive and effective legislation, in line with international standards, is essential to protect children from commercial sexual exploitation. Laws must be enacted in compliance with State obligations and specific laws must be developed, implemented and strengthened to combat the various manifestations of CSEC. These laws must be reviewed and updated regularly to incorporate evolving forms of CSEC, such as grooming or viewing and accessing child pornography online, and changes in the international legal framework. As well as enacting legislation that is compliant with international standards and obligations, national laws must be effectively enforced. Policies and procedures to protect child victims and witnesses are also essential. The Gambia Constitution (1997) recognises and enshrines certain child rights. For example, section 29(1) enshrines article

7 of the CRC.¹⁴⁹ Section 29(2) of the 1997 Constitution enshrines part of the obligation under article 32 of the CRC, but limits its application to only those children under 16 years of age.

The *Children's Act 2005* (CA) remains the primary implementing legislation of the CRC, and applies to all children that reside in The Gambia. The CA defines a child as anyone below the age of 18 years of age.¹⁵⁰ However, the importance of this delineation is watered down in other provisions that set the age for criminal responsibility at 12 years old.¹⁵¹ Furthermore, although the common law states that no child is capable of contracting a valid marriage – subject to 'personal law'¹⁵² – there is no provision in Gambian law that states the minimum age for sexual consent.¹⁵³

The Gambian court system and the protection of child rights

The Gambia is a common law jurisdiction; however, informal or customary law, and Sharia law are often engaged to address family law matters and issues concerning child rights.¹⁵⁴ Sharia law applies to Muslim Gambians,¹⁵⁵ which comprise more than 90 percent of The Gambia's population.¹⁵⁶

A significant obstacle to the implementation of The Gambia's child protection laws is the overlap between the Sharia legal systems and the national legal system, which sometimes results in inconsistent levels of legal protection for children. The prevalence of informal or customary law to handle matters relating to child rights further undermines state legislation on child protection and human rights. For example, national law sets the minimum age for marriage at 18 years of age,¹⁵⁷ yet Sharia Law introduces different criteria for Muslim Gambians on the ability of children to marry, based on factors other than age, such as the attainment of puberty.¹⁵⁸

The juvenile justice system has struggled to adhere to the standards stipulated in the CA and does not contain child-friendly processes or infrastructure to ensure confidentiality and privacy for children.¹⁵⁹ Additionally, the CA established Children's Courts whose sole purpose is to "hear and determine criminal charges against a child;

all civil matters concerning a child, [...] and applications relating to child care and protection."¹⁶⁰ Despite the requirement that a Children's Courts be available in every division, only three are operational, covering three regions – the Greater Banjul Area, West Coast Division and the Upper River Region.¹⁶¹ The latter two courts were established in 2011.¹⁶²

Another issue in the implementation of the child protection laws is the lack of cases being brought into the justice system as a result of the 'culture of silence'¹⁶³ when it comes to CSEC in The Gambia. Often, even if cases are reported and investigated, they are later withdrawn and settled privately.¹⁶⁴ This is one example of how the CA does not necessarily take into account all of the realities of The Gambian political, social and economic environment, including the strengths and weaknesses of child protection institutions.

Although the CA appears to properly implement The Gambia's obligations under international law in respect to the protection of children, the CA has not been widely disseminated and promoted among stakeholders and, as result, many key groups continue to lack understanding of the CA or are completely unaware of its existence.¹⁶⁵

Prostitution of children

Article 2(b) of the OPSC enumerates a definition of child prostitution: "the use of a child in sexual activities for remuneration or any other form of consideration."¹⁶⁶

Article 3(1) of the OPSC obligates States to criminalize "offering, obtaining, procuring

or providing a child for child prostitution" as well as any attempt to commit such an offence or to aid and abet the commission of such an offence.¹⁶⁷

The *Gambian Criminal Code (1990)* criminalises the assault of females,¹⁶⁸

defilement of girls under 16¹⁶⁹ and procurement of children for sex or prostitution.¹⁷⁰ There are extensive legal provisions in the *Children's Act 2005* (CA) for the protection of children from prostitution and it provides serious punishments for child prostitution and related offences.¹⁷¹ The CA also amended the ages in relation to the criminalisation of the assault of females and defilement of girls in the *Criminal Code* from 16 years to 18 years of age.¹⁷²

The CA contains several provisions prohibiting child prostitution. Section 31 of the CA formulates the primary offence of procuring or offering a child for prostitution and provides a penalty of up to 14 years imprisonment, without the option of a fine.¹⁷³ Section 29 includes anyone who “knowingly allows the child to consort with, or to enter or continue in the employment of, any prostitute or other person of known immoral character.”¹⁷⁴ Section 26 prohibits the export or import of children for the purpose of prostitution¹⁷⁵ and Section 37 prohibits the buying, selling or hiring of a child for “immoral purpose.”¹⁷⁶ Section 7 of the *Tourism Offences Act 2003* (TOA) also

makes it an offence to procure a child for prostitution.¹⁷⁷

The CA also outlines a number of child prostitution related offences to include situations where someone drugs, coerces, deceives, seduces or forces a child to have sexual intercourse with someone.¹⁷⁸ Section 38 of the CA is also a ‘catch all’ provision that criminalises situations that cause, encourage, allow, procure and permit a child to be exploited through prostitution.¹⁷⁹ It is also a specific offence to encourage or cause a child to be prostituted or sexually assaulted if the person has custody, charge or care of the child.¹⁸⁰ Detaining or confining a child so they can be sexually abused or assaulted is also an offence.¹⁸¹ Additionally, section 11 of the TOA makes it an offence to allow ‘your premises or any premises you manage to be used for the sexual abuse or prostitution of a child.’¹⁸²

