

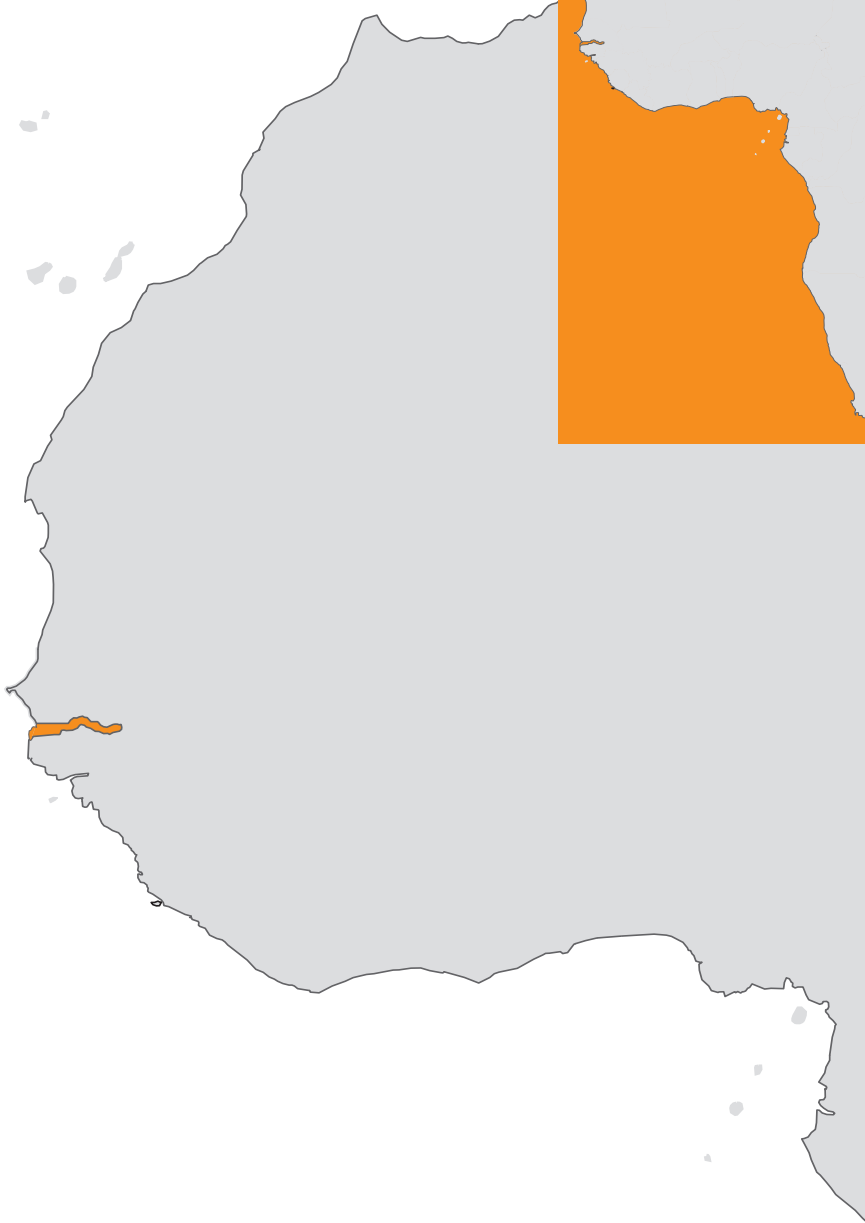


Global Monitoring



Report on the
status of action against commercial
sexual exploitation of children

THE GAMBIA



This publication has been produced with the financial assistance of the Swedish International Development Cooperation Agency (SIDA) and the Ministry of Foreign Affairs of the Grand Duchy of Luxembourg, the Ministry of Foreign Affairs of France, Groupe Développement and ECPAT Luxembourg. The views expressed herein are solely those of ECPAT International. The support received from SIDA, the Ministry of Foreign Affairs of the Grand Duchy of Luxembourg and the Ministry of Foreign Affairs of France does not constitute endorsement of the opinions expressed.



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère des Affaires étrangères



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Design by: Manida Naebklang

Printed by: Saladaeng Printing Co.Ltd.

(End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes)

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Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

ASSET: Association of Small Scale Entrepreneurs in Tourism

CPA: Child Protection Alliance

CRD: Central River Division

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CPASS: Child Pornography Automatic Searching System

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

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.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

Grooming: Preparing a child for sexual abuse and exploitation

GTA: Gambia Tourism Authority

HIV: Human immunodeficiency virus

ILO: International Labour Organization
ILO/IPEC: International Labour Organization/International Programme on the Elimination of Child Labour
INGO: International non-governmental organization
LRD: Lower River Division
MoU: Memorandum of Understanding
NGO: Non-governmental organization
NPA: National Plan of Action
STIs: Sexually transmitted infections
UN: United Nations
UNICEF: United Nations Children's Fund
URD: Upper River Division

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

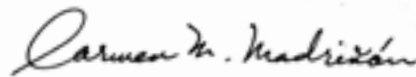
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

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 of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. 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 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.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. 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 would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, 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 through teleconferences, 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 reports feature: (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); and (vi) priority actions required.



