

“Gambia ...the Smiling Coast!”

**A Study of Child Sex Tourism in The Gambia
and the Involvement of Dutch Tourists.
January 2003**

A Research Collaboration between:



**CHILD PROTECTION
ALLIANCE**

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"The commercial sexual exploitation of children is a fundamental violation of children's rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery."

From the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children (Stockholm 1996)

Citation: "Gambia ...the smiling Coast!"

The spontaneous smile and friendliness of Gambians gave the country the name "the smiling Coast", which represents the sunny and peaceful side of the Gambia.

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DESCRIPTION OF THE RESEARCH ORGANISATIONS

Terre des Hommes:

Terre des Hommes Netherlands (Earth of Mankind) is a Dutch child focussed development organisation based in The Hague. Founded in 1965 as a non-profit organisation, Terre des Hommes Netherlands aims to improve the quality of life of children in difficult circumstances all over the world, regardless of race, faith and vision.

Through partnership with local, non-governmental organisations Terre des Hommes Netherlands supports projects and programmes which help to protect children from worst aspects of poverty and to create better and sustainable opportunities for them.

The objectives of Terre des Hommes Netherlands include the provision of immediate and efficient support to children in need through services, which not only upgrade the general conditions of the child, but also contribute to the community at large.

In addition, Terre des Hommes Netherlands advocates, on national and international level, child rights, as laid down in the 1989 UN Convention on the Rights of the Child.

Child Protection Alliance:

The Child Protection Alliance The Gambia (CPA) is a unique collaboration of over 40 institutions and organisations committed to promoting child rights and protection in The Gambia. These include Government Departments, international, national and local NGO's as well as community based organisations.

The CPA was formed on the 26th April 2001 following the development of a National Plan of Action on Child Protection which provides the direction for the work of the CPA. The main components of the Plan of Action include advocacy and lobbying as well as capacity building of member organisations.

Two critical elements of the work are research and the active participation of children and young people in the identifying the issues which affect them. CPA has a Youth participation element called Voice of Young People for Child Protection.

The Child Protection Alliance represents ECPAT in The Gambia. CPA's main work focus is on preventing the Commercial Sexual Exploitation of Children in The Gambia.

ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrom
CEDAW	Convention in the Elimination of all Forms of Discrimination Against Women
CPA	Child Protection Alliance
CRC	Convention on the Rights of the Child
D	Dalasi
GNP	Gross National Product
GTA	Gambian Tourist Authority
HIV	Human Immunodeficiency Virus
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
NAPS	National Action Plan on the Sexual abuse of children
NGO	Non-Governmental Organisation
OPSC	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
STD	Sexually Transmitted Disease
TdH	Terre des Hommes
TDA	Tourist Development Area
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United National Children's Fund

FOREWORD

This research is a unique collaboration between the Child Protection Alliance The Gambia and Terre des Hommes Netherlands, two non-governmental organisations with a common concern for the rights and protection of children from exploitation and abuse. The research began in early 2002, initially as an e-mail conversation about a Dutch Guest House that was strongly rumoured locally to be a base for Dutch tourists who were abusing children in The Gambia. There were other rumours locally of tourists abusing children but never any hard evidence. There were also reported cases going to court but very few convictions. Having identified the issue of possible child sex tourism by Dutch Nationals (and others) in The Gambia, both organisations decided to commit resources and time to carry out a preliminary investigation. The main aim of the research was to establish whether or not there is a significant problem of abuse of children by tourists or whether the report on the Dutch Guest House was a one off incident. To this end the research project was launched in October 2002.

For the Child Protection Alliance The Gambia (CPA), a member of ECPAT (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes), this research is a reflection of a commitment to advocating for a National Plan of Action on the Commercial Sexual Exploitation of Children in The Gambia. The CPA was born out activities and initiatives by responsible people and organisations in The Gambia to meet the obligations of the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996 (Stockholm Agreement) which called for a global partnership, improved coordination and cooperation, prevention measures, increased protection, rehabilitation efforts and youth participation to combat the sexual exploitation of children. In the years following the Stockholm Congress, it was recognised that The Gambia had not met its obligation to put in place a Plan of Action on Commercial Sexual Exploitation of Children. The work of the CPA and its member organisations, and its National Plan of Action on Child Protection however, is helping The Gambia to catch up on meeting this obligation to protect children. The CPA sincerely hopes that this Report, along with the UNICEF/Gambia Government Study on Sexual Exploitation of Children in the Senegambia Region, will lead to the development of the National Plan of Action on Commercial Sexual Exploitation of Children before the end of 2003.

Terre des Hommes Netherlands has advocated law reform concerning child protection from sexual abuse and exploitation in the Netherlands since 1996. At that time it was difficult to prosecute a Dutch national who sexually abused and exploited two girls in the Philippines. After six years of lobbying, a new law entered into force this Fall. With this law, there are no longer obstacles to prosecuting Dutch nationals (or aliens who have their habitual residence in The Netherlands) in The Netherlands who committed a sexual offence against a child in another country. With this research Terre des Hommes hopes to help identify ways in which this law can be enforced to its fullest potential for the benefit and protection of children in The Gambia.

This Report then, is the fruit of our research into child sex tourism by Dutch nationals in The Gambia and we jointly present it to you the reader for your consideration. Given the nature of child sex tourism, and the consequences and impact of its existence, we are conscious that we do not want to find problems where there are none. Yet what was discovered during the period of research is significant enough to make us even more concerned that action is required now to stop the situation from getting any worse.

We commend it to you for your consideration and action!

Mireille Bijnsdorp, Terre des Hommes Netherlands
Micheal Montgomery, Child Protection Alliance, The Gambia

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SUMMARY

The Child Protection Alliance (The Gambia) and Terre des Hommes (The Netherlands) are two NGO's with mandates in children's rights and child protection. In the summer of 2002 following reports to both organisations about possible sexual abuse of children by tourists in The Gambia, the two organisations decided to instigate joint research to assess the validity of the reports.

Two researchers conducted interviews of key players (23) and tourists (25) in the fields of tourism and children's issues in The Gambia and The Netherlands in October and November 2003.

The Research had five core objectives:

- To gather qualitative information through one to one interviews with individuals, organisations and institutions involved with tourism or services to children who have been abused or exploited, in order to determine if child sex tourism is happening in The Gambia and if Dutch tourists are involved;
- To base recommendations on suggestions made by interviewees, as well as on international legally binding instruments and the Agendas for Action as agreed at the 1996 Stockholm and 2001 Yokohama Conferences on the Commercial Sexual Exploitation of Children;
- To present a comprehensive Report in which the problem is illustrated and pathways are identified to protect children from sexual exploitation;
- To complement the UNICEF/Gambia Government Study on the Sexual Exploitation of Children in the Senegambia Region which is due for release in early 2003;
- To use the information gathered during this research to inform presentations in workshops and in the development of training manuals or information materials.

The analysis of the data gathered clearly indicates that the vast majority of the key players interviewed believe that tourists and others are sexually abusing children and that action is urgently required to identify abusers; to clearly identify how and where abuses are happening and to make contact with children who have been abused.

The Report provides a context to child sex tourism in The Gambia and how there are certain conditions, such as poverty, the overall position of children within the culture, and a culture of silence towards abuse, which keeps child sex abuse hidden and which discourages children coming forward to report abuse to their families or the authorities.

Having provided a context and evidence for child sexual abuse by tourists (including Dutch nationals), the Report examines the Laws of the Gambia and Netherlands as well as International Conventions and Protocols such as the UN Convention on the Rights of the Children and the Stockholm Agreement on Commercial Sexual Exploitation of Children, to see how children might be protected from abusing tourists and how these tourists could be prosecuted both in The Gambia or The Netherlands using extraterritorial legislation.

Using suggestions from the people interviewed and linking these to experiences gained through the implementation of the these Conventions and Agreements by ECPAT and the tourism industry, the Report makes 13 recommendations.

The recommendations are addressed to the Governments of The Gambia and The Netherlands; Police and Justice authorities; the tourist industry; NGO's; the media; parents and others who could play a role in the elimination of child sexual abuse and exploitation.

Development (directed towards the Government of The Gambia)

1. Poverty eradication programmes should be strengthened and extended.
2. Free and compulsory primary education, especially for girls, should be extended.
3. Birth registration should be established as a priority.

