

**Sexual Exploitation of Children in The Gambia**

**Submission**

for the Universal Periodic Review of the human rights situation in The Gambia

Submitted by

**Child Protection Alliance (CPA) – The Gambia  
and ECPAT International**

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*The CPA was established in Banjul on the 26th April 2001 and is a nationwide grouping of almost 36 institutions focused on the promotion and preservation of children's rights in Gambia. The CPA was founded to fill the vacuum in child protection and rights and to promote and sensitize people and increase understanding of issues pertinent to children. It also lobbies for adequate legislative changes to address issues of concern and follow-up on their effectiveness. The CPA also actively encourages the participation of children on issues affecting them. It actively engages the media, politicians, and policymakers as well as promoting their rights in Gambian society. The CPA is also engaged in awareness training and capacity building for youth to make them less vulnerable to exploitation.*



### **ECPAT International**

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*ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 29 years, ECPAT has acted as the international watchdog, monitoring States' response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 109 network members operating in 96 countries.*

## Justification for submission

1. The present submission is an update to review the progress that has been made by the Government of The Gambia (GoG) to end sexual exploitation of children (SEC) and assess the level of implementation of the UPR recommendations on children's rights made in 2014.<sup>1</sup> Specific recommendations to end SEC in The Gambia will be made. Recommendations made in this report are in line with the commitment made by the GoG to eliminate all forms of violence against children, including sexual abuse and exploitation with the adoption of the 2030 agenda for Sustainable Development in 2015.<sup>2</sup>
2. The content of this submission is based on Child Protection Alliance (CPA) - The Gambia and ECPAT International's work experiences and desk research. Its scope is limited to SEC and its different manifestations, including exploitation of children in prostitution,<sup>3</sup> online child sexual exploitation (OCSE), child sexual abuse materials (CSAM),<sup>4</sup> trafficking of children for sexual purposes and sexual exploitation of children in the context of travel and tourism (SECTT)<sup>5</sup> and child, early and forced marriage (CEFM).

## Status and developments of sexual exploitation of children in The Gambia

3. Since the election in December 2016 of the new President Mr. Adama Barrow, the GoG has made significant efforts to improve the general human rights climate in The Gambia.
4. Children comprise approximately 50 percent of The Gambia's total population of 2,200,000.<sup>6</sup> The main ethnic majorities in the country are the Mandinka-Jahanka people and the Fulani-Tukulur-Lorobo, who account for respectively 34% and 22% of the total population. The Gambia is also home to other minority ethnic groups including Wolof, Jola-Karoninka, Serahuleh and Serer.<sup>7</sup>
5. United Nations High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States also classifies The Gambia as one of the least developed countries.<sup>8</sup> Almost 50 percent of the population in The Gambia lives below the poverty line,<sup>9</sup> making Gambia's children extremely vulnerable to SEC.
6. SECTT and CEFM remain a continual challenge in The Gambia, where girls are more exposed and at risk than boys to sexual exploitation.<sup>10</sup> Children from poor families and street children are more vulnerable to sexual exploitation.<sup>11</sup> No research on boys sexually exploited is available; however, it does not mean boys are not exploited in The Gambia.
7. According to UNICEF's **child marriage** database, in 2013 about nine percent of female children were married before the age of 15 and 30 percent of Gambian girls have been married or in a union before the age of 18.<sup>12</sup> Factors increasing children's vulnerability to CEFM in The Gambia are socio-cultural, religious, low status of women in the society, less premium put on girls' education by parents.<sup>13</sup>
8. Tourism is the second highest earner of foreign revenue.<sup>14</sup> In 2017 arrivals were up to 162,000.<sup>15</sup> Tourists mainly arrive from Europe.<sup>16</sup> **SECTT** in The Gambia involves both male and female

perpetrators of child sexual offences. Most child victims of SECTT are girls (14-17 years), but there are also young boys.<sup>17</sup>