THE GAMBIA

The Gambia is affected by several forms of commercial sexual exploitation of children. The occurrence of child sex tourism in The Gambia is well documented, and a UNICEF report from 2003¹ concluded that “The Gambia is a vulnerable target for ... unscrupulous visitors, such as suspected or convicted paedophiles who enter the country in search of a low profile location to commit their crimes against children silently and with impunity.”² The significant number of European sex tourists who abuse poor girls and boys in the country has attracted much attention from the local press, and several charges against child sex tourists have been brought before the courts in The Gambia and in Europe.³ The methods of facilitation and contact points between children and tourists are well known and even discussed publicly by tourism authorities. For instance, at a recent tourism forum, a government representative highlighted that tourists usually gain access to vulnerable children by befriending them, especially those who sell items on the beach and those on the streets (mainly in the Bakau and Crocodile Pool areas). It was also pointed out that the role played by staff in the tourism industry facilitates such contacts.⁴

While girls are the primary target of commercial sexual exploitation, boys have been increasingly victimised in the last few years,⁵ especially in the tourism sector.⁶ In research conducted by the Child Protection Alliance (CPA) – the ECPAT group in the country – and Terre des Hommes, interviews with boys involved in prostitution confirmed that the perpetrators are usually foreigners, some of whom travel to The Gambia on package tour holidays for the specific purpose of having sexual relationships with young Gambian men. The research also indicated that a number of ‘bumsters’ – young people who follow tourists and offer to be a guide or a friend – are engaged in commercial sex or act as pimps. Anecdotal evidence and observation of certain locations around the beach and tourism development areas suggests that some of these ‘bumsters’ are below the age of 18. It is important to note that a certain percentage of sex tourists in The Gambia are female, and as such, it is possible that underage boys are also being sexually exploited by women.

The sexual exploitation of children in pornography is also well-established in The Gambia and seems to occur in three distinct but interrelated ways: exposing children to pornographic materials as a way of inhibiting their resistance and making them more prone to sexual

contact; using children for the production of pornographic materials; and using children in live pornographic shows.⁷ The year 2003 in particular saw several cases of tourists caught with pornographic photos and videos of Gambian children. One case which exemplifies this trend and the usual impunity which exists for perpetrators, is that of a British national who, in January 2004, was cleared in a Gambian court of making a sex video with 11 teenage Gambian girls and four foreign men.⁸ Although five underage girls testified against him in court, the defendant was cleared as no sexual acts were actually captured on video.

As in other African countries, The Gambia presents many incidences of children being sexually harassed by male teachers and students, as well as being forced into sexual relationships with teachers in exchange for better grades, protection from punishment and pocket money.⁹ This scenario has caused numerous children to drop out of school and thus face greater vulnerability to commercial sexual exploitation due to their lack of education and skills. Research conducted by ECPAT International in 2006 also provided evidence of widespread sexual abuse within the home and the community: 25 per cent of victims of commercial sexual exploitation interviewed in The Gambia affirmed that their first sexual experience involved violence or coercion.¹⁰ Several studies conducted around the world have clearly demonstrated that sexual abuse is a strong factor in making children more vulnerable to commercial sexual exploitation. Very often, these children are found to have suffered sexual abuse at an earlier age.

Schools as key venues where sexual exploitation of children takes place

In The Gambia and several other countries across Africa, commercial sexual exploitation of children (CSEC) is widespread in schools, as children 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. In focus group discussions carried out with Gambian school children by the United Nations Children's Fund (UNICEF) in 2003, the topic of sexual harassment of girls by male teachers (and also male students) dominated discussions, suggesting that sexual abuse and exploitation of children are commonplace and affect the majority of schoolgirls. The incidences reported ranged from unwanted comments with sexual overtones to physical touching or molestation and in some cases to full-blown sexual relations or rape. Most students equated sexual harassment with rape and maintained that it is common in schools.

The Gambia has become a source, transit and destination country for trafficking in children for sexual purposes. This is partly due to its unique geographical situation: its territory traces a snaking path beginning on the west coast and through Senegal's interior. The number of children trafficked into the country for sexual purposes is small but a number of reports suggest that it is increasing.¹¹

Children trafficked into The Gambia by Ghanaian fishermen

In February 2004, 63 Ghanaian children were rounded up in a joint operation involving child welfare activists and Gambian intelligence and immigration officials. Most were girls aged between 12 and 18 who had been trafficked into the country by fishermen from Ghana for use as 'sex slaves' and as unpaid domestic servants. According to The Gambian National Intelligence Agency, the girls were smuggled into the country without any official papers.¹²

The Government has recognised that substantial efforts are needed to combat child marriages and other cultural practices that place girls and women at a great disadvantage in society. Early marriage, common in the country, seriously limits girls' access to education, skills development and employment¹³ and is one of the causes of CSEC in the country. Underage girls offered for marriage, usually in return for a dowry, often end up divorced or abandoned by their husbands, partners and parents, the ensuing lack of financial support causing many of them to engage in prostitution. Some girls run away following a forced marriage (or to avoid it), thus becoming easy targets for commercial sexual exploiters.¹⁴ At the same time, girls who do not marry early are often viewed as a financial burden on their parents and feel pressured to contribute to the household in any viable way, including through involvement in prostitution.¹⁵

"I was forced into marriage when I was 14 years old ... we had three children. Later he divorced me and there was no one to help me and my children, so I decided to engage myself in this work (commercial sex) so that I could feed my children." (female, 16-17 years old, Brikama, The Gambia)¹⁶

Another phenomenon that significantly increases Gambian children's vulnerability to commercial sexual exploitation is the high incidence of orphanhood due to HIV/AIDS.¹⁷ These children experience poverty, become the family breadwinners and are forced into exploitative labour, including commercial sexual exploitation. Furthermore, the stigmatisation suffered by many children whose parents died of AIDS often causes them to resort to commercial sex as the only practical source of livelihood. In recent ECPAT research on the linkages between CSEC and HIV/AIDS in The Gambia, 39 per cent of the CSEC victims interviewed declared that they had engaged in commercial sex because of the death of one or both parents. A high proportion of the CSEC victims interviewed rarely negotiate condom use mainly due to fear of losing customers or because they are

coerced into unprotected sex. They also miscalculate the risks of contracting HIV or are oblivious to its consequences and rarely seek medical care if they are injured or fall sick from a sexually-transmitted infection.¹⁸

The Gambia adopted the *Stockholm Declaration and Agenda for Action* and participated in the First and Second World Congresses against CSEC held in 1996 and 2001.