Prevention (directed towards the Government of The Gambia, the tourist industry, NGO's, the media and parents)

4. Nationwide awareness and education campaigns on commercial sexual exploitation.
5. All Tour Operators working in The Gambia should adopt "The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism" which is a set of ethical statements developed by the World Travel.
6. Cooperation and collaboration involving Government Departments such as Tourism and Social Welfare as well as Tourism Industry organisations and companies could be improved by holding round table meetings.

Law reform (directed towards The Gambian Government and Justice authorities:

7. The Gambian criminal code should be reviewed, revised and harmonised with the UN Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and other relevant international documents.

Law enforcement (directed towards the Gambian and Dutch Governments, Police and justice authorities, the tourist industry and NGO's)

8. Special units within the Police and Tourism Security Force for monitoring and reporting child sex abuse by tourists should be strengthened and established.
9. Training of law enforcement officials in recognising and dealing with child sex tourism could be provided.
10. Co-operation on combatting child sex tourism on different levels could be improved.
11. Penalties against hotels and tourism service providers who continue to permit hotels or rooms to be used for the sexual abuse of children.

Rehabilitation (directed towards The Gambian and Dutch Governments, NGO's and donors)

12. Rehabilitation and social integration programmes should be developed focussing in the first instance on the development of counselling services.

Research (directed towards The Gambian Government, NGO's and donors)

13. Further research into child sex tourism and child sexual abuse by others living as residents of The Gambia or visiting on business.

1. INTRODUCTION

The issue of sex tourism and in particular child sex tourism has until recently received little attention from researchers and others in The Gambia. The reasons for this are many. The Gambia is a Muslim country and its people are peace loving and friendly. The idea that tourists would deliberately come to The Gambia to harm children is inconceivable to the majority of people. Allied to this would be local beliefs and customs about the position of children in society and the lack of awareness of abuse in general which creates a culture of silence. Children in this situation have no means of defending themselves or speaking out about being abused by tourists or others.

Sex tourism has been a significant phenomenon in The Gambia since the first organised holiday flights from Scandinavia in the 1960's. One has only to go to the main tourist areas at nighttime to see for oneself the scale of the phenomenon. Many tourists, both men and women, have sexual relations with Gambians during their holidays. Some of them get involved with children (under 18) although they may not be looking for it. It is difficult to tell the age of some children who may look 16 (the legal age of consent) but who may in fact be only 12 or 13.

However scarce the existing research evidence is, what little exists makes it clear that there is an issue. In a study conducted by UNICEF in 2001, entitled "The Situation of Children and Women in The Gambia", the author makes strong claims in regard to sex tourism: "As a poor country that is also a tourist attraction, The Gambia is a vulnerable target for not a few 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. These individuals easily exploit the weakness of poverty stricken families by offering to adopt or foster young Gambian children. On a drive out in such areas as Kololi, Senegambia or Pipeline, the Tourist Development Area (TDA), very young boys can be seen approaching tourists and offering an under age 'sister' as a housemaid, complete with the promise that the latter has never known any man before". The Dutch Report "Child sex tourism (from the Netherlands): Research into existing and (possible) new travel destinations", which was released in October 2002, also notes The Gambia as a child sex tourist destination. This report was commissioned by the Dutch Ministry of Justice as part of the National Action Plan on the Sexual abuse of children (NAPS), which was developed according to the agreements made at the World Congress against Commercial Sexual Exploitation of Children in Stockholm in 1996.

This research study by the Child Protection Alliance and Terre des Hommes picks up the issue of child sex tourism and focusses specifically on people's perceptions of whether it is happening or not and on the involvement or not of Dutch tourists. Focus is placed as well on the UN Convention on the Rights of the Child and other relevant international and national laws, notably new Dutch legislation concerning the prosecution of Dutch nationals in the Netherlands, when child sexual abuse is committed in another country, regardless of this being an offence in that other country.

The research study, however, has to be seen in the context of other ongoing research that is happening in parallel. UNICEF has commissioned research, due for release in January 2003 entitled "The Study on Sexual Exploitation in the Senegambia Region" and will cover both Senegal and the Gambia. In the terms of reference for this Study it is stated that:

"The number of children exposed to sexual abuse, child pornography and trafficking is on the rise. There are certain factors and situations that increase the vulnerability of children to sexual exploitation. These include some traditional practices such as early marriage, child domestic labour, children engaged in petty selling and street begging. Such practices are usually seen as

normal and acceptable even where it can be argued that they contravene the spirit and letter of the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child".

The CPA /Terre des Hommes Research Study while independent, should be seen therefore as complementary to the 2003 UNICEF Study. Both research teams have collaborated and shared ideas and concepts in order to present information as coherently as possible.

Tourists and others who are sexually exploiting children benefit from the poor economic circumstances that exist in The Gambia. They are doing things that they would never be able to do so openly in their home countries. The Gambia might not be a child sex tourism paradise, like Thailand or the Philippines. But there are indicators that tighter travel restrictions in these countries, plus the ease with which child exploiters can move in The Gambia, has led to a shift of the sex tourism industry to countries like The Gambia.

Campaigns against child sex tourism, however, can be viewed as a threat to a countries economy and the much-needed incomes of a large number of people and businesses. But, combatting the sexual exploitation of children in travel and tourism is not an attack on the tourist industry itself, and need not be seen as such. It is rather an expression of care, as well as a duty to protect children from exploitation and abuse.

We present our evidence in order for action to be taken both in The Gambia and The Netherlands. As one interviewee put it: "lets take action while we still can and before this becomes a big problem". It is in every responsible person's interest to protect children and prevent child abuse. For the tourism industry it is imperative, because not to act when there is evidence can ruin the image and popularity of a tourist destination. The will to act exists in The Gambia. A Gambia Tourism Authority representative said that child sex tourism, like sex tourism in general, should be stopped, because it is bringing bad publicity to The Gambia: "We are getting letters from tourists reporting incidents". Let us build on that will and work together to keep children safe from abuse in The Gambia.

The layout of the Report tries to guide the reader through the context to the problem. The exploitation of children in a poverty stricken culture is a difficult topic and an understanding of some of the issues will help to make sense of how abuse can happen. After the religious and cultural context we describe the methodology we used for the research and then present the results. We do this deliberately as a series of statements by those interviewed. People gave very graphic examples of what they had been seeing and consistently spoke with conviction about wanting to stop the abuse of children. In order to take action we provide a legal framework that ranges from international conventions to local laws on child sex tourism. Finally, we set out our recommendations based on the legal framework and the responses of those interviewed. By producing this Report maybe some children will benefit during this tourist season, maybe they will not be abused.

Child sex tourism is a global phenomenon -
it is a crime that knows no borders and respects no cultures or individuals.
Offenders use sophisticated ways of avoiding detection and operate with impunity.

2. GAMBIA: "THE SMILING COAST"

The Gambia, a former British Colony, is situated on the West Coast of Africa, almost completely surrounded by its bigger and better known neighbour Senegal. Its climate is divided into a wet season which runs from May till November and a dry season for the remainder of the year. The tourist season corresponds with the dry season and travellers are guaranteed blue skies and hot days, the perfect antidote to a cold wet European winter.

What The Gambia lacks in size and resources its peoples make up in terms of friendliness and hospitality. In contrast to the rest of the region it is peaceful and easy going – hence the much used term "the smiling coast".

The Lonely Planet and Rough Guides describes The Gambia as: "A tiny frail country, eking out its existence along the banks of the Gambia River, it relies heavily on the December to January influx of European visitors taking a step beyond Spain and the Canaries. The Gambia's surest appeal lies in its smallness, with a population of 1.4 million, there's a rapidly acquired feeling of knowing everyone."

Flights from Europe take less than six hours and winter package holidays cost less than you would pay in many European resorts. The beaches in The Gambia are good and the sea is unfailingly warm. The strength of the euro, the pound and the dollar against the local currency dalasis is also a consideration. The number of tourists coming to The Gambia from Europe (mainly Britain, Scandinavia, The Netherlands and Germany) peaked in 1988 with more than 110,000. This year it is expected that over 100,000 visitors will arrive and will account for 10-15% of the GNP. Approximately 10,000 Dutch tourists arrive in The Gambia each year, calculated from the amount of flights from The Netherlands to The Gambia.

Tourism and Poverty

Around 10,000 local people are employed directly or indirectly in the tourist industry, mostly in low earning or insecure jobs, which only last for the six-month tourist season. However, because many wage earners support a local extended family, it is estimated that five to ten times this figure (and possibly 10% of the population) is totally dependent on the money tourism provides.