9. SECTT can be facilitated by the sharp increase of the use of the Internet. In 2017, 19.8 percent of the population was using the Internet in The Gambia.<sup>18</sup> Only 9.6 percent of Gambian population have a computer at home.<sup>19</sup> However, many go online through Internet cafés where operators make money through recommending dating sites to their customers and even helping them register on those sites. Most of the youth registering a dating profile hide their real 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 young boys invite 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.<sup>20</sup>
10. There is extremely limited information and data available on the prevalence of **exploitation of children in prostitution** and **CSAM** in The Gambia. Cases recorded involving CSAM usually occur in connection with the other manifestations of SEC.<sup>21</sup>
11. In 2015, the Committee on the Elimination of Discrimination against Women (CEDAW) noted with concern that there have been no prosecutions under the Trafficking in Persons Act 2007 and that only one investigation was ongoing.<sup>22</sup> Only seven cases of trafficking were reported in 2016,<sup>23</sup> but it is impossible to provide reliable data on the number of cases related to **trafficking of children for sexual purposes** reported or on the number of children sexually exploited in The Gambia. This is due to the lack of data collection mechanisms and reporting. The last national studies were done in 2003.<sup>24</sup> In 2015, the CRC Committee reiterated its recommendation that The Gambia set up a *"comprehensive data collection system with the support of its partners. The data should cover all areas of the Convention, including child trafficking and sexual abuse and exploitation of children, and should be disaggregated by, inter alia, age, sex, disability, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis of the situation of all children"*.<sup>25</sup>
12. Not only the lack of data collection hampers the lack of insight in the status of SEC in The Gambia, impunity is also rife. An assessment on child justice in the country showed a lack of capacity within the judiciary and among other stakeholders in administering justice for children.<sup>26</sup> In June 2018, Colonel John Veneau, a French diplomat was arrested for having an alleged affair with a Gambian child near Palma Rima. According to the CPA, due process of law was not followed after some citizens took the French colonel to the police station.<sup>27</sup> The case highlighted the lack of enforcement of Gambian law by the police. According to the CPA, people are reporting sexual abuse cases but The Gambian authorities are not doing anything in terms of prosecuting these people. Section 206 of the Children's Act establishes in The Gambia Police Force, a Child Welfare with police officers.<sup>28</sup> This unit and police officers are supposed to investigate on SEC cases. However, in Palma Rima, they have very limited capacity.<sup>29</sup>
13. Furthermore, many cases remain unreported. The sexual abuse of children is surrounded by social stigma, family pressure or indifference, and a culture of silence that inhibits reporting of cases to the police. 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.<sup>30</sup> Speaking about sexual abuse or exploitation often brings harm or shame to the family. This culture of silence, combined with weak

law enforcement and child protection systems and policies, may lead to poor protection of children from sexual exploitation.

14. During the country's last UPR in 2014, the report of the Working Group formulated 28 recommendations related to children's rights, but only five of them were directly related to SEC (four targeted CEFM and one targeted human trafficking, especially children). Out of the five recommendations on the issue of human trafficking, only one addressed trafficking in children.<sup>31</sup>