NATIONAL PLAN OF ACTION (NPA)

The *National Plan of Action against the Sexual Abuse and Exploitation of Children of The Gambia*, covering the period 2004-2009, is yet to be ratified by the Government, although some of the work envisaged is being carried out by implementing partners. The Department of Social Welfare is responsible for coordinating the NPA implementation. A large number of committees and government departments were involved in its development, as were the National Association of Youth and Children's Organisations and the National Youth Council. The NPA was well-designed and all implementing partners and indicators of success were identified. Its implementation however, has generally been piecemeal and rather dependent on external sources of funding. As only a fraction of the budget necessary for the NPA implementation has actually been secured, several of the proposed activities have failed to be undertaken. The few activities carried out were funded chiefly by UNICEF. These include dissemination of materials on prevention of sexual abuse and exploitation of children; and raising awareness about the *Children's Act*, the *Tourism Offences Act* and the *Code of Conduct of The Gambia Tourism Authority for the Protection of Children* among travellers and stakeholders in the tourism industry. UNICEF also supported the Tourism Security Unit and purchased three vehicles for the military to patrol the beaches.

The preventive measures envisaged in the NPA include fostering universal access to education, providing life and livelihood skills for out-of-school children, integrating birth registration into the health system, and raising awareness on the rights of the child and of the *Tourism Offences Act*. The Plan also indicates that tourists entering the country must be provided with information on laws and policies regarding child sexual exploitation, and has provisions for improved collection and sharing of information on the profile of perpetrators and on reports of child sexual exploitation. Also envisaged is the harmonisation of national laws with the *Convention on the Rights of the Child (CRC)* and other relevant international legal instruments, as well as the enactment of a comprehensive Children's Code. The Plan also seeks to sensitise stakeholders on the need to involve children in finding solutions for

issues affecting their lives, including in the implementation and monitoring of the NPA. Finally, the Plan seeks to promote community support for the recovery, rehabilitation and reintegration of child victims, as well as appropriate medical services, counselling and psychosocial support.¹⁹

Also worth mentioning are the draft *National Policy on Children* (2003), which provides a coordinated policy framework for child protection interventions,²⁰ and the *Policy on Sexual Abuse/Harassment in Schools* - both are currently awaiting approval by the Cabinet and National Assembly. The Gambia also has a *National Plan of Action for a World Fit for Children*, which takes into consideration the special needs of children at risk of commercial sexual exploitation.²¹

COORDINATION AND COOPERATION

Local and National Level

The Department of Social Welfare is responsible for the well-being of children and therefore for implementing the NPA against CSEC. In order to do so, it liaised with a wide range of stakeholders, including civil society organisations, UN agencies (particularly UNICEF) and various government agencies. Such parties are invited to regular planning meetings and assigned responsibilities for various initiatives in the Plan. The level of coordination has generally been quite successful, although a weakness identified is the limited monitoring and evaluation of the work undertaken, and the absence of a national focal point on commercial sexual exploitation of children in the country. In addition, a National Taskforce on Sexual Exploitation of Children in Tourism was set up in 2003 under the aegis of The Gambia Tourism Authority (GTA), comprising UNICEF, government departments, non-governmental organizations (NGOs), tour operators and hotel and restaurant owners.²² One of the main achievements of the Taskforce was the development of the *Code of Conduct of The Gambia Tourism Authority for the Protection of Children* (which is a modified version of the *Code of Conduct for the protection of Children from Sexual Exploitation in Travel and Tourism*). Nevertheless, a more proactive role on the part of this Taskforce was hindered by the absence of effective coordination mechanisms. There is also a National Taskforce on Trafficking in Persons and a focal point on Trafficking in Persons located at the Attorney General's Chambers, Department of State for Justice. However, trafficking in children is not sufficiently addressed.

A national database on CSEC is currently being developed by the Department of Social Welfare, with support from UNICEF Banjul. In order to develop child protection indicators, a three-day workshop was attended by a team of professionals from the Department of Social Welfare, UNICEF, CPA, the Gambia Bureau of Statistics, the Gambia Police Force, NGOs working on child protection and the Department of State for Education.

In 2005, CPA organised training for police, the Tourism Security Unit of The Gambia National Army and the Immigration and National Intelligence, to enhance their understanding of child sex tourism and hone investigation techniques and interviewing skills related to sexual offences against children. Subsequently, a National Security Child Protection Committee was formed, comprising representatives from various law enforcement agencies with a view to improving their coordination.²³ Apparently, this Committee is now defunct.

Child rights NGOs are partners in the Government's and UNICEF's Country Programme of Cooperation, which also tackles the commercial sexual exploitation of children. A Technical Advisory Committee was formed to review progress on the implementation of projects and share best practices.²⁴

Regional and International Level

There is an urgent need for the Government to engage in bilateral and multilateral agreements of cooperation to better combat all forms of commercial sexual exploitation of children. Reinforcing judicial and law enforcement cooperation with foreign countries is especially urgent to tackle child sex tourism. The existing cooperation is focused rather on child trafficking, even though no conclusive research has been carried out on the extent and scope of child trafficking in The Gambia, therefore making it very difficult to clearly define what type of collaboration would be more effective.

The Gambia is a member of the Network against Human Trafficking in West Africa, a regional coordinating agency that promotes collaboration among NGOs as well as capacity building, advocacy and sharing of information on relevant national legal frameworks and plans of action.²⁵ Other participating countries include Benin, Burkina Faso, Côte d'Ivoire, Niger, Nigeria and Togo. In 2003, the Network organised the First West African Workshop on Human Trafficking, and a follow-up meeting was held in 2004.