According to figures produced by the UNDP Human Development Report 2002, Gambia is ranked 160 out of 173 countries on the Human Development Index (HD Report 2002). Poverty is endemic and increasing. A 1998 poverty study showed that about 69% of the population are below the poverty line. Figures for personal income illustrate this starkly. A waiter may earn around \$25 per month. Teachers and police officers officially earn \$60 and senior civil servant's monthly salary might be \$450 (1999 figures).

Tourists then have a special place in the eyes of many Gambians. There is a local term "toubab" which comes from colonial times (and means two shillings) and now means rich or powerful person. For some it also means white person. Children are taught from a very early age about the ability of white tourists to confer gifts on them and frequently tourists are greeted with "toubab give me dalasis" or "toubab give me pen" or "toubab give me minty (sweets)!" Such greetings from the mouths of children are not offensive, but a request to be given a gift by a more (financially) powerful person. In many areas children will run to tourists because they are genuinely interested in greeting strangers as well as to see what they can acquire. On a larger scale such friendliness leads to many children being offered school sponsorship by their new found foreign friends,

whose generosity and spending power will pay for a years schooling for the price of an expensive meal in a tourist restaurant. Many young Gambians benefit from the genuine generosity of travellers, who want to contribute to the development of the country they are visiting. However, there are some tourists who are not so genuine in their giving and who manipulate this situation to their own ends.

The Bumster Phenomenon

In a culture of poverty people will find many ways to help tourists part with their money by legitimate and illegitimate means. Tourists quickly get to meet people who want to help them. As soon as they get off the plane and into the airport they will be bombarded by questions and offers of help.

A 'bumster' is a young person (usually) who will follow tourists and offer to be a guide or a friend. Gambians are by nature a friendly people, so this fits in well with local religious and cultural norms. Within the culture and religion those who have money or possessions are obliged to give to those who have nothing - alms to the poor or destitute - as seen in both Islam and Christianity. Bumsters, who hang around tourist areas, have become notorious in the last few years for taking this to an extreme where tourists are constantly plagued by these young guys (mostly males) asking for money, offering sex, or to be a special friend to the point where the tourists are given no peace or space to relax. If they try to say no they do not want a special friend or refuse to give money they are harangued and told that they are racists and that it is a norm in The Gambia to be friendly.

Official tourist figures in 2001 indicate that 60% of first time visitors do not return to The Gambia. It is felt by some that the pressure that bumsters put on tourists has reached such a level that it is damaging the tourist trade, and controversial measures are being taken by the Gambian Tourism Authority (GTA) and the Department of Tourism to "clean up" the image of The Gambia as a tourist destination. These measures include plans to give authorities wide ranging powers to remove, arrest, and imprison bumsters, beggars and prostitutes.

The following article in The Gambian Observer of the 14th October 2002 gives an example of the mixed feelings towards bumsters and the need to protect tourists:

Welcome to The Gambia as a Tourist by Landing L. Sidibeh

This year's tourist season has just started once again. The Gambia which is a distinguished tourist industry is a safe haven that tourists cherish a lot. The Gambia is known as the Smiling Coast of West Africa, because of the friendly and hospitable nature of the people. The friendly and hospitable nature of Gambians is the first sparkling thing that tourists notice about the country. Humanity which is part and parcel of Gambian culture is manifested by most people. Making friends amongst the local inhabitants is easy taking into consideration the willingness of the Gambians to give a helping hand to someone.

Most Gambians are helpful, high spirited, and open to everyone. Tourism is a very important area of socio-economic development. The foreign exchange earned from tourism is the economic benefit the country receives. Social connections between tourists and the Gambian people also contribute a great deal in the societal aspects of development. Many Gambian families have tourist friends who assist them financially.

For instance, sponsorship for education is one of the social benefits from tourism. Some parents who cannot afford to support their children to school are assisted by tourists. Yet still families that find it hard to gain their domestic needs like bags of rice, fish, money, and clothing are also assisted by tourists. In some cases, some families have been helped to rehabilitate their

compounds. The social benefits do not only benefit Gambians, but also tourists as well. Many are offered presents such as batiks, craft work, necklaces, and hosts of other locally made products to take back home. Some families might even invite tourists for a trait of Gambian food in their homes. Chinese green tea (attaya) is also normally brewed for tourists to actually sense the hospitable nature of Gambians. Furthermore being a tourist does not only restrict them to staying inside the hotel or to lie on the beach sunbathing, but it also entails plenty of sightseeing. In most hotels entertainment programmes are organised with such things as cultural troupes and discos. The African drumming and dancing is what one should be impressed with. The Gambia is a safe haven and her doors are open to all tourists that want to enjoy Africa with the available rich cultural, social, and historical heritage. I hope you all have a peaceful, enjoyable and memorable holiday. Make good friends and avoid the bad ones. This is in regards to bumsters. In every society, there are good and bad people, tourists should be careful to know who to mingle with. We should not allow one rotten potato to spoil the rest. Welcome.

Culture, religion and the position of children

The Gambian population is over 90% Muslim, 5% Christian and the remainder Animist. Islam has a powerful influence in uniting the various people in the country across cultural and ethnic boundaries. Islamic principles, customs, beliefs and codes of behaviour are widely accepted and are evident in almost every aspect of life.

Over the centuries Islam has been harmonised with traditional African beliefs and values particularly regarding gender roles. It places significant responsibility on the man to protect and provide for the material upkeep of his wife/wives and children and it is the responsibility of the woman to nurture husband and children. Significantly, Islam permits polygamy under specific conditions, which corresponds with pre-Islamic customs in the region.

There are interpretations of Islamic codes and customs which affect the ability of women and children to exercise their fundamental human rights, particularly in the areas of marriage, divorce, child custody, inheritance disputes, and children's position in society in general, as well as the position of the girl child with regard to education and the home. There are instances where religious beliefs conflict with the protection and promotion of children's rights. This makes children vulnerable to abuse. At the same time children also occupy a special place in society. Everyone has the responsibility to care for children. If there is a death of a mother or father, it is not unusual for a child to be informally adopted by a grandmother, uncle or aunt. And, when in a taxi, small children will be passed to total strangers, male and female to be held.

Physical punishment is practised, both at home and in school children are beaten. For many Europeans seeing this can be stressful. Without any sense of alternatives it would seem that a majority of people believe that children need to be beaten to become disciplined adults. On the positive side however, the Government, in particular the Department of Education, are attempting to ban corporal punishments in schools.

Another feature that makes children vulnerable is that they are expected not to complain or to have a say in decision making. There are strong family norms, which exclude the opinion or voice of children in decisions about their futures. There are also many cultural rules, which make sex and reproductive health education in the family a taboo subject. Girls are expected to protect their virginity for marriage. Traditionally girls will be married at the ages of 13 or 14. This may lead to being taken out of education and early pregnancy. Moreover, many children, particularly girls, will be sent to the urban areas for education or to work in the households of relatives. These girls may

end up on the street as sellers of peanuts or fruit and become vulnerable to abuse by unscrupulous foreigners.

A culture of silence prevents children from going to their parents or guardians with certain problems. If a child is abused there are very few options open for reporting. This has a significant impact with regard to child sexual abuse and exploitation and as will be demonstrated later, leads to increased vulnerability of children to unscrupulous tourists who use the friendliness and openness of Gambian culture to hide their criminal abuse of children.

3. METHODOLOGY

Central Questions

The research aimed to answer three questions:

1. Does child sex tourism happen in The Gambia?
2. Are Dutch tourists involved?
3. If so, what international standards and local actions can be called upon to prevent and protect children from being targeted by abusers?

Assumptions

A number of assumptions based on knowledge of international developments and experience of working in The Gambia on child protection issues, informed and guided the approach to this research:

- That Gambia is becoming a target destination for child sex abusers due to a displacement caused by tighter travel restrictions in Thailand, Cambodia and other Asian tourist countries because of the implementation of the 1996 Stockholm Agreement Agenda for Action on the Commercial Sexual Exploitation of Children;
- That the Government of The Gambia, Tour Operators and the local Tourist Industry while aware that sex tourism is present in The Gambia, are not aware of the nature and extent of child sex tourism and abuse;
- That it might be difficult to get people to talk about this issue because of its sensitivity and potential damage that it might cause to tourism and the image of the country;
- That responsible individuals and organisations would want to join a campaign that highlights the issue and put in place structures and measures to combat any abuse of children by tourists or others.