## Legislative framework

15. The Gambian Criminal Code (1990) criminalises procurement of children for sex or prostitution.<sup>32</sup> 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 exploiting children in prostitution and related offences.<sup>33</sup> The CA contains several provisions prohibiting the exploitation of children in 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.<sup>34</sup> 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.*"<sup>35</sup> Section 26 prohibits the export or import of children for the purpose of prostitution<sup>36</sup> and Section 37 prohibits the buying, selling or hiring of a child for "*immoral purpose.*"<sup>37</sup> Section 7 of the Tourism Offences Act 2003 (TOA) makes it an offence to procure a child for prostitution.<sup>38</sup> The CA outlines a number of offences related to the exploitation of children in prostitution to include situations where someone drugs, coerces, deceives, seduces or forces a child to have sexual intercourse with someone.<sup>39</sup> 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.<sup>40</sup> 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.<sup>41</sup> Detaining or confining a child so they can be sexually abused or assaulted is also an offence.<sup>42</sup> 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.*"<sup>43</sup> Importantly, the CA makes procuring a child for prostitution an offence within or outside The Gambia.<sup>44</sup> Similarly, the CA makes it an offence to "*take away or detain*" a child for the purpose of being sexually assaulted.<sup>45</sup>
16. The Gambian Criminal Code does not contain provisions that deal with OCSE-related offences. The Gambia has a legislation specific to CSAM. Article 144B of the Criminal Code (Amendment) Act, 2014 No. 11 of 2014 criminalizes "*a person who produces or participates in the production of, trafficks, publishes, broadcasts, procures, imports, exports or in any way abets pornography depicting images of children.*"<sup>46</sup> Moreover, The Gambia with the Council of Europe started to work on its cybercrime legislation.<sup>47</sup> However, to date the national legislation still does not contain a definition of CSAM and does not prohibit offences involving grooming.
17. Anti-trafficking Gambian laws are in compliance with international legal standards. The Trafficking in Persons Act was introduced in 2007. It criminalizes all forms of exploitation indicated in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The CA and the TOA 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. Exploitation is defined in Section 2 of the Trafficking Act to include commercial sexual exploitation.<sup>48</sup> 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.”<sup>49</sup> Furthermore, when the victim is a child, the means of trafficking are considered irrelevant.<sup>50</sup> 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.<sup>51</sup> 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 (US\$1,015-US\$10,150) as well as a term of imprisonment for no less than 15 years and no more than life imprisonment.<sup>52</sup> 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 (US\$200-US\$1,015), or a term of imprisonment for no less than 12 months and no more than three years, or both.<sup>53</sup>

18. The Gambia has specific measures to address SECTT. 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.<sup>54</sup> Section 5 of the TOA makes it an offence for a person to make a sexual advance towards a child.<sup>55</sup> The organisation, promotion or encouragement of foreign travel that promotes ‘child prostitution’<sup>56</sup> is an offence. It specifically prohibited for an employee in a Tourism Development Area (TDA) to “*make sexual advances, or offer any illegal service or product to a tourist.*”<sup>57</sup> 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.<sup>58</sup>
19. During the country’s last UPR, Central African Republic, Sierra Leone and Togo all recommended the GoG to enact laws prohibiting forced and early marriage of girls and raise the legal age for marriage to eighteen<sup>59</sup> while Canada recommended the GoG to take steps to prevent CEFM, including through education and awareness campaigns.<sup>60</sup> In 2016, the GoG has improved its national legal framework to protect children from SEC through the adoption of Children’s Amendment Act 2016, which bans child marriage in the Gambia. The marriage of any child is now illegal in the Gambia with a penalty of up to 20 years imprisonment for the parents and partner of the child<sup>61</sup> and the legal age of marriage is 18. However, in 2018, the Human Rights Committee recommended to The Gambia to strengthen the enforcement of the Children’s Amendment Act of 2016 and to enhance public awareness.<sup>62</sup>
20. Extraterritoriality is dealt under the CA and the Trafficking Act.
21. Section 26(1) of the CA prohibits the crossing of national boundaries of children for exploitation in prostitution, it provides that “*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.*”

22. Section 30 and 34 CA prohibit the trafficking and procurement of children for sex or prostitution in and any place outside Gambia.
23. The Trafficking Act also sets out provisions with extraterritorial effect. Section 36 states that “(1) A court in The Gambia has jurisdiction to try an offence under this Act where the act constituting the offence has been carried out – (a) wholly or partly in The Gambia; (b) anywhere, by a citizen of The Gambia or by a person who is ordinarily resident in The Gambia; (c) by a person on board a vessel or aircraft registered in The Gambia. (2) A court in The Gambia also has jurisdiction to try an offence under this Act where – (a) the victim of trafficking is a citizen of, or is ordinarily resident in, The Gambia; or (b) the trafficker is present in The Gambia and is not extradited.”

#### *Recommendations to the GoG*

- Adopt specific legal provisions to criminalise all forms of online child sexual exploitation, including ‘grooming’ of children for sexual purposes;
- Amend the Children’s Act 2005 to incorporate the definition of child sexual abuse material, in its entirety, as provided in the OPSC;
- Establish more multilateral and bilateral agreements with countries on child trafficking. In particular, with countries such as Ghana, Liberia, Nigeria, Senegal and Sierra Leone;
- Prevent child, early and forced marriage by strengthening the enforcement of the Children’s Amendment Act of 2016 and enhancing public awareness on the amendment.