Importantly, the CA makes procuring a child for prostitution an offence within or outside The Gambia.¹⁸³ Similarly, the CA makes it an offence to ‘take away or detain’ a child for the purpose of being sexually assaulted.¹⁸⁴

Child pornography/child sexual abuse materials

Article 2(b) of the OPSC defines child pornography as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes” and Article 3(1)(c) prohibits producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography.¹⁸⁵

The Gambia has ratified the OPSC but has not yet incorporated the definition of child pornography provided in the OPSC, in its

entirety, into Gambian law. Furthermore, The Gambia has yet to legislate and criminalise all acts in connection to child pornography such as the dissemination, exportation, offering, viewing and accessing. Additionally, The Gambia does not have any laws criminalising the ‘grooming’ of children for child pornography.¹⁸⁶

Section 31 and 38 of the CA make it an offence to procure, use or offer a child for the production of pornography or for pornographic performance.¹⁸⁷ Section 60

of the CA criminalises the importation of “any harmful publication” and Section 61 of the CA makes it an offence to print, publish, sell, let on hire or possess for the purpose of selling or letting on hire “any harmful publication.”¹⁸⁸ The CA does provide a definition for “harmful publication”; however, this definition does not specifically address the use or representation of children in this ‘harmful’ material.

Section 8 of the *Tourism Offences Act* makes it an offence for a tourist or any other person to engage in child pornography which includes the taking, distribution or publication of indecent photographs of children. ‘Distribution’ is defined to include parting with possession, or exposing or offering it for acquisition. However, two defences are provided in subsection (3): (1) a ‘legitimate reason’ for the distribution, showing, or possession of the photograph (‘legitimate reason’ is not defined); and (2) ‘that he or she had not himself or herself seen the photography and did not know, nor had any cause to suspect it to be indecent.’¹⁸⁹

Section 174 of the *Information and Communication Act 2009 (ICA)* similarly criminalises anyone who distributes, shows, possesses with intent to distribute or show, or advertises, takes or permits to be taken any indecent photograph of a child.¹⁹⁰ This section does not fully comply with the *Rio de Janeiro Declaration* (2008) which states that mere possession, not just possession with intent to distribute or show, should be criminalised. Notably, the ICA not only criminalises the publishing or transmitting of ‘obscene material’ electronically, but makes it a specific offence if this was committed by a corporation.¹⁹¹ Nevertheless, the definition of ‘obscene materials’ appears ambiguous¹⁹² and provides little guidance when determining what materials would

fall under this provision.

Section 164 of the ICA appears to attempt to make accessing and viewing child pornography an offence. However, the section is quite vague and makes it an offence to ‘access a secure computer system’ with the intent to commit an offence provided under any other enactment.¹⁹³ As a result, accessing a computer to distribute, publish, or sell child pornography is an offence, but *merely* accessing child pornography is not. This section therefore does not go far enough to comply with the *Rio de Janeiro Declaration* (2008) to criminalise accessing and viewing child pornography.¹⁹⁴

While Gambian law does have general reporting obligations for the public when a child’s rights are being infringed,¹⁹⁵ there are a lack of any specific legal reporting obligations for Internet Service Providers and financial institutions that may be in a position to monitor any transactions conducted as a part of a child pornography offence. This is a significant shortcoming of Gambian law in protecting children from being exploited in pornography.

Cases of child pornography

In 2012, a 45-year-old Norwegian man was arrested and convicted of sexual abuse, child pornography and sexual exploitation of children in 2009 and 2010.¹⁹⁶ The court ordered him to pay a fine of 450,000 Dalasi as well as 250,000 Dalasi in compensation to the victims.¹⁹⁷ In contrast, another Norwegian man in the same year was convicted and sentenced to three years in jail for sexual exploitation of six children and child pornography.¹⁹⁸ This demonstrates the lack of parity in cases of child pornography, which may be attributed to the potential unawareness of child protection legislation within the justice sector in The Gambia.

Trafficking in children for sexual purposes

Under Article 3(a) of the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children* (UN Trafficking Protocol), trafficking in persons is defined as the “recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”¹⁹⁹

Article 3(c) of the *UN Trafficking Protocol* states that “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article.”²⁰⁰ Within this definition, a child is considered anyone under the age of 18 years.²⁰¹

The *Trafficking in Persons Act 2007* (Trafficking Act) is the primary piece of legislation that criminalises the trafficking of children for sexual exploitation. The Trafficking Act is a comprehensive piece of legislation, covering even more than the UN Trafficking Protocol. Both the CA²⁰² and the TOA²⁰³ also have provisions criminalising the trafficking of children, whether on its own or in conjunction with the purpose of sexual exploitation or being

forced or seduced into prostitution. Importantly, the provisions in the Trafficking Act have wide jurisdiction and Gambian courts have jurisdiction to try an offence when:

- the offence is committed wholly or partly in The Gambia; or
- the offence is committed by a Gambian national or resident; or
- the victim is a Gambian national or resident; or
- the trafficker is present in The Gambia.²⁰⁴