Objectives:

- To gather qualitative information through one to one interviews with individuals, organisations and institutions involved with tourism or services to children who have been abused or exploited, in order to determine that child sex tourism is happening in The Gambia and that Dutch tourists are involved;
- To base recommendations on suggestions made by interviewees, as well as on international legally binding instruments and the Agendas for Action as agreed at the 1996 Stockholm and 2001 Yokohama Conferences on the Commercial Sexual Exploitation of Children;
- To present a comprehensive Report in which the problem is illustrated and pathways are identified to protect children from sexual exploitation;
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- To use the information gathered during this research to inform presentations in workshops and in the development of training manuals or information materials.

Sources of Information

In order to test the assumption that child sex tourism is happening in The Gambia and that Dutch tourists are involved, qualitative research was carried out in The Gambia and The Netherlands. In October 2002, people from different backgrounds and institutions involved in tourism and children's services were interviewed over a four-week period (see appendix II). In addition, questionnaires were administered to Dutch tourists at several sites in the Tourist Development

Area (see appendix I). The sites were chosen to reflect the different types of holiday on offer and differing standards of accommodation on offer to tourists. Other sources of information included newspaper articles and reports, cases of suspected child sex tourism that were reported to the Gambian police, the Gambian Social Welfare Department, and the observations of the researchers made during the period of field research in The Gambia.

Lastly, in order to answer the third question on the international standards that could be called upon to prevent child sex tourism in The Gambia by Dutch tourists, relevant international documents on the issue of child rights, child sexual abuse and exploitation, and child sex tourism were analysed. This analysis provides a framework on which recommendations could be based.

Time Frame

The research was planned in three stages. During the early summer of 2002 the two researchers communicated by e-mail establishing the need for the research and setting joint sets of objectives for the two organisations. The second stage began in early October 2002 with the arrival of the Terre des Hommes researcher in The Gambia. She met with the team at the Child Protection Alliance and a shared approach and objectives were agreed. The interview process and questions were developed and the field research took place during the following two weeks. The third stage involved the continuation of interviews after her departure back to The Netherlands, as well as an analyses of relevant international and national law. Each researcher conducted further interviews and research in their home countries and then began the write up process. The Report was finalised in January 2003.

Interviews

People from a range of backgrounds and organisations involved in the tourist industry and child protection services were interviewed and these included representatives from the Gambian Department of Social Welfare, the Gambian Tourist Authority, the Gambian Department of Immigration, the Gambian Police Force, the Gambian Attorney Generals Chambers, the Association of Small Enterprises, the Gambian National Tour Guides, the Gambian Juice Vendors Association, UNICEF, the Gambian Consul General, Tour Companies, hotel and bar owners, children's and women's rights NGO's, the media and individuals.

In the interviews, people were asked about their views on the issue. Does child sex tourism happen? Who is involved in it? What nationalities are they? Other topics that were discussed during the interviews were the ages of the tourists and children involved, how this sex tourism is organised, what the effect of it is on children and what can be done to prevent it from happening. All interviews covered the same topics, but the order in which these topics were discussed varied from interview to interview. In this way, people could elaborate more on topics they found important. For the list of questions and topics that was used in this research, see appendix I. Each interview lasted approximately 45 minutes. Where it was possible and where permission was given, the interview was recorded and the tapes transcribed at a later point by the two interviewers.

The two interviewers worked together as a team in the majority of the interviews taking turns to ask a set number of questions of each interviewee. This was the process for the majority of the interviews that took place during the two weeks that the Terre des Hommes researcher was in The Gambia. A small number of interviews were conducted by one or other of the interviewers near the end of the second week in The Gambia and in subsequent weeks in The Gambia and The Netherlands.

The Research Team

The two main researchers were Mireille Bijnsdorp, Child Rights Policy Officer for Terre des Hommes Netherlands and Micheal Montgomery, Technical Advisor to the Child Protection Alliance (CPA). Each of the researchers brought very different but complementary skills to the Project. Mireille lives and works in The Netherlands and has a background in International Human Rights Law and Child Rights, while Micheal, originally from Ireland but has lived for 3 years in The Gambia, has a background in Social Anthropology and Social Work and is a child rights activist. Support was provided to each of the researchers from members of the Terre des Hommes and CPA teams.

Working Definitions

During the research the following definitions were used:

A child
is every human being below the age of eighteen years.

Child sexual abuse
occurs when a child is used as an object of sexual gratification for an older or more knowledgeable child or adult. These contacts or interactions are often carried out against the child using force, trickery, bribes, threats or pressure. Sexual abuse can be physical, verbal or emotional.

Child sexual exploitation
is the use of a child for sexual purposes in exchange for cash or favours between the customer, intermediary or agent and others who profit from the trade in children for these purposes. The United Nations refer to three forms of sexual exploitation of children: child prostitution; trafficking and sale of children across borders and within countries for sexual purposes; and child pornography.

Child sex tourism
concerns the sexual abuse and exploitation of children by tourists.

Child sex tourists
are all tourists who come from abroad having sexual relations with persons below the age of 18, whether they are specifically looking for it or not.

4. CHILD SEX TOURISM IN THE GAMBIA

This section provides the perspectives of all those people interviewed during stages two and three of the Study (see appendix II). The basic questions that were asked during the interviews were:

1. In your opinion do you think that child sex tourism is happening in The Gambia?
If so can you describe what you have seen or heard.
2. Can you profile the people who are involved - the tourists and children in terms of age and nationalities?
3. How and where are the connections made between tourists and children?
4. What is the effect on the children of being exploited or abused?
5. What actions should be taken to prevent child sexual exploitation and abuse from happening?
6. Is there anything else that you would want to say about this issue?

The Interviews - Is child sex tourism happening?

Those interviewed who lived and worked in The Gambia were of the opinion that child sex tourism is happening now as exemplified in these statements:

"Yes it is happening, but it is difficult to prove. There is no evidence only indicators because the actual act is hidden and the perpetrators are clever and very well educated."

Hotel Owner in TDA

"Tourists are coming for that reason (sex with children). (...) People come here for young girls and boys - to satisfy their sexual desires - we see it every day. It's at the beginning stage - and it can be stopped definitely!"

Local Tour Guide

"We see young girls being exploited. You see men with small kids - it's very serious."

Beach Vendor

"It is rampant and not hidden but very open. (...) Some young girls are brought to the hotel - some stay overnight and some leave after a few hours. Some tourists come for one girl only and others you see with many girls during their stay."

Local Tour Guide

"I have seen it myself - in the Bakau area young girls will follow tourists. These men offer marriage to them - one young girl aged 13 became pregnant to a tourist offering to pay for her education."

Islamic Relief Agency Representative

"We have many people visiting us for workshops and the like - they stay in hotels in the Senegambia area (the TDA) - when we pick them up or drop them off we see it happening - you can see tourists in relationships with children. (...) You see them holding hands - or children sitting on the laps of these men. In other countries this would be seen as sexual harassment - children are just being children."

Gamcotrap (a local NGO) Representative

"You have to understand - Gambia is well known for its friendliness and its hospitality to everyone. Some tourists use this - they are not good tourists"

Beach Vendor

"You can see on our flights - there are a lot of single men - what are they doing on a holiday in Gambia - they are not lying on the beach."

Tour Operator Representative

"Sex tourists keep coming back over and over, I recognise their faces."

Local Tour Guide

No one interviewed in The Gambia, including government officials, voiced any ambiguity about whether or not child sex tourism was happening. Except for one:

"When you look at the passengers on the plane it is clear that some Dutch tourists are coming for sex tourism. I knew that sex tourism was here, but I didn't realize that child sex tourism is here as well."

Tour Company Representative

All the others stated that yes it was and several commented that they were pleased that the research was taking place, because it might mean that something positive would be done to protect children and prevent further abuse.

The Gambian Consul General contacted in the Netherlands could refer to two cases of sexual interference with minors by Dutch tourists over the last five years. Unfortunately no formal action could be taken as the cases were only based on verbal anonymous information. Having heard only of these two cases, he was of the opinion that child sex tourism is not a significant problem in The Gambia. But if the research would imply that there is a serious problem, he stressed that action should be taken to stop child sex tourism from happening.

Mentioned to the researchers and reported in the media:

In 2001 a German national who was living in The Gambia in the Kololi area was caught attempting to rape an 8 year old girl who he had enticed to his compound. Another child could hear the screams of the girl and reported it immediately to her family. Family members went to the German's compound and caught the man in the act. He was successfully taken to court and sentenced to two years imprisonment for molesting the girl.