#### **General measures of implementation**

24. If the number of reported cases of trafficking decreased,<sup>63</sup> there is no information on the prevalence of SEC manifestations in The Gambia. In 2015, CEDAW Committee and the CRC Committee showed their concerns about the lack of information on the number of victims of SEC.<sup>64</sup> The CEDAW Committee recommended that The Gambia should conduct a study to investigate the extent and root causes of girls trafficking and exploitation of girls in prostitution and ensure early identification and referral of victims of trafficking. The lack of adequate data collection mechanisms constitutes a serious obstacle to child protection and to the prevention of SEC. Without data, it is not only impossible to estimate the scale of the problem, but it is also difficult to adopt evidence-based policies. The need for a serious and systematic data collection system is widely recognised by all child protection professionals.
25. The GoG did not adopt specific National Action Plans to tackle SEC. However, the Children’s Act of 2005, the Criminal Code, the Trafficking in persons Act of 2007, the Tourism Offences Act of 2003 and the Sexual Offences Act 2013 are in place to help combatting SEC.
26. In 2015, the Committee on Economic, Social and Cultural Rights noted with concern that, despite the adoption of the Trafficking in Persons Act 2007, The Gambia remains a source and destination country for children subjected to trafficking for sexual purposes. Moreover, the Committee urges The Gambia to intensify its effort to combat trafficking in persons for sexual exploitation purposes, and to implement vigorously its anti-trafficking legislation and national action plan.<sup>65</sup>
27. In 2015, the Department of Social Welfare (DoSW) reviewed and updated its National Plan of Action against the Sexual Abuse and Exploitation of Children 2011-2015<sup>66</sup> but it has expired for three years

now and has not been replaced. To date no actual plan of action has been adopted by the GoG and no information is available on the implementation of a next one.

#### *Recommendations to the GoG*

- Collect data on the sexual exploitation of children annually disaggregated by manifestation, age and gender of the victim;
- Adopt a specific national action plan addressing the sexual exploitation of children in all its manifestations.

#### *Coordination and evaluation*

28. The GoG does not have a dedicated body that coordinates efforts against SEC and the coordination of child protection and prevention services is weak. 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 regulations, 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. This lack of coordination and cooperation has led to a duplication of activities and responsibilities.
29. The three main institutions responsible for providing protection from and prevention of SEC related offences are:
- a. On 26<sup>th</sup> February 2019, the GoG created the Ministry of Women, Children and Social Welfare. The DoSW will come under this new Ministry. The DoSW, which is the primary coordinating body responsible for child protection in The Gambia. In 2015, the DoSW formed the National Child Protection Sub-Committee to coordinate child protection issues. While assisting the coordination of child protection generally, the DoSW also provides specific coordination in relation to SECTT. In addition, the DoSW assists with coordination in relation to child victims of trafficking. The DoSW operated a national hotline where suspected trafficking cases could be reported. However, the hotline has been criticised due to its limited availability (it was not available 24 hours a day, 7 days a week) and the inadequate training of the hotline operators.<sup>67</sup> The hotline has been dysfunctional for more than three years and is no longer working. There is no national hotline for reporting SEC cases.<sup>68</sup>
  - a. National Agency Against Trafficking In Persons (NAATIP) is the agency responsible for administering and monitoring the implementation of the Trafficking in Persons Act 2007 (Trafficking Act). Its implementing partners include the DoSW, Child Fund and Police and Immigration Departments. NAATIP does have an action plan for 2016-2020.
  - b. The Gambia Tourism Board enforces the implementation of the Tourism Offences Act 2003. The Tourism Offences Act 2003 was amended in 2014 and a special court was created in order to deal with tourism related offences, including SECTT cases.<sup>69</sup>



30. In 2005, The Gambia has signed a Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa co-signed by Benin, Burkina Faso, Côte d'Ivoire, Ghana, Guinea, Mali, Niger and Togo. To date, The Gambia did not sign other multilateral agreement. During the country's last UPR, Philippines recommended the GoG to explore and maximize the benefits from international cooperation and partnerships to support initiatives to combat trafficking in persons, especially children.<sup>70</sup> This recommendation has not been implemented to date.