A multilateral agreement to combat child trafficking in West Africa was signed in 2005 by Benin, Burkina Faso, Côte d'Ivoire, Ghana, Guinea, Mali, Niger, The Gambia and Togo.²⁶ Furthermore, a bilateral agreement with Ghana on child trafficking is currently awaiting ratification.²⁷

PREVENTION

Significant gaps in CSEC prevention relate to the low level of support provided to children affected by HIV/AIDS, who are highly vulnerable to commercial sexual exploitation, and the absence of initiatives to tackle child pornography. In addition, monitoring the implementation of the *Code of Conduct of The Gambia Tourism Authority for the Protection of Children* remains weak. While stakeholders such as hotel, restaurant, beach bar and motel owners are required to sign the Code before they are issued a license to operate in the tourism industry, it is unclear to what extent they actually follow the Code's provisions. A monitoring tool is currently being finalised for that purpose.²⁸ At the same time, a number of interesting initiatives exist to tackle the sexual exploitation of children in schools, as well as to increase awareness and child participation against CSEC and other child rights violations.

Work related to CSEC prevention is carried out mainly by the Department of Social Welfare, the Department of Education, the Gambian Tourism Authority, Responsible Tourism Partnership, Association of Small Scale Entrepreneurs in Tourism (ASSET), the police force and the Child Protection Alliance. UNICEF prioritises sexual abuse and exploitation of children, but related projects are implemented through government agencies or NGO partners.

In 2005, a hotline to report suspected cases of child trafficking was established by the Department of Social Welfare.²⁹ Also worth mentioning is the campaign 'Business Travelers against Human Trafficking', where CPA and the NGO Oasis seek to involve business travellers in reporting suspicious cases and not associating themselves with venues that promote sexual exploitation of children.

Furthermore, a special 'tip system' was created for visitors to make reports to the police about sex tourists and sexual exploitation of children. Foreigners are now required to have their fingerprints taken before resident permits are issued so that their backgrounds can be properly checked.³⁰

CPA has been closely involved in promoting a Gambian version of the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* as well as working with the tourism sector in general to raise awareness on the issue of child sex tourism. In 2006, for instance, CPA conducted sensitisation workshops with 35 tourism professionals and members of the Tourism Security Unit.³¹

Sensitisation of the tourism industry proves crucial

Given the limited mechanisms and resources available to counter child sex tourism, engaging the tourism industry is crucial, as evidenced by the testimonies of tourism professionals in The Gambia.

Baboucar Jagne, manager of the African Village Hotel, reports on his attempts to deter a suspected paedophile: "... a guest wanted to bring in a child. We asked to see the girl's birth certificate and a letter from the parents. Calling the police isn't much good. They will tell you that they have no fuel to drive out." He said that many hotels turn a blind eye to the problem as sex tourists make up for a large proportion of customers and spend plenty of money. Geri Mitchell, a British woman who co-owns the 18-room Safari Garden Hotel, was also trying to bring the problem under control, through staff training and by turning her back on package tour operators. She explained how she is refocusing her business on more upmarket eco-tourism. "As the owner, you have to step in. It's easier for me than for the staff," she said.

At the same time, child sex tourists who come to The Gambia "often avoid the disapproval of hotel owners by renting apartments or houses for their activities", an aspect of the demand for sex with children that may need to be more carefully considered in the strategies to counteract it.³²

CPA also organised training and sensitisation workshops on CSEC issues and on how to identify abused and exploited children, targeting nurses, public health officers, community development workers, social workers, religious and community leaders, teachers, school principals and parents. For instance, training was conducted for the Multi-disciplinary Facilitation Teams (which comprise health workers, community development workers, teachers and law enforcers) of the Lower River Division (LRD), Central River Division (CRD) and Upper River Division (URD), on child rights.³³ Training was also provided for the Child Protection Working Group of The Gambia, comprising mainly social workers and NGO workers. This Working Group was set up to ensure that reporting and referrals are well coordinated and was also tasked with case management and follow up. While it was fairly active until June 2006, it is currently inoperative.

Voice of the Young: engaging children and youth in advocacy against CSEC

CPA facilitated the creation of Voice of the Young, a children's organisation that undertakes advocacy and awareness raising by children and among children. Working closely with similar organisations, they regularly organise 'bantabas' (gatherings where issues of common concern are discussed within a community) that break the culture of silence that often surrounds violations of children's rights, while enhancing child participation in matters that affect them and polishing their leadership and advocacy skills. Voice of the Young also runs talk shows on national television and two radio stations, where CSEC and other child protection issues are discussed.

The Gender Education Unit at the Department of State for Education implements a Girls' Education Programme, which aims to increase girls' enrolment and retention in schools, as well as to improve the school environment in ways that are sensitive to their needs. Their work includes sensitisation on sexual exploitation and harassment of children in schools and a re-entry programme for students who become pregnant. A Guidance and Counselling Unit was set up at the Department of State for Education Headquarters in Banjul, and some schools were provided with guidance counsellors to assist students experiencing problems such as sexual exploitation, abuse or harassment, and unwanted pregnancy.³⁴

The SOS Children's Village provides care and shelter for orphans and children living in difficult circumstances. The organisation currently does not have any activities specifically related to sexual exploitation of children, but provides permanent homes for children who are vulnerable to sexual exploitation and prepares them for an independent life.³⁵

PROTECTION

The Gambia ratified the *Convention on the Rights of the Child* in 1990. It signed the *Optional Protocol on the sale of children, child prostitution and child pornography* in 2000 but is yet to ratify it.³⁶ The *Trafficking Protocol* was ratified in 2003. *ILO Convention No. 182* was ratified in 2001.³⁷ At regional level, the *African Charter on the Rights and Welfare of the Child* was ratified in 2000.³⁸

Legislation

In June 2005, the Government passed the *Children's Act* in an effort to harmonise all domestic laws with relevant international and regional legal instruments on child protection, in particular the *Convention on the Rights of the Child* and the *African Charter on the Rights and Welfare of the Child*. The *Children's Act* contains several provisions on commercial sexual exploitation of children, including severe penalties against offenders. One of its most significant achievements is that for the first time The Gambia has a unified legal definition of a child as being a person under the age of 18. The Gambia also adopted strong legislation in an attempt to curb child sex tourism within its borders. However, the application of local customs and Sharia law may potentially expose children to sexual exploitation, for example by allowing child marriages.