Profile of those involved - Tourists

When asked about who was involved in the abuse of children there were varying responses - some interviewees saw only males tourists as the offending group, some saw women and some saw both men and women. In all of the interviews we clarified that our focus was on children i.e. young people under the age of 18 as defined in the UN Convention on the Rights of the Child. Older female tourists are often seen with younger Gambian men, but in the majority of instances it was felt that the young men were over the age of 18 and fell outside of the focus of this research. So, when the clarification of age for a child was used there was a high level of agreement that the main offending group involved in child sex tourism were European males over the age of 45.

What nationalities and types of tourists are involved? When asked this question the following nationalities were cited: Dutch, British, Swedish, Norwegian, Belgium, German, Danish, French, Italian and East European. It would be expected, given the large numbers of Scandinavians, British and Dutch who come to The Gambia as tourists, that some nationals from those groups might be

cited as abusers. However, there are no direct flights from Italy, France, Germany, or from Eastern Europe (although Russia is planning to send flights in the next tourist season). One explanation might be that for some Gambians there is a difficulty in making distinctions between the different European nationalities.

Another explanation is that nationals from the countries without direct tourist flights are in Gambia not as tourists but as businessmen. When we brought this distinction to the attention of the interviewees it was then possible to group men who were seen as abusers of children as men who:

- are tourists or repeat tourists,
- come on short business trips
- are in business and resident in the country
- are retired and living full time in The Gambia

Reported to researchers by Children's Center Staff:

"I have evidence of two elderly Norwegian men paying school fees for children aged around 3 years old. The mothers of the children were with these men as partners. One of the children appeared at the center with full make up and dressed as an adult. I have worked with children for a long time and in my opinion this is very suspicious. The child stopped coming to the Center. One of the men went back to Norway and the other returns to Gambia frequently: I see him on the street".

Significantly, although there are large numbers of nationals from China, Taiwan, Japan and Libya living in The Gambia, they do not feature in responses. A supplementary question may have been required to test out any involvement by these groups.

The Researchers did ask a direct question of all of those interviewed if they believed that Dutch tourists were involved in the abuse of children. No one thought that they were not and most stated that they believed they were. As one person put it:

"The Dutch - definitely they are doing it!"

Local Tour Guide

Reported to Child Protection Alliance:

A female Dutch tourist reported in mid 2001 that she was staying for a short time at Holland House, a guest house mainly used by Dutch tourists, and she did not like what she could see. There were a lot of young girls and boys hanging around during the day time and at night time. It was her belief that some of the men who were staying there, were taking children to their rooms. She was so upset that she moved out of the guest house and into a hotel for the rest of her holiday.

Profile of those involved - Children

There was consistency in the answers to this question with the range of ages being from 9-16 years for both boys and girls.

Also consistently, those interviewed expressed the idea that Europeans have difficulty telling the age of some of the young girls, they might look 16 or 17 when in fact they are 14 or 15. As one interviewee pointed out, it could be that some male tourists see the opportunity to have sex with a girl and convince themselves that she is old enough.

The nationality of children cited varies, the most frequently mentioned were Sierra Leonean, Senegalese, Congolese, Guinean, Liberian and Gambian. Many of these foreign children are war-affected migrants and live in the Gambia without proper family support. In some instances

reported to the authorities they are known to have been sexually abused by their guardians.

Reported to researchers by the Gambian Tourism Authority:

A young girl of 11 or 12 years saw her friend with a mobile phone and asked her how she got it. Her friend said at the beach. Next day the girl went to the beach and asked a tourist for a mobile. She was raped in the bushes and left with some coins.

How child sex tourism takes place

Having established that the perception is that child sex tourism is taking place, the research tried to identify the ways in which tourist abusers made contact with children.

The ways described fall into two categories, direct or indirect contact:

Direct contact:

- Tourists meeting with children who are selling fruit or peanuts on the beach;
- Meeting with children on the street for example as tourists are being shown Bakau crocodile pool which is a popular tourist attraction in the middle of a densely populated and impoverished area;
- By making contact with a family and offering financial help for buying food and then offering school sponsorship to children (this is a very common experience, many tourists want to make a contribution to alleviate the poverty they see and as a way of thanking their Gambian hosts for being so friendly and welcoming);
- Disturbingly some people reported that abusers will go to schools and pick out children to offer sponsorship;
- Acquiring children's mobile numbers and then calling them offering free educational materials and school sponsorship.

Reported to the researchers by a young girl in a group session with young people:

I was at home and I got a phone call to my mobile from a white guy that I did not know. He told me that he had something for me. I asked him how he knew me and how he got my number, but he would not tell me. I knew where his compound was and I went to see what this was about. I went in, he was older than my father, and he said that he wanted to sponsor my education and he gave me books and pens. He told me to come back again which I did, but this time he asked me if I had a boyfriend and if he could kiss me. I left quickly and told him he should not be doing such things.

"In the Bakau area - by tourists walking through the area - to the crocodile pool - that's how the tourists get in touch with families and with children. Also at the beach - young girls who are selling fruit or other things."

Islamic Relief Agency Representative

"The child sex tourists make friends with families in the first instance."

Beach Vendor

It is clear that the ability of tourists to make contact with children is very easy, because children will approach them asking for gifts or trying to sell them things or just to talk with a white person. Yet, if it is also so clear that some tourists abuse the trust that children have. Why are families not stopping this from happening?

"Families know what is happening - in a poverty culture, families need money - sometimes children are pushed out to beg - how they get the money - well parents will close their eyes to it."

Bar Owner

"Workers at hotels will bring their children to meet tourists. But they are doing it innocently; they don't do it to involve their children in sexual acts. They are not aware of the agenda of some of these tourists."

Women's Rights Activist

Reported to Department of Social Welfare:

An anonymous phone call came in to the Department of Social Welfare. A 16 year old girl, father and mother divorced, who lived with her father was in a 'friendship' with a Scandinavian man. The father knew that the girl was being used to have sex by the man, but did not intervene because he was happy to see money coming in to his compound. The girl's mother was very concerned. The girl would not talk about the situation.

The Department of Social Welfare believed that this man was abusing other girls. A high level official who knew the Scandinavian man was contacted by the Department of Social Welfare but refused to cooperate. The worker involved believed that this was because the official may have been benefiting from the situation or because of the feeling that to publically talk about it would give the Gambia a bad name as a tourist destination.

It is in the area of contacts that are made indirectly, that interviewees had the most disturbing stories and the strongest indication that there is an existing organization and structure to children being abused and exploited:

- Hotel workers or security guards bringing girls/boys to tourist's rooms for money;
- Bumsters who act as go betweens between the tourist and the child;
- Taxi drivers who will also act as go betweens at a price;
- Young Gambian men who can be seen driving around the tourist area in four-wheel drives and who appear to provide illegal services to tourists.

One person reported that some young men have a well-organised system. Tourists who have been in the Gambia and have used the illegal service will return home and tell their friends who when they come to the Gambia will seek out these young men who drive 4 wheel cars who, on payment of substantial amounts of money, will provide them with children on request.

In another report provided by a Tour Operator there was a case of a Swedish woman being involved in selling children for sex. This woman is alleged to have had a catalogue of photographs of children and she was "selling" children to other tourists for the night for 25 Dalasi (1 Euro). Unfortunately the report came to the Tour Operators on the last day of the woman's stay at the hotel and no action could be taken to verify the accusation.

Where child sex tourism takes place

There was complete agreement that sex tourism in general was to be found in the Tourist Development Area (TDA), which is confined to the areas around the major hotels and beaches restaurants and nightdubs.

A small number of people reported seeing tourists abusing children in open areas such as in the water at the beach or in the sand dunes.

Seen by beach juice sellers:

"We saw a man swimming with a young boy and we continued to watch. We saw the man 'playing' with the boy under the water. We confronted him and he said that the boy was his friend and that he was sponsoring him at school."

The majority of reports indicated that hidden places were chosen:

- Places where you can rent for the night, like apartments and condominiums;
- Hotels where you just pay an extra 300 Dalasi (14 Euro) for having someone in your room;
- Hotels where you just pay the watchman some money for keeping quiet.

A general consensus existed among those interviewed that abuses of children were happening in hotel rooms. Some hotels are notorious for being frequented by tourists who bring children to their rooms. One hotel owner indicated that in one case, when he tried to intervene and stop one man from taking children to his room, he was threatened. This man told him that he was paying for the room and had a right to take anyone he liked there.