#### *Recommendations to the GoG*

- Implement a dedicated coordination body on the sexual exploitation of children;
- Strengthen the coordination and cooperation between child protection stakeholders;
- Benefit from international cooperation and partnerships to support initiatives to combat trafficking in persons, especially children.

#### **Prevention**

31. The DoSW set up training on investigation and interviewing techniques especially for SEC for law enforcers.<sup>71</sup> The DoSW with CPA and UNICEF have established five Neighbourhood Watch Groups within the Tourism Development Area of Senegambia.<sup>72</sup> The DoSW also organized public sensitisation and a community social mobilisation campaign with other members of civil society.

32. CPA, DoSW, UNICEF and Child Fund trained Police Child Welfare Officers on child trafficking, CEFM and SEC. However, Police Child Welfare Officers emphasized their need for child protection training, especially in local legislation and child interviewing.<sup>73</sup> NAATIP only had few training but conducted sensitisations and community awareness campaigns on how to identify and control the issue of trafficking.<sup>74</sup>

33. In 2015, the CRC Committee recommended to The Gambia to strengthen its awareness-raising programmes, including campaigns, in the tourism industry and among the public at large on the prevention of SECTT.<sup>75</sup>

34. The Gambia Tourism Board organizes sensitisation and awareness campaigns on SECTT. In collaboration with the Law Enforcement Agencies, it organizes banners, billboards and postings at crucial areas (airports, hotels, and highways).<sup>76</sup> The Gambia Tourism Board with CPA has sensitized 151 stakeholders (taxi drivers, hotel workers, tourist guides, and personnel of the Tourism Security Unit) in the Tourism industry on the Code of Conduct of The Gambia Tourism Board for the Protection of Children, the Tourism Offences Act 2003 and the Sexual Offences Act 2013.

35. There are several policies in The Gambia that seek to further participation of children and youth. The last revision of the National Youth Policy<sup>77</sup> has been made in 2015. It seeks to ensure the full engagement and participation of youth in the development of The Gambia.

36. Thus far, child and youth participation in the planning and implementation of protection against SEC 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 SEC. CPA has also established specific CPA affiliated groups and projects, as well as more informal inter-organisational activities such as a drama competition on SEC which drew together various schools on the issue. Voice of the Young, a child-led advocacy group formed by CPA, is very active in social mobilisation and capacity building. Voice of the Young clubs work in collaboration with schools 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. The CPA also established several Neighbourhood Watch Groups in the communities close to the Tourism Development Area (TDA) and trained them on SEC and child protection. 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 SEC and report suspected cases to authorities.

#### *Recommendations to the GoG*

- Conduct further awareness-raising initiatives on all manifestations of the sexual exploitation of children targeted at the wider Gambian public.

#### **Protection of the rights of the child**

37. The DoSW and the Police Child Welfare are responsible for receiving and investigating individual complaints of violation of the rights of children. In 2015, the CRC Committee showed its concern about the absence of a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner.<sup>78</sup>
38. Moreover, Section 49 of Trafficking in Persons Act provides that where the circumstances so justify, a victim of trafficking shall not be detained, imprisoned or prosecuted for offences related to being a victim of trafficking, but does not state how this is decided. There should be an additional provision prohibiting the criminalisation of victims of SEC for acts they committed as part of their exploitation.
39. During the country's last UPR, Portugal recommended the GoG to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.<sup>79</sup> To date, the GoG has not done so.
40. Recovery and reintegration services for SEC 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.<sup>80</sup> However, this service is only available to victims of trafficking and does not assist those who are victims of other manifestations of SEC.
41. The DoSW is the body responsible for the protection and support of trafficking victims<sup>81</sup> and Section 45 of the Trafficking in Persons Act outlines how trafficking victims should be treated. Trafficking victims should be provided with access to appropriate support services (health, legal, psycho-social), in case of foreign nationals, 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 and in 2015, the CEDAW