Prostitution of Children

With its extensive provisions on child prostitution protecting all children up to the age of 18, and strict penalties for child prostitution offences, Gambian law complies with international standards.

The *Children's Act* contains several provisions against child prostitution. Under Section 31, anyone who procures, uses or offers a child for prostitution is liable, on conviction, to imprisonment for 14 years, without the option of a fine. Causing or encouraging the seduction or prostitution of a child is punishable with 10 years' imprisonment.³⁹

Section 26 prohibits the export or import of any child with the intent that he or she will be forced or seduced into prostitution at destination. Offenders are liable to life imprisonment. Under Section 27, inducing a child "by the use of deception, coercion, debt bondage or any means whatsoever" to go from one place to another to do any act with intent that the child may be forced or seduced to have sexual intercourse, is punishable by 10 years' imprisonment without the option of a fine. Procuring, enticing or leading away a child "for immoral purposes", even with the consent of that child, is subject to the same penalties.

Section 29 punishes any person who has custody, charge or care of a child and encourages or causes the seduction, prostitution of or sexual assault on a child. Punishment for this offence is 10 years' imprisonment with no option of a fine. Procuring a child to become a prostitute or to have sexual intercourse with anyone within or outside The Gambia is

also an offence under Section 30, and carries a penalty of 10 years' imprisonment. The organisation, promotion or encouragement of foreign travels to promote child prostitution is also an offence under Section 32 of the Act and carries a punishment of a fine of not less than 200,000 Dalasis (approx. US\$ 7,300) or imprisonment for a term not exceeding 10 years, or both.

Furthermore, the *Tourism Offences Act* was enacted in 2003 to deal with increasing incidents of tourism-related offences, including sex tourism. The Act prohibits child prostitution, trafficking and pornography⁴⁰ and clearly states that a person who makes an unlawful sexual advance to a child commits an offence and is liable, on conviction, to a fine of 20,000 Dalasis (approx. US\$ 729) or imprisonment for a maximum of two years, or both.⁴¹

A tourist who sexually abuses a child commits an offence whether or not the child consented to the abuse and whether or not at the time of the abuse the tourist believed the child to be over 18 years of age.⁴² A tourist who commits an offence is liable, on conviction, to imprisonment for a term of 14 years.⁴³

A tourist or any other person who procures a child: to have sexual intercourse either in The Gambia or elsewhere;⁴⁴ for prostitution, whether or not the child procured is already involved in prostitution, either in The Gambia or elsewhere;⁴⁵ to become an inmate of a brothel or to frequent a brothel, whether or not the child procured is already an inmate of a brothel in The Gambia or elsewhere, commits an offence and is liable, on conviction, to imprisonment for a term of 10 years.⁴⁶

A tourist, or any other person in a position of trust or authority with a child or with whom a child is in a relationship of dependency, who for sexual purposes:⁴⁷ touches, directly or indirectly, or with an object, any part of the body of the child;⁴⁸ or invites or counsels a child to touch, directly or indirectly, or with an object, any part of the body of any person, including the body of the person who invites or counsels the child, commits an offence and is liable, on conviction, to imprisonment for a term of not less than five years.⁴⁹

A tourist or any other person who, in any place, for sexual purposes, exposes his or her genital organs to a child commits an offence and is liable, on conviction, to a fine of not less than 10,000 Dalasis (approx. US\$ 365) or imprisonment for a term of not less than two years.⁵⁰

Every owner, occupier or manager of premises or any other person who has control of premises or assists in the management or control of premises who knowingly permits a child to resort to or to be in or on the premises for the purposes of engaging in any sexual activity prohibited by this Act, commits an offence and is liable, on conviction, to a fine of not less than 50,000 Dalasis (approx. US\$ 1,825) or imprisonment for a term of not less than five years, or both.⁵¹

While some offences are mentioned in both the *Children's Act* and the *Tourism Offences Act* (for example, the offence of procuring a child to have sexual intercourse either in The Gambia or elsewhere), the ECPAT group in the country affirms that the *Children's Act* takes precedence over other legislation, so this avoids potential confusion in the application of the law.

Trafficking in Children for Sexual Purposes

Gambian law provisions on trafficking are comprehensive: they cover several trafficking related acts and even include some acts that are not included in the *Trafficking Protocol*. These provisions apply to both international and trans-border trafficking. As such, they comply with the requirements of the *Trafficking Protocol*. However, under the *Children's Act*, the trafficking offence requires the use of "threat, force, or other form of coercion, abduction, fraud, deception, abuse of power or position or otherwise." Although the Act mentions that a child's consent may never be raised as a defence, under the *Trafficking Protocol* the use of such means is irrelevant when the trafficking victim is a child. Having to prove the use of such means may be an obstacle to prosecuting child trafficking cases.