In considering the offence, the Gambian courts will treat the offence as if it was committed at a place within The Gambia.²⁰⁵ Additionally, all offences under the Trafficking Act are extraditable offences.²⁰⁶

Section 28 of the Trafficking Act criminalises trafficking of persons for the purpose of exploitation within or across national borders.²⁰⁷ Exploitation is defined in section 2 of the Trafficking Act to include commercial sexual exploitation.²⁰⁸ The *Trafficking in Persons (Amendment) Act of 2010* increased the penalties provided in Section 28 for trafficking, with a harsher minimum sentence of 50 years and a maximum of life imprisonment. Where the victim of trafficking is a child, an offender is liable to “the sentence of death.”²⁰⁹ Furthermore, when the victim is a child, the means of trafficking are considered irrelevant.²¹⁰ It is also a specific offence to export a person out of The Gambia or import a person into The Gambia, knowing it is likely that the person will be prostituted, whether willingly, forced or seduced.²¹¹

Additionally, there are serious

punishments listed for anyone connected to the commission of trafficking of children. Anyone who acts as an 'intermediary' for the purpose of trafficking, or employs or allows a trafficking victim to work for them, is liable to a fine of 50,000 - 500,000 Dalasi as well as a term of imprisonment for no less than 15 years and no more than life imprisonment.²¹² In fact, anyone with any information concerning trafficking who fails to notify the police is liable to pay a fine of 10,000 - 50,000 Dalasi, or a term of imprisonment for no less than 12 months and no more than three years, or both.²¹³

Victim protection and support

Section 45 of the Trafficking Act outlines how trafficking victims should be treated. Trafficking victims should be provided with access to appropriate support services (health, legal, psycho-social), be granted a temporary residence visa during any legal proceedings and assisted with any voluntary repatriation requests. However, there are only a couple of examples where victims have been granted temporary residence visas for assisting authorities.²¹⁴

A significant shortcoming of the Trafficking Act is the provision preventing the detention, imprisonment or prosecution of trafficking victims in connection with their trafficking experience.²¹⁵ The provision states this should only apply 'where circumstances so justify' but does not state how this is decided. Additionally, there have been cases where children (along with women) have been imprisoned for being involved in prostitution.²¹⁶ There should be an additional provision prohibiting the criminalisation of children for acts that are committed as a part of their commercial sexual exploitation.

The DoSW is the body responsible for the protection and support of trafficking

victims.²¹⁷ The Trafficking Act also establishes a Fund for Victims of Trafficking and outlines how funds should be allocated.²¹⁸ However, thus far the financial support from the government to NAATIP has generally only been used for operation and programme costs.

Importantly, the Trafficking Act also states that a person convicted of trafficking may be ordered by the court to pay compensation to the victim.²¹⁹

Cases of trafficking of children for sexual purposes

Despite the expansive provisions under the Trafficking Act and the development of law enforcement in this area in particular, there are still relatively limited cases of trafficking in children for sexual purposes that have been investigated and an even smaller amount that have led to convictions. Most recently, in January 2013, 18 people were arrested and detained for acting as 'employers' to children who were trafficked for sexual purposes.²²⁰ However, given that there is no case database available online, it is unclear whether these arrests ended in prosecution and detention or whether the suspects were released. Similarly, in 2009, the Gambian Police investigated a report that a group of girls had been trafficked from Ghana into The Gambia for exploitation in prostitution.²²¹ Investigators later found the reports to be inaccurate after visiting the site.²²² However, it is unclear if these investigators had any specialised training in anti-trafficking or CSEC.

There is also the additional problem of a lack of technical capacity and understanding within the justice system. For example, in 2008, a Gambian national was arrested for trafficking a child for commercial sexual purposes.²²³

However, the national was prosecuted for a 'procurement' offense and was subsequently acquitted.²²⁴ Additionally, four people were prosecuted under the Trafficking Act for actions that appeared to

be smuggling rather than trafficking.²²⁵ This demonstrates the inadequate technical knowledge and experience the police and justice system have in dealing with these cases.

CSEC in travel and tourism

CSEC in tourism is a recent phenomenon and one that has received significant attention in The Gambia as a growing problem. The TOA specifically legislates for the protection of children from sexual exploitation in tourism and has quite expansive provisions. Section 6 of the TOA makes it an offence for a tourist to sexually abuse a child and provides a maximum punishment of 14 years imprisonment for the offence.²²⁶

There are also a number of provisions that widen the scope of situations that are criminal offences. For example, section 5 of the TOA makes it an offence for a person to make a sexual advance towards a child.²²⁷ Additionally, exposing one's genitals to a child for sexual purposes is also an offence.²²⁸ It is also a specific offence if a person in a position of power, trust or authority over a child touches, or requests that child to touch, either the person requesting or someone else, in a sexual manner.²²⁹

Anyone who helps or assists in the commission or attempted commission of child sexual abuse or exploitation will be punished in the same manner as the person who actually commits the offence.²³⁰ It is also a specific offence for any person to allow any premises he/she owns, occupies, manages or controls to be used for any sexual activity prohibited by the TOA.²³¹