Committee recommended to The Gambia to better protect victims of SEC by providing free legal and psychological support, compensation, assistance and rehabilitation to them.<sup>82</sup> In 2015, the Committee on Economic, Social and Cultural Rights also urged The Gambia to provide protection and rehabilitation services to victims of sexual exploitation and to prosecute offenders.<sup>83</sup>

42. The Trafficking Act establishes a Fund for Victims of Trafficking and outlines how funds should be allocated.<sup>84</sup> However, thus far the financial support from the government to NAATIP has generally only been used for operation and programme costs. The Trafficking Act also states that a person convicted of trafficking may be ordered by the court to pay compensation to the victim.<sup>85</sup> There is no information available whether this has happened in court proceedings.

#### *Recommendations to the GoG*

- Create a specific mechanism for monitoring children’s rights;
- Ensure that enough shelters for children victims of SEC are available, properly funded, staffed by well-trained personnel and able to offer integrated services (psychological, legal, medical, etc.);
- Ensure that law enforcement agencies have the funds, resources and skills to identify, investigate and respond to the sexual exploitation of children, and are able to use adapted protocols when dealing with child victims.
- Enact legislation that prohibits the prosecution of children for crimes committed as a part of their 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.’

<sup>1</sup> Human Rights Council. (2014), “[Report of the Working Group on the Universal Periodic Review: Gambia](#)”, A/HRC/28/6, 24 December 2014.

<sup>2</sup> Sustainable Development Goal Targets 5.2, 8.7, and 16.2.

<sup>3</sup> ECPAT prefers the term ‘*exploitation of children in prostitution*’ instead of ‘*child prostitution*’ in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), “[Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in Luxembourg, 28 January 2016](#)”, Bangkok: ECPAT, 29.

<sup>4</sup> ECPAT prefers the term ‘child sexual exploitation material’ or ‘child sexual abuse material’ over the often in legal context still used ‘child pornography’ in line with the recently widely adopted Terminology Guidelines. *Ibid.*, 39.

<sup>5</sup> *Ibid.*, 54.

<sup>6</sup> UNFPA. (2018) [World Population Dashboard Gambia](#).

<sup>7</sup> *Ibid.*

<sup>8</sup> UNICEF. (2017, December). [The State of The World’s Children 2017](#) 150. New York: UNICEF.

<sup>9</sup> *Ibid.*, 203.

<sup>10</sup> UNICEF. [Child protection in The Gambia](#).

<sup>11</sup> UNICEF and Ministry of Health & Social Welfare. (2003). [Study on the Sexual Abuse and Exploitation of Children in The Gambia](#). 20 and 48.

<sup>12</sup> UNICEF. (2018, March). [Global databases: Child Marriage](#). New York: UNICEF.

<sup>13</sup> Information provided by Child Protection Alliance - The Gambia.

<sup>14</sup> Gambia Information Site. (nd). [Tourist Statistics For Gambia](#).

<sup>15</sup> The World Bank. [International tourism, number of arrivals](#).

<sup>16</sup> Gambia Information Site. (nd). [Tourist Statistics For Gambia](#).

<sup>17</sup> ECPAT. (2014) [Assessment on sexual exploitation of children related to tourism and reporting mechanisms in Gambia](#). i and ii.

<sup>18</sup> International Telecommunication Union. (2018). [Gambia Profile](#).

<sup>19</sup> *Ibid.*

<sup>20</sup> ECPAT the Netherlands. (2013). [Assessment on Commercial Sexual Exploitation of Children related to Tourism & Reporting mechanisms in Gambia](#), 30.