The *Children's Act* of 2005 features a number of provisions against trafficking in children. It defines trafficking as including "all acts and attempted acts involved in the recruitment and transportation, within or across the borders of The Gambia, purchase, sale, transfer, receipt, dealing in, trading in and harbouring of a child, which involves the use of deception, force, coercion or debt bondage for the purpose of placing or holding the child, whether for payment or otherwise, in domestic, sexual or reproductive servitude, exploitation or abuse or in exploitative labour or slave-like conditions".⁵² Section 39 specifically prohibits trafficking in children for the purpose of sexual exploitation or any other form of exploitation. This offence carries a life imprisonment punishment.

Under the *Tourism Offences Act*, a tourist or any other person who buys, sells, procures, trafficks, brings into or takes out of The Gambia a child, for the purpose of trafficking, commits an offence and is liable, on conviction, to a fine of not less than 100,000 Dalasis (approx. US\$ 3,650) and imprisonment for a term not less than five years.⁵³

Child Pornography

While some legal provisions are in place to protect children from exploitation in pornography, they are not sufficient in light of international standards. The Gambia must urgently proceed with ratification of the *Optional Protocol on the sale of children, child prostitution and child pornography* and strengthen its laws by including a definition of 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. The Gambia must also make criminal all acts of producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes, child pornography and impose strong penalties for such offences. The Gambia is also encouraged to criminalise the mere possession of child pornography.

Section 60 of the *Children's Act* prohibits the import, printing, publication, and sale of harmful publications, defined as “any book, magazine, film, picture, video or audiotape, print or other medium which is ... targeted at or likely to fall into the hands of a child and which ... contains pictures or stories that 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 the child into whose hands it may fall.”⁵⁴ While also prohibiting the exposure of children to pornographic materials, among others, it does not however, offer sufficient protection to children exploited in pornography.

Section 31 of the *Children's Act* prohibits the procuring, use or offer of a child for the production of pornography, or for pornographic performances. However, this section does not offer a definition of child pornography.

Under the *Tourism Offences Act*, a tourist or any other person who:⁵⁵ takes indecent photographs of a child;⁵⁶ distributes or shows an indecent photograph of a child, whether or not with a view to its being distributed or shown by that person or any other person;⁵⁷ or

publishes or causes to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows indecent photographs of children or intends to do so, commits an offence and is liable, on conviction, to imprisonment for a term of five years.⁵⁸ A person is to be regarded as distributing an indecent photograph if that person gives up the photograph, exposes or offers it for acquisition to another person.⁵⁹

Extraterritorial Legislation

The Gambia does not have specific extraterritorial legislation that can be used to combat CSEC, although the *Children's Act 2005* and the *Tourism Offences Act 2003* have some provisions relating to CSEC which have extraterritorial effects.

Child Protection Units

The Gambia does not have a unit that specifically deals with CSEC offences. However, the Department of Social Welfare and the police have Child Care and Child Welfare Units respectively, which deal with sexual abuse and exploitation of children. In 2006, the police set up a Vulnerable Persons Unit to better assist at-risk persons, including children. A serious gap in the protection of Gambian children is the absence of victim protection systems and child support services in Court. The *Children's Act* does however provide for child-friendly investigation procedures in all cases involving children.⁶⁰

Support Services for Children

The greatest challenge in child protection in The Gambia is the inadequate existence of support services for victims of CSEC, despite the considerable sensitisation that has been carried out by key actors in this regard. Very few NGOs work in the area of child protection, and presently no organisation provides psychosocial rehabilitation specifically for children escaping commercial sexual exploitation. Only in 2005 did the Department of Social Welfare build a 'Shelter for Children' which provides temporary support for children who have been victimised by sexual abuse and exploitation or in difficult circumstances.

In 2005, with support from UNICEF, CPA organised a three-day training-of-trainers workshop on how to work with children and young people who have been victimised by sexual abuse and exploitation. Attended by social workers, health professionals and police officers, it led to the development of a model for a child protection and referral mechanism.⁶¹ This model however, has not been officially adopted as the Child Protection Working Group, which was

formed to ensure this happened, has not been functioning recently. Another outcome was the establishment of a multidisciplinary working group to develop guidelines on how to deal with child victims of sexual exploitation and abuse (such work has not yet been initiated).⁶²

A child trafficking victims' centre that also serves as an information centre was recently opened in Banjul.⁶³

Training Law Enforcement Personnel

The Department of State for Justice and the Department of Social Welfare organised training workshops for law enforcers on CSEC. In 2003, the Dutch Chapter of the International Federation of Terre des Hommes, in collaboration with CPA, released a report indicating that child sex tourism was on the rise in the country and that the police had limited resources to tackle the problem.⁶⁴

CPA has conducted CSEC-related training for police, such as the one-week training on combating child sexual abuse and exploitation in travel and tourism in 2004.⁶⁵ Similar follow-up police trainings were organised in 2005. In 2006, CPA conducted training for 50 law enforcers on the *Children's Act* and general CSEC issues, with support from UNICEF.



PRIORITY ACTIONS REQUIRED

- ✦ Official approval of the *National Plan of Action against the Sexual Abuse and Exploitation of Children of The Gambia* is crucial in order to legitimise certain activities that are already being undertaken as part of the Plan's implementation. In addition, adequate financial resources must be urgently allocated to allow for its implementation.
- ✦ A national focal point on commercial sexual exploitation of children needs to be officially appointed to foster and coordinate action against CSEC in The Gambia.
- ✦ There is an urgent need for the establishment of more shelters for children - both specifically for children escaping commercial sexual exploitation and for children in difficult circumstances - and the adoption and monitoring of minimum standards of care. Official adoption of the model for a child protection and referral mechanism recently developed by key stakeholders needs to be expedited, followed by training and adequate resource allocation to support its effective implementation. To this end, support from the Child Protection Working Group would be essential.
- ✦ In order to enhance the effectiveness of the National Taskforce on Sexual Exploitation of Children in Tourism, the creation of coordination mechanisms is recommended, such as a formal Memorandum of Understanding (MoU) for cooperation, regular meetings and an action plan to clearly define roles and responsibilities.
- ✦ There is a need for The Gambia to engage in multilateral agreements to improve transnational cooperation against child sex tourism and child pornography. Agreements to combat trafficking in children for sexual purposes must also be established with relevant countries in West Africa, in particular Senegal, Liberia, Nigeria and Sierra Leone. The ratification of the bilateral agreement on child trafficking with Ghana should be expedited.
- ✦ The Gambia should amend the *Children's Act* to ensure that the use of deception, force, coercion or debt bondage is never required as an element of child trafficking offences.