There are also several provisions in Gambian law that criminalise those involved or connected to CSEC in tourism. Importantly, this includes the organisation, promotion or encouragement of foreign travel that promotes child prostitution.²³² Similarly, it is a specific offence for a person who is an employee in a TDA to either 'do any act that is likely to harm, injure or be detrimental to the image of The Gambia' or to 'make sexual advances, or offer any illegal service or product to a tourist'.²³³ In addition to possible imprisonment and a fine, the person will be disqualified for 10 years from working in the TDA and from providing any kind of service to a tourist.²³⁴

The Gambian government has taken some policy measures to combat CSEC in tourism. In 2011, the GTB launched a training manual on preventing CSEC in tourism which was disseminated to the TSU and other stakeholders.²³⁵ Additionally, children unaccompanied by an adult are not allowed into TDAs which are patrolled by the TSU.²³⁶ Although the banning of unaccompanied children in the TDAs is an important measure, there is no evidence to suggest there has been any increase in reporting suspected CSEC victims by the TSU as a result.²³⁷ In fact, the TSU has stated that only two suspected cases were reported to them during the tourist season 2012/2013.²³⁸

Extraterritorial jurisdiction in CSEC laws

The CA contains certain provisions that have extraterritorial effect, namely, the provisions relating to exportation and importation of children for prostitution,²³⁹ procurement of children for sex or prostitution²⁴⁰ and foreign travel which promotes child prostitution.²⁴¹

The Trafficking Act also sets out provisions with extraterritorial effect.²⁴² Furthermore, The Gambia has signed a multilateral agreement to combat child trafficking in West Africa signed by Benin, Burkina Faso, Cote d'Ivoire, Ghana, Guinea, Mali, Niger and Togo.²⁴³

Despite the presence of laws on CSEC in tourism, cases are few and convictions fewer. In 2009, a New Zealand man was convicted of trafficking a Gambian child for sexual purposes.²⁴⁴ He was convicted under the TOA and sentenced to one

year imprisonment.²⁴⁵ Although this is a promising example of a person being convicted of an offence under the TOA, the punishment is extremely low. Section 13 of the TOA provides a punishment of no less than 5 years imprisonment and a fine of no less than D100,000 for tourists who buy, sell, procure or traffic in or bring into or take out of The Gambia a child for the purposes of trafficking.²⁴⁶ There is a significant gap in the punishment given and what the legislation stipulates.

A contributing factor to the limited number of cases of tourists being prosecuted in The Gambia for CSEC in tourism is that reporting is considered a slow, complex and corrupt process.²⁴⁷ Significantly, there are reports that law enforcement officers are corrupt and may be accepting bribes or otherwise ignoring cases.²⁴⁸

*A hotel manager in the Fajara area who had a case in his hotel explained the following: 'I had a case involving a French man aged between 60 to 70 years who was staying at my hotel. Whenever he goes out, he comes back with boys as young as 12 years and some of the boys are in school uniforms. I became suspicious when I realised that he spend sometimes with the boys in his room and then later they will have a shower and he will see them off. Every now and then he will come with a different boy. I informed the Tourist Security Unit and their first attempt at arresting failed because the police arrived in plain cloth but found him sitting outside with the boy. The next time he brought another boy in, I called the police and they got into his room and found him naked on the boy who was also naked. His underwear and the boy's cloth were seized for evidence and he was arrested and taken to the police station. Later in that evening I was shocked to see the man return to the hotel without any escort and checked out of his room. I tried to find out from the police who made the arrest but he told me he handed the case to his boss and does not know what happened afterwards. I later learned from sources that the offender bribed the police with D60,000 and the case was aborted with no charges sent to the court.'*²⁴⁹

Child protection units

There is no specific child protection unit set up in The Gambia which deals exclusively with CSEC-related issues. The police, Immigration and the DoSW have child welfare units which deal with child protection cases and may include child protection cases involving CSEC.²⁵⁰ The police also have an additional vulnerable persons unit that assists people at risk and may also include child victims of sexual exploitation.

The Gambia has a Police Child Welfare Unit on preventing, identifying, investigating and responding to child protection cases.²⁵¹ In comparison to other child protection institutions, the police have the most outreach to communities as they have one child welfare officer at every police station.²⁵² However, the police stations, and thus the child welfare officers, have a large area to cover and their districts

usually include 30-60 villages and some even cover two districts.²⁵³ Another problem with the child welfare officers is that they do not always properly follow up on their cases.²⁵⁴ Instead, they will meet with the community as a whole and rely on the community to report to them if the problem happens again.²⁵⁵ If the child welfare officers do not hear anything further about the case then they assume the issue has been settled.²⁵⁶

The Immigration Child Welfare Unit has liaised with the West Africa Network on child trafficking by intercepting children and investigating cases of trafficking in children.²⁵⁷ The Immigration Child Welfare Unit works closely with the DoSW, police, NAATIP and Child Fund on case management and has a memorandum of understanding with the DoSW, NAATIP and Child Fund.²⁵⁸

Support services for children

The Gambia does not have a national referral system to connect victims to support services. This means that support services, if available, are accessed in an ad-hoc manner and many victims eligible for support are not accessing these services. If available, these support services are extremely limited and there are no specialised services available to child victims of sexual exploitation.