One person reported that the abuse also takes place in home-countries of tourists. Tourists who sexually abuse and exploit children, sometimes invite those children to come to their home country for holidays, where the abuse continues. Because these tourists became good friends with the family, parents give their permission, not knowing of the abuse, after which a passport and a tourist visa can be acquired. This is a huge opportunity as it is every child's wish to go to Europe. After the expiration of the visa the children return to The Gambia with new Nike's and new clothes. Seeing this, friends of those children also want to go to Europe and actively start looking for European friends to get a chance to go to Europe. They are easy targets.

When conducting the interviews, on several occasions a fax sent by a Belgian man was mentioned. In this fax he describes the existence of a network that ships Gambian children to Europe for prostitution. He demands that action will be taken, otherwise he will try to destroy the tourism industry which he holds responsible. His story was published in a Belgian Paper called HUMO in November 2002.

Effects of child sex tourism on child victims

Given that all of those interviewed believed that child sex tourism is happening in The Gambia, the research wanted to establish people's perceptions as to the possible effects of abuse on the children involved.

A social worker interviewed highlighted an issue that was reflected in the responses of others when he stated that he believed that in many cases there was little or no direct coercion involved, when children were linked up to tourists who were looking for child sex. There was a common theme that this was an expectation and that the children should do these things because it would bring benefits for their families and themselves. It is almost as though having sex with a tourist or anyone else is just what is needed, an expectation that a child will help alleviate family and individual financial difficulties. Surprisingly very few people referred to any psychological trauma that might occur by putting a child in this situation. In fact it was the view that children were actively seeking out tourists in order to make the connection with them and get lots of money.

"They (the children) are doing it for material gain, most are orphans or from poor families. The girls are not forced to do this, by getting sex with these men they can have a good future. They get businesses from these men."

Beach Vendor

"The girls don't see themselves as prostitutes, it's just another way of earning money."

Bar owner

Several contributors described the following scenario that some girls will have boyfriends, but at the same time it was also OK to have a white "friend" with whom they could have a sexual relationship and who provided much needed gifts and money that would be shared with the boyfriend. This according to them was acceptable within the cultural norms of relationships.

For some of the men interviewed the effects were viewed in terms of the negative expectations that would result from contact with "rich white men" on future relationships with Gambian men:

"The girls get used to a certain lifestyle which will cause problems when they get married. Their husbands cannot take care of them in the same way as the European. These men are spoiling our Gambian women."

Beach Vendor

The social worker who felt that there was a lack of coercion involved went on to say that the children involved did not realize what the long term consequences would be for them. He believed that their education would suffer and that they were more vulnerable to HIV/Aids and STD's. Materialism, in his opinion, was the compelling factor for these children seeking out relations with tourists.

Child Protection Alliance Youth Coordinator talking with an old local man at the market:

"I started talking about sex tourism in The Gambia, and the possible advantages and disadvantages of it. I asked him about his opinion and he said he totally disapproved of the whole idea, especially when it involved small school going girls and boys. He went on further to cite an example of a young boy who stopped going to school and followed a Dutch woman of 45. Several months later the boy had not returned to school, he had contracted a sexually transmitted disease which he is still not able to cure. His family members have done a lot to remedy the situation but its at a standstill. The man showed his disapproval and frankly condemned the whole of tourism as a result."

For other contributors the long term effects on children were seen as traumatic:

"Its terrible - it depends what age the children are. Some of them are so young -they don't know anything else. You destroy a child's life for 25 Dalasi (referring to the children who were being sold by the Swedish tourist, mentioned earlier in this report)."

Tour Operator Representative

The difficulty that children may have in talking to anyone about their experience can be seen in this response:

"Our culture is such that children are not encouraged to talk to their parents or even other adults - especially about anything to do with sex. These men (abusing tourists) will tell children not to tell anyone. Parents should be aware of the relationships that happen when their children end up in these situations".

Gamcotrap Representative

"There is a big silence here, people do not talk about it openly, no one wants to see it or hear it, they blame the victim - who can a child turn to to tell of their experiences?"

Child Rights Activist

All of these responses were of course conjectures on what the possible effects on children might be. The possibility that children are actively seeking out tourists was surprising along with the expectation that some families were actively involved in pushing their children into providing

sexual services to tourists:

"I know of another case - a woman whose husband had died -so she was alone - she pretended to be against such things but in fact she was encouraging her daughter to get involved - she was condoning it because of poverty."

Islamic Relief Agency Representative

"Pimps or bumsters or older prostitutes or even family members push their children to go sell and speak with the toubabs (tourists)."

Child Rights Activist

"In The Gambia the family is the most important thing and if your parents sell you to a toubab (white person) - you do it. When you grow up you do the same thing with your own brothers and sisters or your own children."

Beach Vendor

"Most of the time families are ignorant of the thing until it happens and they become victims of circumstance. But some families know it is happening - and once they get some money it is difficult to stop - people need assistance."

Local Tourist Guide

"Some parents don't ask questions as to how their daughters (who sell fruit) get the money. Parents should ask their daughters how they get the money."

Beach Vendor

More research is needed, involving children, who are engaged in child sex tourism themselves, to establish their perceptions of the possible effects.

Actions that can be taken to stop child sex tourism

Those interviewed had many suggestions as to how to change the current situation which is believed to be too much in favour of abusing tourists. For example, one European Consulate reported that they had knowledge of five of their nationals who were reported to the police in the last two years for abusing children. In all five instances the cases never made it to court. The speculation was that the accused abusers paid substantial money to families and witnesses to withdraw the charges leaving the abuser unpunished and the children involved unprotected. The Gambian Police informed the researchers that they currently have four cases of reported child sexual abuse and exploitation by European men under investigation.

When asked the question what actions could be taken to stop child sex tourism, almost all interviewees started by saying that awareness of the issue should be raised. A UNICEF representative said that legislation should be reformed as at this moment the laws concerning the protection of children against sexual abuse and exploitation is very confusing. The lack of a place to report was also mentioned many times. A Dutch tourist suggested an office in the TDA where tourists and others working in the area could report incidents that they see. A representative of the Attorney Generals Chamber noted the difficulty of getting evidence as often this would only turn up when the tourist had already left the country. She was very pleased to hear about the Dutch extraterritorial legislation and indicated that cooperation between law enforcement officials of The Gambia and The Netherlands should be improved in order to do justice to this new law to make actual prosecutions possible. A resource problem for the police was noted by the Deputy Director of the Department of Immigration. According to him action should be taken to direct resources

towards preventing child sex tourism and making prosecutions more secure.

That action is indeed urgently required, is shown not only by those advocating child rights, but also by tourists. Dutch tourists indicated that they do not like to spend their holidays in a country where child sex tourism is happening. Not acting towards the elimination of child sex tourism will ruin the tourist industry.

Arising out of the interviews are a broad range of suggestions by interviewees as to how the problem of child sex tourism could be handled. These are divided into relevant groupings.¹

For the Gambian Government:

- Address the issue of poverty so that children will not be used by their parents or guardians to make money for families;
- Establish birth registration and ID cards, as at present only 60% of births are registered and so cards are rarely used, which makes it more difficult to protect and ensure the rights of under 18's;
- Provide awareness raising and sensitisation campaigns aimed at parents, children and the wider society on the issue of child sexual exploitation and the dangers of child sex tourism;
- The Department of Social Welfare should provide a safe house where children could go if they have been abused;
- The Attorney General's Chambers should draft legislation that protects victims and punishes perpetrators;
- The Department of Immigration could review the process of applications for residential permits. They could also collaborate with tour companies whose traveller lists could be checked against known lists of paedophiles from each of the European countries or through Interpol;
- The Gambian Police Force should establish a policy on child protection and child sex tourism, and build the capacity of the Child Welfare Unit by seeking funding from international donors or European police forces.

Especially for the Department of Tourism and the Gambian Tourism Authority (GTA):

- Organize a round table discussion and information sharing involving all parties in the tourist trade plus security forces, the media, tour guides, tour operators, local hotel owners and traders, the Police, Army, Department of Immigration, Department of Social Welfare, Child Protection Alliance (CPA), business people and the representatives of European countries in the Gambia;
- Organize a conference involving key players as above, facilitated by ECPAT & CPA;
- Develop networks and processes for sharing information such as regular meetings and newsletters;
- Integrate child protection training for the TDA Police and Special Tourism Force of the Gambia National Guard to raise awareness of child sexual abuse and child sex tourism to enable them to recognize child abuse and be able to sensitively handle children and deal with abusers;
- Establish a place or a process for reporting cases or complaints about abusers that are seen by the public or hotel staff or reported to tour guides;
- Encourage tourism security staff to prevent, especially girls under 18, in particular, from

¹ These are not our final recommendations, which will follow at the end of the report.

selling fruit or peanuts at the beach.