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- <sup>21</sup> ECPAT. (2015). [Global Monitoring status of action against commercial sexual exploitation of children – The Gambia, 2<sup>nd</sup> edition](#). 13.
- <sup>22</sup> ACDHRS. (July 2015). CEDAW. [Concluding observations on the combined fourth and fifth periodic reports of The Gambia](#). 5.
- <sup>23</sup> ACHPR. (August 2018). [The Republic of The Gambia's combined report on the African Charter on Human & Peoples' Rights & initial report on the Protocol to the African Charter on the Rights of Women in Africa](#). 137.
- <sup>24</sup> UNICEF. (December 2003). [Study on the Sexual Abuse and Exploitation of Children in The Gambia](#) and Child Protection Alliance. (January 2003). [Study of Child Sex Tourism in The Gambia](#).
- <sup>25</sup> UN Committee on the Rights of the Child (CRC), [Concluding observations on the combined second and third periodic reports of The Gambia](#), 20 February 2015, CRC/C/GMB/CO/2-3.
- <sup>26</sup> UNICEF. (2017). [Annual Results Report 2017 Child Protection](#). 20.
- <sup>27</sup> The Daily News. (June 2018). [CPA Faults Police for Alleged Child Abuse](#).
- <sup>28</sup> [Children's Act 2005](#), section 206 '(1) There is hereby established, in The Gambia Police Force, a Child Welfare Unit which shall consist of police officers who are trained to perform the functions of the Unit. (2) The functions of the Unit are to- (a) prevent and control child offences; (b) apprehend children accused of committing offences; (c) investigate child offences; and (d) perform such other duties as may be referred to the Unit under this Act or under regulations made under this Act or by any other enactment. (3) The officers of the Unit shall be specially trained and instructed regularly for the functions conferred on the Unit under subsection (2)'.  
<sup>29</sup> Information provided by Child Protection Alliance - The Gambia.
- <sup>30</sup> Chant, S. and Jones, G., 'Youth Gender and Livelihoods in West Africa: Perspectives from Ghana and The Gambia', *Children's Geographies*, 2005, Vol. 3, No. 2, pp185-199, found in Family for every child and Maestral International. (February 2014). The Gambia child protection system – Mapping and Assessment Report. 20. Information provided by Child Protection Alliance – The Gambia.
- <sup>31</sup> Human Rights Council (2014), "[Report of the Working Group on the Universal Periodic Review - Gambia](#)", Recommendation 109.126.
- <sup>32</sup> [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.'
- <sup>33</sup> [Criminal Code](#), Articles 29(1) & (2), 31, 32, 'Article 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. [...] Article 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. 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](#).
- <sup>34</sup> [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.'
- <sup>35</sup> *Ibid.*, 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.'
- <sup>36</sup> *Ibid.*, 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

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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.’

<sup>37</sup> *Ibid.*, section 37, ‘(1) A person shall not sell, hire, let or otherwise obtain possession or dispose of a child with intent that the child shall be empowered or used for the immoral purposes or knowing it is likely that the child will be employed or used for that purpose. (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment for fourteen years.’

<sup>38</sup> According to CPA’s Tourism Offences Act (2003), “At a Glance”, section 7 states: “Any person who gets or finds a child so that he or she can be sexually abused by another person or so that the child can be used as a prostitute can be imprisoned for 10 years.”

<sup>39</sup> [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 a 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.’

<sup>40</sup> *Ibid.*, 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.’

<sup>41</sup> *Ibid.*, 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.’

<sup>42</sup> *Ibid.*, 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.’

<sup>43</sup> According to CPA’s Tourism Offences Act (2003), “At a Glance”, section 11.

<sup>44</sup> [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.’

<sup>45</sup> *Ibid.*, 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.’

<sup>46</sup> [Criminal Code Amendment Act 2014](#), Article 144B.

<sup>47</sup> Council of Europe. (May 2018). [Glacy +: Gambia starts work on its cybercrime legislation](#).

<sup>48</sup> [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.

<sup>49</sup> [Trafficking in Persons \(Amendment\) Act, 2010](#), amendment of Section 28.

<sup>50</sup> [Trafficking in Persons Act 2007](#), section 38(c).

<sup>51</sup> *Ibid.*, section 32.

<sup>52</sup> *Ibid.*, sections 29.

<sup>53</sup> *Ibid.*, section 31.

<sup>54</sup> *Tourism Offences Act 2003*, section 6.

<sup>55</sup> *Ibid.*, section 5. A tourist or any other person who makes an unlawful sexual advance towards a child can be imprisoned for up to two years or be fined D20,000. See CPA’s Tourism Offences Act (2003), “At a Glance.”