The main body responsible for the provision of support services for children is the DoSW. The DoSW runs a 'Shelter for Children' which provides temporary support services for children as well as a mixed-needs drop-in centre for children.²⁵⁹ However, both the shelter and drop-in centre do not have adequate resources and lack appropriately trained

psychologists and psychotherapists in particular.²⁶⁰ The DoSW does, however, provide a limited amount of education scholarships to keep children in school and reduce their vulnerability.²⁶¹ Additionally, the DoSW provides children with some basic skills training. The Ministry of Basic and Secondary Education also provides a limited number of education scholarships.²⁶²

Especially concerning is the inadequate psychosocial recovery services specifically for children who are victims of sexual exploitation. For example, the DoSW does provide these types of services for victims at its 'Shelter for Children'; however, according to CPA, the services are limited.²⁶³

There is a general lack of resources when it comes to support services, especially those targeted at child victims of sexual exploitation. Currently, the Ministry of Welfare has not allocated any funds for direct services for child victims of sexual exploitation. Although, in theory, there is legislation in place appropriating facilities and services, the allocated budget, if any, is insufficient to implement all the plans set out in legislation. For example, the CA

states that there shall be a social welfare officer at every police station in The Gambia, when in reality there are barely enough officers for each region.²⁶⁴ The CA also provides for child friendly investigation procedures and support services in the Children's Court. In reality, although some procedures may be followed, there is a serious lack of safe and child friendly spaces in court proceedings.²⁶⁵

Training law enforcement personnel

There is a serious need for child protection training and further sensitisation programmes for law enforcement officers on child rights issues. Skills training on victim identification, CSEC specific investigation techniques and reporting mechanisms and systems are particularly needed, especially for law enforcement officers involved in border control.

The police are severely restricted by a lack of financial resources to host CSEC training programmes. Such training programmes are therefore dependant on external institutions and donor funding and, as a result, conducted in an intermittent and ad hoc manner.²⁶⁶ This means many law enforcement officers do not receive appropriate training and some remain

untrained on CSEC issues.²⁶⁷

CPA has conducted training sessions for law enforcement officers on methods for protecting child victims and prosecuting their traffickers.²⁶⁸ Additionally, CPA has staged training sessions for TSU on child protection in preparation for the tourist high season.²⁶⁹

The police also have many resource limitations such as the limited availability of a police vehicle, as there is only one per police station. It is reported that some child welfare officers complained that, 'in urgent cases such as rape, they had to walk a long distance at night to deal with such cases since neither a police vehicle nor transport funding was available'.²⁷⁰

CHILD AND YOUTH PARTICIPATION

Article 12(1) of the CRC assures children the right to express their own views in all matters affecting them and that their views are taken into consideration.²⁷¹ The right of child victims to be heard and to participate in activities against CSEC is enshrined in the OPSC, namely articles 8(1)(c) and 9(2), respectively.²⁷² Additionally, child and youth participation in the planning

and implementation of protection against CSEC is an important element of the *Rio de Janeiro Declaration* (2008).²⁷³

There are several policies in The Gambia that seek the further participation of children and youth but these have not yet been actualised. The National Youth Policy (2009 – 2018) seeks to ensure the

full engagement and participation of youth in the development of The Gambia.²⁷⁴ Additionally, the draft CSEC NPA provides that the Ministry of Justice should establish a Children's Parliament and support the building of a partnership between the proposed Children's Parliament and the National Assembly.²⁷⁵ The draft CSEC NPA also states that a yearly national forum that enables children to engage regularly in decision making on national policies and programmes that affect them should be organised.²⁷⁶

Thus far, child and youth participation in the planning and implementation of protection against CSEC has occurred mainly within the activities provided by CPA. CPA is extremely active in encouraging and enabling child and youth participation. CPA develops children and youth leaders to voice concerns about their vulnerabilities, to assist in developing solutions and host general community discussions on CSEC. CPA has also established specific CPA affiliated groups and projects, as well as more informal inter-organisational activities such as a drama competition on CSEC which drew together various schools on the issue.²⁷⁷

Voice of the Young, a child-led advocacy group formed by CPA, is very active in social mobilisation and capacity building.²⁷⁸ Voice of the Young clubs work in collaboration with schools and CCPCs to raise awareness of child protection issues in their local areas, to make schools a safe place for children and to enhance the participation of children in school management and community development.

Voice of the Young periodically holds a 'Children's Bantaba'.²⁷⁹ During the Children's Bantaba, issues related to the welfare and protection of children are discussed and preferred solutions

put forward. The Children's Bantaba is a platform for children and youth to express themselves and advocate for their voices to be heard by policy makers, politicians and adults.²⁸⁰

The YPP, implemented from 2009-2011, endeavoured to empower not only victims of CSEC, but also children at risk, with knowledge and skills so that they are able to protect themselves adequately. Through youth-led leadership trainings, peer support programmes, youth-led micro-projects and shelter care services, children learned how to better protect themselves and others while actively lobbying duty-bearers to uphold their commitments to combat child rights abuses.²⁸¹ The YPP was also involved in the sensitisation of the larger Gambian community by creating radio and television programmes aimed at increasing awareness of CSEC issues.²⁸²

As part of the 'Make-IT-Safe' campaign, youth motivators undertook research to understand the safe use of information technology or interactive technologies among young people and to assess the risks and challenges they face in cyberspace.²⁸³ Additionally, a group of children went to their local Internet cafes and spoke to them about monitoring the usage of their computers, exhibiting the code of conduct and buying filters to block indecent websites.