For Consulates and Embassies of European Tourist sending countries:

- Link to the Child Protection Alliance, the Gambian Department of Immigration and other relevant agencies and establish an information sharing process that will lead to the development of coordinated processes;
- Provide training for staff on child protection issues and on child sex tourism.

For Parents:

- Educate children to be more alert to the possible intentions of strangers and especially tourists;
- Warn (girl) children of the dangers they will face if they follow tourists;
- Seek information on sex education of the damage that sex with tourists can cause in terms of mental and physical health as well as development;
- Create a family environment where children will approach them with problems and feel that they will be listened to and not be punished for speaking out.

For Media:

- Ethical rights based coverage of the issues.

For Tour Operators:

- Know that the sexual abuse and exploitation of children is a crime and in what ways it could be punished;
- Create a system for tour operators in the tourist sending countries to check names on passenger lists against known lists of paedophiles;
- Advocate and raise awareness at all levels. Tourists should receive in-country orientation on religious and cultural norms for the Gambia;
- Give clients information about child sex tourism and ask them to help dealing with it by reporting if they see anything;
- Joint financial support for the setting up of a reporting and monitoring unit, with links to Police, Immigration and GTA and perhaps coordinated by CPA;
- Establish contracts with user hotels requiring them to prevent children being taken into tourist's bedrooms;
- Develop a tour operator's code of conduct on child sex tourism for operating in The Gambia.

For Child Protection Alliance The Gambia:

- Conduct more detailed research on the nature of sex abuse of children in The Gambia and in particular child sex abuse by Europeans;
- Work with Tour Operators to train local staff on child protection issues and child sex tourism;
- Work with the Department of Tourism and the GTA to facilitate the training of local tourist service providers;
- Facilitate the development of a centralised reporting system on child sex abuse by tourists and others recording forms specifically for child sex tourism.

For everyone:

- Break the culture of silence about abuse and child sex tourism;
- Involve children and provide reporting systems which are child friendly;
- Seek to change the attitude that child sex tourism is neither a crime nor a problem.

Conditions that make child sex exploitation easy

From the responses during the interviews it was clear that there are many complex cultural and religious norms, which create the environment where the exploitation of children by unscrupulous tourists is possible. The core conditions that make child sex exploitation easy include:

- Religious and cultural beliefs that add to a culture of silence in regard to the abuse of children and their rights, and that keep sex as a taboo topic between the generations;
- The open, trusting and friendly nature of the Gambian people who will invite tourists into their homes and compounds thereby giving tourists free access to children;
- The culture of the bribe which exists where money or gifts is used to get an individual (and especially whites) out of difficult situations;
- In African culture the family rather than the individual is the most important unit and this clashes at times with the best interests of the child. Hence a child may have to meet expectations, which are important for family survival. For example if a case of abuse gets as far as court and the tourist involved bribes the family to drop the case, sometimes there is a lot of financial and family pressure to do so;
- The expectations that young people have about sex, love and marriage mean that they are more likely to not see sexual exploitation as an issue. It's just the way it is.

This condition refers to the Sugar Daddy-phenomenon. This is a cultural phenomenon found in other parts of Muslim and Christian sub Saharan Africa. It is characterized by older men choosing teenage girls as sex partners. Traditionally a man might get married in his twenties and take a wife in each of his next three decades. Sex outside of marriage is socially frowned upon and certainly would be seen to be against religious beliefs and morals.

Yet below the surface of public propriety these relationships are happening. Wives may know that their husbands might have young girls 'on the side' but they pretend that they don't. Some parents actually encourage the relationships, especially when it benefits the family economically.

The relationships are transactional in character, mostly hidden and not talked about and seen to reward both parties. The girls get access to clothes, school tuition fees are paid for them, they get gifts of various kinds such as a mobile phone or as little as cheap shoes or food, all in exchange for a sexual relationship. It is not always the man who instigates the process, sometimes the girl will approach the man and tell him what she needs. If he offers to meet her requests then they form a relationship and it continues until one or other withdraws the service of gifts or sex.

The girls believe that they are the winners, because compared to their peers they can have western clothes or accessories and other benefits from the relationship, while the men get sex.

The men believe that they are getting virgin sex that is risk free.

The extent of this phenomenon in The Gambia is not fully known, but there are indications that it exists. If this is true, then, it is no surprise that, when European men come to The Gambia, they are benefiting from a pre existing set of norms which favours them because of their relative riches and spending power. Young girls will turn their attention to these men in order to benefit materially.

The men involved, while perhaps not understanding the cultural complexity of this, will nonetheless take advantage of the ease with which they can get what they want.

5. LEGAL FRAMEWORK

A real and effective method for the prevention of child sexual abuse and exploitation by tourists in the Gambia is to enforce children's rights as laid down in international and regional documents. This section aims to examine the relevant conventions and instruments and clarify the actions that are required to prevent and protect children from abuse, in particular by tourists. We will do this by examining in detail the international and regional commitments as set out in the UN Convention on the Rights of the Child; the African Charter on the Rights and Welfare of the Child; the Stockholm and Yokohama Agreements on the Commercial Sexual Exploitation of Children; the UN Special Session in Children; the World Travel Organisation's Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism as well as Gambian and Dutch National Laws.

I The right of a child to protection from sexual abuse and sexual exploitation

The right of a child to protection from sexual abuse and sexual exploitation is laid down in UN human rights treaties, ILO regulations and instruments adopted at the regional level. According to international human rights treaties, children have a right to special protection and care. The Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), and the Convention on the Elimination of All Forms of Discrimination against Women (1979) all contain Articles dealing with special measures of protection for children, including protection against sexual exploitation.² However, more specific Articles on the right of the child to protection from sexual abuse and exploitation can be found in the Convention on the Rights of the Child (1989).

Convention on the Rights of the Child

Article 34 of the Convention on the Rights of the Child (CRC) sets out the right of a child to protection from all forms of sexual abuse and exploitation:

'States parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, states parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.'

Paragraph (a) is meant to provide content definition to the term 'sexual abuse', which is considered a serious problem that needs to be addressed separately from 'sexual exploitation', which has a more commercial connotation.³ Child sexual abuse occurs when a child is used as an object of sexual gratification for an older or more knowledgeable child or adult. These contacts or interactions are often carried out against the child using force, trickery, bribes, threats or pressure. Sexual abuse can be physical, verbal or emotional.

The term sexual exploitation is defined as 'the use of children for the sexual satisfaction of adults. The basis of the exploitation is the unequal power and economic relationship between the child and the adult. The child is exploited for his/her youth and sexuality. Frequently, although not

² See especially Article 25 UDHR, Article 24 ICCPR, Article 10 ICESCR and Article 6 CEDAW

³ UN Doc. E/CN.4/1987/25, para.87

always, this exploitation is organized by a third party for profit'.⁴ Paragraphs (b) and (c) refer to specific forms of sexual exploitation, namely child prostitution and child pornography. The Committee on the Rights of the Child has identified children who make a living by selling and begging on the streets, girl children, disabled children and refugee children as particularly vulnerable to sexual abuse and exploitation.⁵

Article 1 of the Convention defines 'child' for the purpose of the Convention as every human being below the age of 18. The Committee on the Rights of the Child has emphasized that when States define minimum ages in legislation, for example for sexual consent, they must do so in the context of the basic principles within the Convention on the Rights of the Child, in particular the principle of non-discrimination (Article 2), especially between boys and girls, as well as the principles of the best interest of the child (Article 3) and the right to life and maximum survival and development (Article 6).⁶ Many countries fixed the age of sexual majority at a lower age than eighteen years. However, the protection of Article 34 exists up to the age of 18. This Article is not meant to regulate the sexual life of children, but rather to combat the sexual exploitation of children.⁷

The Convention on the Rights of the Child also gives children the right to protection from the abduction of, the sale of and trafficking in children for any purpose or in any form. Article 35 provides protection for children from child trafficking for the purpose of, inter alia, sexual abuse and sexual exploitation.