- ✎ The Gambia must ratify the *Optional Protocol on the sale of children, child prostitution and child pornography* and adopt legal provisions that define and prohibit child pornography in accordance with the Protocol.
- ✎ Victim protection systems and child support services in Court are urgently required.
- ✎ Child marriage needs to be addressed both at community and national levels, in particular to ensure that related legislation in the *Children's Act* takes precedence over local customs and Sharia law. Sensitisation campaigns must also promote greater understanding of the ways in which traditional practices such as forced and early marriage increase children's vulnerability to commercial sexual exploitation.
- ✎ Awareness raising on child sexual abuse and exploitation in schools, targeting school authorities, students and communities is recommended. Child protection policies and procedures must also be urgently established in schools throughout the country to ensure that children are not sexually exploited while attending these institutions.
- ✎ The vulnerability of children affected by HIV/AIDS to commercial sexual exploitation must be taken into account in the relevant national policies. Given the growing indication of boys' involvement in CSEC, it is imperative that such policies also address issues of sexual diversity. Child rights organisations and those working on HIV/AIDS issues should also combine their efforts to design joint programmes that could more effectively achieve their particular goals and mission.
- ✎ Livelihood and vocational centres must be made more widely available in rural and urban areas, targeting children who are particularly vulnerable to commercial sexual exploitation: these include children affected by HIV/AIDS, street children, child domestic workers, child labourers, child hawkers and children from dysfunctional families.
- ✎ Universal access to education must be strictly fostered as a key preventative measure against commercial sexual exploitation of children.
- ✎ Collaboration between relevant government departments, NGOs and Internet service providers needs to be initiated with a view to blocking access to child pornography websites and raising awareness on issues related to child pornography and children's exposure to pornography.

Endnotes

- ¹ UNICEF. *Study on the Sexual Abuse and Exploitation of Children in The Gambia*. 2003. Accessed on 30 January 2007 from: <http://www.csd.gm/Social%20Research/SEXUAL%20EXPLOITATION%20STUDY.pdf>
- ² UNICEF. *Child sex tourism and exploitation increasing in The Gambia*. Accessed on 6 July 2006 from: http://www.unicef.org/media/media_20825.html
- ³ Afrol News (13/02/2007) *Gambia child rape gives life sentence*. Accessed 13 March 2007 from: <http://www.afrol.com/articles/24309>
- ⁴ Cessay, Amadou. *National Response to Child Sex Tourism and CSEC in the Gambia*. Presentation delivered on 13 March 2004 at a WTO meeting held in Berlin, Germany. Minutes of the meeting available at: http://www.world-tourism.org/protect_children/index.htm
- ⁵ ECPAT International. *Concept Outline on Case Study and Analysis of the Linkages between CSEC and HIV/AIDS in The Gambia*. 2006.
- ⁶ UNICEF. *Study on the Sexual Abuse and Exploitation of Children in The Gambia*. 2003. Accessed on 8 March 2007 from: <http://www.csd.gm/Social%20Research/SEXUAL%20EXPLOITATION%20STUDY.pdf>
- ⁷ UNICEF. *Study on the Sexual Abuse and Exploitation of Children in The Gambia*. 2003. Accessed on 30 January 2007 from: <http://www.csd.gm/Social%20Research/SEXUAL%20EXPLOITATION%20STUDY.pdf>
- ⁸ Duval Smith, Alex. 'European Paedophiles flock to Gambian Smiling Coast'. *The Observer*. 4 July 2004.
- ⁹ Lebbie, Hindowa. 'Education policy makers blind to dangers of sexual exploitation of children in schools: The case of Africa'. *ECPAT Report on the Implementation of the Agenda for Action against the Commercial Sexual Exploitation of Children 2002-2003*. pp. 21-28.
- ¹⁰ ECPAT International. *Linkages Between HIV/AIDS and the Commercial Sexual Exploitation of Children in Africa (Draft Interim Report)*. March 2007.
- ¹¹ Bureau of Democracy, Human Rights and Labour. *The Gambia, Country Reports on Human Rights Practices - 2004*. 28 February 2005. Accessed on 5 July 2006 from: <http://www.state.gov/g/drl/rls/hrrpt/2004/41605.htm>
- ¹² IRIN Africa. 'Gambia-Ghana: Sex slave children trafficked by Ghanaian fishermen'. 2004. http://www.irinnews.org/report.asp?ReportID=39717&SelectRegion=West_Africa
- ¹³ United Nations. 'Committee on Rights of Child Begins Consideration of Initial Report of The Gambia'. Accessed on 5 January 2007 from: <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/3785DED523690C1BC1256ADF002670D3?opendocument>
- ¹⁴ ECPAT International. *Linkages Between HIV/AIDS and the Commercial Sexual Exploitation of Children in Africa (Draft Interim Report)*. March 2007.
- ¹⁵ ECPAT UK. *Child Sex Tourism in The Gambia*. Accessed on 5 February 2007 from: <http://www.ecpat.org.uk/downloads/Gambia05.pdf>
- ¹⁶ ECPAT International. *Linkages Between HIV/AIDS and the Commercial Sexual Exploitation of Children in Africa (Draft Interim Report)*. March 2007.