The CPA also established several Neighbourhood Watch Groups in the communities close to the TDA and trained them on CSEC and child protection.²⁸⁴ The groups are made up of youth leaders and adults who work in partnership with community structures, school authorities, religious leaders and parents to raise awareness on CSEC and report suspected cases to authorities.²⁸⁵

PRIORITY ACTIONS REQUIRED



The following actions are recommended for government officials and other relevant stakeholders and decision-makers in The Gambia to increase prevention and protection for children against commercial sexual exploitation.

Child protection structures

- Enforce the provisions in the Children's Act 2005 that grant the Children's Court jurisdiction over child protection cases. There is a need for the ambiguous role of the various courts to be clearly defined.
- Nationally validate the draft National Plan of Action against the Sexual Exploitation of Children of The Gambia 2013-2016 and begin implementation.
- Increase resource allocation for the proper implementation of the National Plan of Action against the Sexual Exploitation of Children of The Gambia 2013-2016.
- Support the effective functioning of the child hotline, popularise its existence and make it toll free on all GSM networks.
- Establish a national referral system to connect victims to support services.
- Strengthen cooperation and coordination between child protection stakeholders. An increase in information sharing and a streamlined management system is crucial.
- Promote linkages between existing social welfare programmes and child protection programmes. This may assist in combating the marginalisation of child protection in any national policy agendas.

Prevention

- Implement standard and systemised methods for data collection. This is essential in ascertaining the extent of CSEC in The Gambia and providing more effective protection measures.
- Establish effective mechanisms to monitor the movement of child sex offenders such as through the establishment of a child sex offender registry and with effective collaboration with the relevant authorities in other countries.
- Conduct further awareness raising initiatives targeted at the wider Gambian public.

- Include traditional and religious leaders in awareness raising to help shift attitudes regarding customary practices. It is important to find commonality and synchronisation between child's rights and local values and norms.
- Encourage the private sector to adopt and implement the Code of Conduct of the Gambian Tourism Board for the Protection of Children in the Tourism and Travel Industry.

Protection

- Amend section 24 of the Children's Act 2005 on the prohibition of child marriage so it is not subject to applicable personal law.
- Establish appropriate access to justice mechanisms for child victims in all regions, not only in the greater Banjul area, West Coast Division and Upper River Region, where Children's Courts are available.
- Popularise and enforce the Tourism Offences Act 2003, Children's Act 2005 and Trafficking in Persons Act 2007 at the national, local and community levels.
- Amend the Children's Act 2005 to incorporate the definition of child pornography, in its entirety, as provided in the OPSC.
- Amend the Tourism Offences Act 2003 to remove subsection 8(3) of the act which provides a defence for distributing, showing or possessing child pornography for a 'legitimate reason.'
- Enact and amend legislation to criminalise all acts in connection with child pornography, especially the 'grooming' of children. Amend section 174 of the Information and Communication Act 2009 to criminalise mere possession of child pornography, not just possession with intent to distribute or show. Amend section 164 of the Information and Communication Act 2009 to criminalise accessing and viewing pornography, not just accessing a computer to distribute, publish or sell child pornography.
- Ensure financial institutions, Internet service providers, GSM operators and Internet cafe owners have a legal obligation to report cases of CSEC online.
- Enact legislation that prohibits the prosecution of children for crimes committed as a part of their commercial sexual exploitation. Amend section 49 of the Trafficking Act 2007 to remove the provision that limits the detention, imprisonment or prosecution of trafficking victims in connection with their trafficking experience only 'where circumstances so justify.'
- Enact legislation that gives all CSEC-related offences extraterritorial effect, not just those related to prostitution and trafficking.
- Establish more multilateral and bilateral agreements with countries on child trafficking. In particular, with countries such as Ghana, Liberia, Nigeria, Senegal and Sierra Leone.

Recovery and reintegration

- ✎ Allocate further resources for the establishment of support services and shelters for children, particularly child victims of sexual exploitation.

Child and youth participation

- ✎ Expand the Children's Courts, provided under the Children's Act 2005, to more regions and establish the Children's Parliament, provided under the draft National Plan of Action against the Sexual Exploitation of Children of The Gambia 2013-2016.
- ✎ Develop and ensure the models of bringing voices of victims of CSEC and those at high risk of exploitation into the elaboration and implementation of legislation, policies, programmes and practices.

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter, the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.
- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties'

* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf

reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.
- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
- (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
- (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.
- (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
- (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.

- (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
- (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
- (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.

Sexual exploitation of children and adolescents in prostitution

- (14) Address the demand that leads to children being prostituted by making the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.
- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.
- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that

the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.

- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.
- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.

- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – Integrated Cross-Sectoral Policies and National Plans of Action General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of

initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.

- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising awareness and preventing the sexual exploitation and trafficking of children and adolescents.
- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual

abuse and exploitation of children in all forms and sources.

- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.
- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the

development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.

- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psycho-social support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.
- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care

of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of

organized crime in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the

grooming of children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have

effective remedies and redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

(64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.

(65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.

(66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

(67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

(68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

(69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

(70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.

(71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate

the harmful potential of the media, including through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights

Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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 - 169 *Criminal Code Cap. 10 Vol. III Laws of the Gambia 1990*, section 127. '(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.'

- 170 Criminal Code Cap. 10 Vol. III Laws of the Gambia 1990, sections 129 and 130. 'Section 129: 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. [...] Section 130: 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.'
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who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment for fourteen years without an option of fine. Article 32. (1) No person shall organise, promote or encourage foreign travel which promotes child prostitution. (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not less than two hundred thousand dalasi or imprisonment for a term not exceeding ten years, or to both the fine and imprisonment.', *Children's Act 2005*, accessed on 18 November 2014 from: http://www.africanchildforum.org/cfr/Legislation%20Per%20Country/Gambia/gambia_children_2005_en.pdf.