<sup>56</sup> [Children’s Act 2005](#), section 32.

<sup>57</sup> *Tourism Offences Act 2003*, section 4.

<sup>58</sup> *Ibid.*

<sup>59</sup> Human Rights Council (2014), “[Report of the Working Group on the Universal Periodic Review - Gambia](#)”. Recommendation 109.65, 109.137 and 109.138.

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- <sup>60</sup> *Ibid.*, 109. 139.
- <sup>61</sup> *Children’s Act Amendment 2016*, provided by Child Protection Alliance – The Gambia.
- <sup>62</sup> Human Rights Council, [Concluding observations on The Gambia in the absence of its second periodic report](#), 30 August 2018, CCPR/C/GMB/CO/2. 3.
- <sup>63</sup> ACHPR. (August 2018). [The Republic of The Gambia’s combined report on the African Charter on Human & Peoples’ Rights & initial report on the Protocol to the African Charter on the Rights of Women in Africa](#). 137.
- <sup>64</sup> ACDHRS. (July 2015). CEDAW. [Concluding observations on the combined fourth and fifth periodic reports of The Gambia](#). 5.
- <sup>65</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), [Concluding observations on the initial report of The Gambia](#), 20 March 2015, E/C.12/GMB/CO/1.
- <sup>66</sup> ACHPR. (August 2018). [The Republic of The Gambia’s combined report on the African Charter on Human & Peoples’ Rights & initial report on the Protocol to the African Charter on the Rights of Women in Africa](#).
- <sup>67</sup> Global Slavery Index, [Global Slavery Index 2018 – The Gambia](#).
- <sup>68</sup> Information provided by Child Protection Alliance - The Gambia.
- <sup>69</sup> Information provided by Child Protection Alliance - The Gambia.
- <sup>70</sup> Human Rights Council (2014), “[Report of the Working Group on the Universal Periodic Review - Gambia](#)”, Recommendation 109.126.
- <sup>71</sup> ACHPR. (August 2018). [The Republic of The Gambia’s combined report on the African Charter on Human & Peoples’ Rights & initial report on the Protocol to the African Charter on the Rights of Women in Africa](#). 93.
- <sup>72</sup> *Ibid.* 94.
- <sup>73</sup> Family for every child and Maestral International. (February 2014). The Gambia child protection system – Mapping and Assessment Report. 35, provided by Child Protection Alliance - The Gambia.
- <sup>74</sup> ACHPR. (August 2018). [The Republic of The Gambia’s combined report on the African Charter on Human & Peoples’ Rights & initial report on the Protocol to the African Charter on the Rights of Women in Africa](#). 137.
- <sup>75</sup> UN Committee on the Rights of the Child (CRC), [Concluding observations on the combined second and third periodic reports of The Gambia](#), 20 February 2015, CRC/C/GMB/CO/2-3. 4.
- <sup>76</sup> *Ibid.*
- <sup>77</sup> The Gambia National Youth Council. (November 2015). [Revised National Youth Policy](#).
- <sup>78</sup> UN Committee on the Rights of the Child (CRC), [Concluding observations on the combined second and third periodic reports of The Gambia](#), 20 February 2015, CRC/C/GMB/CO/2-3.
- <sup>79</sup> Human Rights Council (2014), “[Report of the Working Group on the Universal Periodic Review - Gambia](#)”. Recommendation 109.28.
- <sup>80</sup> Family for every child and Maestral International. (February 2014). The Gambia child protection system – Mapping and Assessment Report. 40, provided by Child Protection Alliance - The Gambia.
- <sup>81</sup> [Trafficking in Persons Act 2007](#), section 51.
- <sup>82</sup> ACDHRS. (July 2015). CEDAW. [Concluding observations on the combined fourth and fifth periodic reports of The Gambia](#). 5.
- <sup>83</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), [Concluding observations on the initial report of The Gambia](#), 20 March 2015, E/C.12/GMB/CO/1. 6.
- <sup>84</sup> *Ibid.* sections 58, 60 and 61.
- <sup>85</sup> *Ibid.* section 54.