- 17 ECPAT International. *Linkages Between HIV/AIDS and the Commercial Sexual Exploitation of Children in Africa (Draft Interim Report)*. March 2007.
- 18 ECPAT International. *Linkages Between HIV/AIDS and the Commercial Sexual Exploitation of Children in Africa (Draft Interim Report)*. March 2007.
- 19 *The National Plan of Action against the Sexual Abuse and Exploitation of Children of The Gambia*.
- 20 UNICEF. *Study on the Sexual Abuse and Exploitation of Children in The Gambia*. 2003. p. 69.
- 21 UNICEF. *Situational Analysis of Orphans and Other Vulnerable Children in The Gambia*. 2004. p. 17.
- 22 UNICEF. *Study on the Sexual Abuse and Exploitation of Children in The Gambia*. December 2003. p.68
- 23 Child Protection Alliance. *Annual Report 2005*.
- 24 Child Protection Alliance. *Annual Report 2005*.
- 25 Network against Human Trafficking in West Africa. Accessed on 31 January 2007 from: <http://nahtiwa.virtualactivism.net/objectives.htm>
- 26 Commission on Human Rights. Report of the Special Rapporteur on the sale of children, child prostitution and child pornography. Sixty-second session Item 13 of the provisional agenda. Accessed 8 February 2007 from: <http://www.ohchr.org/english/bodies/chr/docs/62chr/ecn4-2006-67.doc>
- 27 Information provided by the Child Protection Alliance, the ECPAT member in The Gambia.
- 28 Smith, Alex Duval. 'European Paedophiles Flock to Gambian Smiling Coast'. *The Guardian*. 4 July 2004. Accessed on 5 March 2007 from: <http://www.guardian.co.uk/child/story/0,7369,1253546,00.html>
- 29 Information provided by the Child Protection Alliance, the ECPAT member in The Gambia.
- 30 Computer Crime Research Center. 'Technology Is a Double-Edged Sword: Illegal Human Trafficking in the Information Age'. March 2005. <http://www.crime-research.org/articles/Mohamed2/5>
- 31 Child Protection Alliance. *Annual Report 2006*.
- 32 Smith, Alex Duval. 'European Paedophiles Flock to Gambian Smiling Coast'. *The Guardian*. 4 July 2004. Accessed on 5 March 2007 from: <http://www.guardian.co.uk/child/story/0,7369,1253546,00.html>
- 33 Information provided by the Child Protection Alliance, the ECPAT member in The Gambia.
- 34 UNICEF. *Study on the Sexual Abuse and Exploitation of Children in The Gambia*. 2003. p.65.
- 35 UNICEF. *Study on the Sexual Abuse and Exploitation of Children in The Gambia*. Accessed on 6 February 2007 from: http://www.unicef.org/media/files/gambia_report.doc
- 36 Office of the United Nations High Commissioner for Human Rights. *Status of Ratifications of the Principal International Human Rights Treaties*. Accessed on 31 January 2007 from: <http://www.unhchr.ch/pdf/report.pdf>
- 37 *Ratification Status of the ILO Convention 182 as of 18 November 2002*. Accessed on 31 January 2007 from: <http://www.ideas.coop/MG/descarga/MG-Ratificaci%F3n%20Convenio%20182,%20por%20pa%EDses-status%202002.doc>
- 38 UNICEF. *Study on the Sexual Abuse and Exploitation of Children in The Gambia*. 2003. Accessed on 30 January 2007 from: <http://www.csd.gm/Social%20Research/SEXUAL%20EXPLOITATTION%20STUDY.pdf>
- 39 *Children's Act*, Art. 38.
- 40 San Diego State University. *Crime and Society, a comparative criminology tour of the world*. Accessed from: <http://www-rohan.sdsu.edu/faculty/rwinslow/africa/gambia.html>
- 41 EuropaWorld. 'Sexual Exploitation of Children Rises in Gambia'. Accessed from: <http://www.europaworld.org/week176/sexual7504.htm>
- 42 TOA. Article 6 (1). p.103.
- 43 TOA. Article 6 (2). p.103.
- 44 TOA. Article 7 (a). p.104.
- 45 TOA. Article 7 (b). p.104.
- 46 TOA. Article 7 (c). p.104.

- 47 TOA. Article 9 (1). p.104.
- 78 TOA. Article 9 (a). p.104.
- 49 TOA. Article 9 (b). p.104.
- 50 TOA. Article 12. p.104.
- 51 TOA. Article 11. p.104.
- 52 Children's Act, Art. 2.
- 53 TOA. Article 13. p.104.
- 54 Children's Act of 2005.
- 55 TOA. Article 8 (1). p.104.
- 56 TOA. Article 8 (a). p.104.
- 57 TOA. Article 8 (b). p.104.
- 58 TOA. Article 8 (c). p.104.
- 59 TOA. Article 8 (2). p.104.
- 60 Information provided by the Child Protection Alliance, the ECPAT member in The Gambia.
- 61 *Child Protection Alliance. Annual Report 2005.*
- 62 *Child Protection Alliance. Annual Report 2005.*
- 63 Business Travellers against Human Trafficking. 'Gambia makes progress against human trafficking'. Friday 19 January 2007. Accessed on 7 February 2007 from:<http://www.businesstravellers.org/archives/gambia-makes-progress-against-human-trafficking/>
- 64 *The Gambia: Trafficking Routes.* Accessed on 6 February 2007 from: <http://www.protectionproject.org/gambia.doc>
- 65 San Diego State University. *Crime and Society, a comparative criminology tour of the world.* Accessed from:<http://www-rohan.sdsu.edu/faculty/rwinslow/africa/gambia.html>



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