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- 173 *Children's Act 2005*, section 31 '(1) No person shall—(a) procure, use or offer a child for prostitution [...] (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment for fourteen years without an option of fine.'
- 174 *Children's Act 2005*, section 29(3) 'A person is deemed to have caused or encouraged the seduction of, sexual assault on or prostitution of, or the commission of an indecent assault on, a child if the person knowingly allows the child to consort with, or to enter or continue in the employment of, any prostitute or other person of known immoral character.'
- 175 *Children's Act 2005*, section 26(1) 'No person shall- export from The Gambia any place outside The Gambia any child with intent that he or she may be, or knowing that it is likely that he or she will be forced or seduced into prostitution in that place; or import into The Gambia from any place outside The Gambia, any child with intent that he or she may be, or knowing that it is likely that he or she will be forced into prostitution anywhere in The Gambia.'
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- 178 *Children's Act 2005*, sections 27(1) and 34. 'Section 27(1) No person shall by the use of deception, coercion, debt bondage or any means whatsoever induce a child to go from one place to another to do any act with intent that the child may be, or knowing that it is likely that he or she will be, forced or seduced to have sexual intercourse with another person; or in order to gratify the passions of another person, procures, entices or leads away, even with his or her consent, a child for immoral purpose. [...] Section 34 (1) A person who by false pretence, threat or intimidation of any kind procures a child to have sexual intercourse with any person or an animal, or for any person to use a sex gadget or device on the child, either in The Gambia or an place outside The Gambia; or administers to a child or causes a child to take any drug or other thing with intent to stupefy or overpower him or her in order to enable the person or any other person to have sexual intercourse with or to use a sex device or gadget on the child, commits an offence and is liable on conviction to a fine of five hundred thousand dalasi or imprisonment for ten year or to both the fine and imprisonment. (2) A person shall not be convicted of an offence under subsection (1) on the uncorroborated testimony of one witness.'
- 179 *Children's Act 2005*, section 38(1) 'A person shall not—(a) cause or encourage the seduction or prostitution of a child; (b) keep a brothel; (c) permit the defilement of a child in his or her premises; (d) allow a child to be in a brothel; (e) trade in prostitution; (f) procure, use or offer a child for the production of pornography or for pornographic performance; or (g) procure a child into prostitution.'
- 180 *Children's Act 2005*, section 29 '(1) No person who has the custody, charge or care of a child shall cause or encourage the seduction of, sexual assault on or prostitution of, or the commission of an indecent assault on the child. (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment for ten years.'
- 181 *Children's Act 2005*, section 33(1) 'No person shall detain a child in or on any premises in order to sexually assault him or her or to have him or her sexually assaulted by any other person.'
- 182 According to CPA's Tourism Offences Act (2003), "At a Glance", section 11, Available at: <http://www.cpagambia.gm/Web/Leaflet%20Tourism%20Offences%20Act.pdf>.
- 183 *Children's Act 2005*, section 30(1) 'No person shall procure a child to – (a) have sexual intercourse with any other person or persons either in The Gambia or any place outside The Gambia; (b) become a common prostitute, either in The Gambia or any place outside The Gambia; (c) leave The Gambia with intent that he or she should become a prostitute in any place outside The Gambia; or (d) leave his or her usual place or abode in The Gambia, with intent that he or she may engage in prostitution either in The Gambia or any place outside The Gambia.'
- 184 *Children's Act 2005*, section 28(1) 'No person shall, with intent to marry or to sexually assault a child or cause a child to be married or sexually assaulted by any other person, take the child away, or detain him or her.'
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- 186 Online grooming "refers to the deliberate actions taken by an adult to form a trusting relationship with a child with the intent of later facilitating sexual contact. This can take place in chat rooms, instant messaging, social networking sites and email." Virtual Global Taskforce, *Frequently Asked Questions (FAQs)*, 2011, Accessed on 9 October 2014 from: <http://www.virtualglobaltaskforce.com/resources/faqs/#adults>.
- 187 *Children's Act 2005*, section 31. (1) No person shall—(a) procure, use or offer a

child for prostitution, or the production of pornography, or for pornographic performance. (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment for fourteen years without an option of fine. Section 38. (1) A person shall not – (f) procure, use or offer a child for the production of pornography or for pornographic performance.

- 188 The Children's Act defines a "harmful publication" as: any book, magazine, film, picture, video or audio tape or print or other medium which is of a kind targeted at or is likely to fall into the hands of children and which consists wholly or mainly of stories told in pictures, with or without the addition of written matter or video films and cassette tapes, which contains pictures or stories which portray harmful information, such as – (a) the commission of crimes; (b) acts of violence or cruelty; (c) incidents of a repulsive or horrible nature; (d) acts or words of an immoral character; or (e) obscene and indecent representation, in such a way that the work as a whole would tend to corrupt or deprave a child into whose hands it may fall.
- 189 *Tourism Offences Act 2003*, section 8.
- 190 *Information and Communications Act 2009*, section 174: Protection of Children, Accessed on 18 November 2014 from: http://www.wipo.int/wipolex/en/text.jsp?file_id=238413.
- 191 *Information and Communications Act 2009*, section 170.
- 192 Section 170(1) of the *Information and Communications Act 2009*: A person who publishes or transmits or causes to be published in electronic form, any material which is lascivious or appeals to the prurient interest, or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied therein, commits an offence.
- 193 Section 164 of the *Information and Communications Act 2009*: '(1) A person who causes a computer system to perform any function for the purpose of securing access to any programme or data held in any computer system, with intent to commit an offence under any other enactment, commits an offence and is liable on conviction to a fine of two hundred thousand dalasi or imprisonment for a term not exceeding five years, or to both the fine and imprisonment. (2) For the purposes of this section, it is immaterial that(a) the access referred to in subsection (1) is authorized or unauthorized; (b) the further offence to which this section applies is committed at the same time when the access is secured or at any other time.', Accessed 18 November 2014 from: http://www.wipo.int/wipolex/en/text.jsp?file_id=238413.
- 194 World Congress III, *Rio de Janeiro Declaration* (2008), paragraph 4: 'Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.'
- 195 *Children's Act, 2005*, Section 67: (1) It is the duty of any member of the public who has evidence that a child's right is being infringed...to report the matter to the nearest office of the Department; Section 75: (1) A person with information on – (a) child abuse; or (b) a child in need of care and protection, shall report the matter to the Department or the nearest Police Station.
- 196 U.S. Department of State, 2012 *Country Reports on Human Rights Practices – The Gambia*, 19 April 2013, p25, Accessed on 23 October 2013 from: <http://www.state.gov/documents/organization/204335.pdf>.
- 197 U.S. Department of State, 2012 *Country Reports on Human Rights Practices – The Gambia*, 19 April 2013, p25, Accessed on 23 October 2013 from: <http://www.state.gov/documents/organization/204335.pdf>. 450,000. 450,000 Dalasi is approximately 10,477 USD; 250,000 Dalasi is approximately 5,820 USD. Conversion taken from http://coinmill.com/GMD_USD.html#GMD=250,000 on 26 February 2015.
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 - 207 *Trafficking in Persons Act 2007*, section 28. (1) It is an offence for a person to engage in the trafficking in persons as defined in subsections (2) and (3). (2) Trafficking in persons means – (a) the recruitment of, provision of, transportation of, transfer of, harbouring of, receipt of, or trading in, persons; (b) the use of threat, force or other forms of coercion, abduction, kidnapping, fraud, deception, the abuse of power, or a position of vulnerability; or (c) the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation within or across national borders. (3) Trafficking in persons also includes – (a) placement for sale, bonded placement, temporary placement, placement for service, where exploitation by another person is the motivating factor; and (b) transportation of another person within and across an international border for the purpose of exploiting that person's prostitution.
 - 208 *Trafficking in Persons Act 2007*, section 2. Exploitation includes – (e) the prostitution of a person or engaging in any other form of commercial sexual exploitation, including, but not limited to, pimping, pandering, procuring, profiting from prostitution, maintaining a brothel, child prostitution and child pornography.
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- 228 *Tourism Offences Act 2003*, section 12. A tourist or any other person who exposes his or her private parts or sexual organs to a child, in public or private, in order to get sexual pleasure or with the intention to sexually abuse that child can be fined for D10,000 or more, and also be imprisoned for two years or more. See CPA’s Tourism Offences Act (2003), “At a Glance.” Available at: <http://www.cpagambia.gm/Web/Leaflet%20Tourism%20Offences%20Act.pdf>.
- 229 *Tourism Offences Act 2003*, section 9. A tourist or any other person who is in the position to exercise power or control over the life of a child such as a teacher, guardian or caregiver or a person on who the child is dependent, such as a parent, relative or older siblings, and who requests that child to touch him or her in a way that gives sexual pleasure can be imprisoned for nothing less than five years. See CPA’s Tourism Offences Act (2003), “At a Glance.” Available at: <http://www.cpagambia.gm/Web/Leaflet%20Tourism%20Offences%20Act.pdf>.
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- 240 Sections 30 and 34. 'Section 30(1) No person shall procure a child to – (a) have sexual intercourse with any other person or persons either in The Gambia or any place outside The Gambia; (b) become a common prostitute, either in The Gambia or any place outside The Gambia; (c) leave The Gambia with intent that he or she should become a prostitute in any place outside The Gambia; or (d) leave his or her usual place or abode in The Gambia, with intent that he or she may engage in prostitution either in The Gambia or any place outside The Gambia. [...] Section 34 (1) A person who by false pretence, threat or intimidation of any kind procures a child to have sexual intercourse with any person or an animal, or for any person to use a sex gadget or device on the child, either in The Gambia or an place outside The Gambia; or administers to a child or causes a child to take any drug or other thing with intent to stupefy or overpower him or her in order to enable the person or any other person to have sexual intercourse with or to use a sex device or gadget on the child, commits an offence and is liable on conviction to a fine of five hundred thousand dalasi or imprisonment for ten year or to both the fine and imprisonment. (2) A person shall not be convicted of an offence under subsection (1) on the uncorroborated testimony of one witness.'
- 241 Section 32. '(1) No person shall organise, promote or encourage foreign travel which promotes child prostitution. (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not less than two hundred thousand dalasi or imprisonment for a term not exceeding ten years, or to both the fine and imprisonment.'
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