The provisions of Article 34 and 35 are closely related to Article 39 of the Convention on the Rights of the Child, which deals with the right of a child victim of, inter alia, any form of abuse or exploitation to physical and psychological recovery and social reintegration. The recovery and reintegration should take place in an environment which fosters the health, self-respect and dignity of the child.

Other relevant international instruments

Children's rights to protection from sexual abuse and sexual exploitation under the Convention on the Rights of the Child, are elaborated in additional documents. The ILO Convention 182 on the Worst Forms of Child Labour (1999) provides children with the right to protection from the worst forms of child labour, which includes the sale and trafficking of children, the use, procuring or offering of a child for prostitution, for the production of pornography or pornographic performances, and any work which is likely to harm the health, safety or morals of the child (Article 3).

In addition, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000) provides clear definitions of different forms of sexual exploitation. According to Article 2 the sale of children means 'any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration. With child prostitution is meant 'the use of a child in sexual activities for remuneration or any other form of consideration' and child pornography entails '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'.

⁴ V. Muntarbhorn, *Sexual Exploitation of Children*, UN publication, Sales No. E.96.XIV.7, 1996, p.1, para.3

⁵ See UNICEF, *Implementation Handbook on the Convention on the Rights of the Child*, 1998, p.459-461

⁶ See UNICEF, *Implementation Handbook on the Convention on the Rights of the Child*, 1998, p.1

⁷ UN Doc. E/CN.4/1987/25, para.88

Moreover, the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000) gives a clear definition of trafficking. According to Article 3 trafficking is 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force, or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation'. Exploitation includes 'the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery'. In case of the trafficking of a child, the means are irrelevant.

Regional document

The African Charter on the Rights and Welfare of the Child (1990) is the first binding regional instrument focussing exclusively on the rights of the child. It is rooted in other human rights treaties, but emerges out of the traditional social and cultural values of Africa, including those relating to family, community and society. It takes into consideration 'the virtues of their cultural heritage, historical background and values of the African civilization which should inspire and characterize their reflections on the concept of the rights and welfare of the child' (the Preamble). Article 27 of the African Charter gives children the same right to protection from all forms of sexual abuse and exploitation as does the Convention on the Rights of the Child. And grants as well children's right to protection from the abduction, the sale of, or trafficking in children for, inter alia, the purpose of sexual abuse and sexual exploitation (Article 29).

Child sexual abuse and exploitation in the Gambia by tourists: a violation of child rights

As the research made obvious, there are clear indications that children are being sexually abused and exploited by tourists, including Dutch tourists. However, according to international and regional standards, as described above, children in The Gambia have the right to protection from all forms of sexual abuse and sexual exploitation, including prostitution and pornography. This right to protection includes all children, both boys and girls below the age of 18.

The research also indicates that sometimes children are even invited to the tourist's home country, where the sexual abuse and exploitation continues. Still, children have the right to protection from abduction, sale and trafficking for the purpose of sexual abuse and sexual exploitation, as stated in the above mentioned international and regional instruments. It appears from these instruments that the consent of the parents and/or the child is irrelevant, as well as the fact that children are returned after their 'holiday'. The fact alone that the child is being transported or transferred for the purpose of any form of sexual exploitation constitutes a violation.

With the sexual abuse and exploitation of children by tourists, children's right to protection from sexual abuse and sexual exploitation or trafficking has been violated. This leads to the right of child victims to physical and psychological recovery and social reintegration.

II Enforcing the right of a child to protection from sexual abuse and exploitation

A Public Sector

Enforcing the right of a child to protection from sexual abuse and exploitation lies primarily with States, as they were the ones who signed the documents. States have the obligation to protect children from sexual abuse and exploitation and they can be held accountable when children's right to protection from sexual abuse and sexual exploitation is violated. The State is the duty bearer and the children are the right holders.

1. Legal obligations

The above mentioned treaties are all legally binding documents as soon as a State has agreed to be bound by it, by accession or signature followed by ratification. The act of signing a treaty does not bind a particular State to becoming a party to the treaty, but it does create a duty to refrain from any actions which may defeat the objects and purposes of the treaty. States that have participated in the drafting of the treaty will normally sign and ratify the treaty, whereas the remaining states can become acceded to it. The Gambia acceded to the above mentioned International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and signed and ratified the Convention on the Elimination of all forms of Discrimination Against Women. The Netherlands signed and ratified all three of them. The Universal Declaration of Human Rights is a binding document for all States as it has become a part of customary international law.

Generally before a State becomes party to a treaty, its legislature or administration reviews in detail the requirements of the treaty in term of its own national law and the methods by which compliance can be achieved. It is not incumbent upon a State to implement all necessary changes in advance before ratifying or acceding to a treaty, but a State is obliged to comply with the treaty provisions within a reasonable time after ratification or accession. The reasonableness of the period of time may be gauged by reference to a particular treaty. If, as is the case with the Convention on the Rights of the Child, States Parties are required to report within two years of becoming a party on measures which they have adopted to give effect to the Convention, the two year period is generally the maximum period within which it is reasonable to comply.⁸

Convention on the Rights of the Child

The Convention on the Rights of the Child was adopted in 1989 and entered into force only one year later in 1990. Encompassing the whole range of human rights, civil, political, economic, social and cultural, the Convention recognizes that the enjoyment of one right cannot be separated from the enjoyment of others. Sexual abuse and sexual exploitation is often the consequence of prior breaches of children's rights to education and a decent standard of living. The Convention suggests an integrated and comprehensive approach to action that can guide and unify priorities, policies and programmes.

The Convention is signed and ratified both by The Gambia, in 1990, and The Netherlands, in 1995. The State is primarily responsible for the enforcement of children's right to protection from all forms of sexual abuse and sexual exploitation. According to Article 4, The Gambia is obliged to undertake all appropriate legislative, administrative, and other measures for the implementation of children's rights in The Gambia. However, Articles 55 and 56 of the Charter of the United Nations state that member States, both The Gambia and The Netherlands, are obliged to take joint and separate action in cooperation with the UN for the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. The Netherlands cannot implement the right of Gambian children to protection from sexual abuse and sexual exploitation for The Gambia, but they can assist the Gambia, especially economically and technically, in fulfilling its own human rights obligations.

Article 34 obliges The Gambia, in addition to Article 4, in particular to take 'all appropriate national, bilateral and multilateral measures' to prevent sexual abuse and sexual exploitation of its children. According to the Committee on the Rights of the Child, Articles 4 and 34 require The Gambia:

⁸ G. van Bueren, *The International Law on the Rights of the Child*, Kluwer Law International, 1998, p.380-381

With regard to national measures:

- to develop information, awareness and education campaigns, including campaigns in cooperation with the media, aimed to prevent any form of sexual abuse or exploitation of the child;
- to develop a national and multi disciplinary strategy to ensure protection of children below the age of 18 against all forms of sexual abuse and exploitation, including within the family;
- to establish a coordinating and monitoring mechanism for that purpose;
- to develop relevant activities and programmes, including of a multi disciplinary nature, to ensure the recovery and reintegration of the child victim of sexual abuse or exploitation, in the light of Article 39 CRC;

With regard to law reform and enforcement:

- to develop legislation to ensure effective protection of child victims, including through access to legal and other appropriate assistance and support services;
- to consider sexual abuse and exploitation of children, child prostitution and child pornography, including the possession of child pornography, and the use of children in other unlawful sexual practices as criminal offences;
- to incorporate the principle of extraterritoriality in the legislation to criminalize the sexual exploitation of children by nationals and residents of the state party when committed in other countries;
- to appoint special units of law enforcement officials and police liaison officers to deal with children who have been sexually abused or exploited, and to provide appropriate training to them;

With regard to bilateral and multilateral measures:

- to conclude or accede relevant bilateral, regional and multilateral agreements to foster the prevention of all forms of sexual abuse and exploitation and to ensure the effective protection of child victims, including in the areas of judicial cooperation and cooperation among law enforcement officials;
- to develop relevant programmes of technical cooperation and international assistance with United Nations bodies and other international organizations, as well as with other competent bodies, including Interpol, and non-governmental organizations;

With regard to all measures:

- to ensure respect for the general principles of the CRC, namely non-discrimination, the best interest of the child, respect for the views of the child, and the right to life, survival and development to the maximum extent possible, within the adopted measures.⁹

The Netherlands could assist The Gambia in fulfilling these obligations through bilateral and multilateral agreements. The assistance should be focussed on both prevention and protection, including judicial cooperation and cooperation among law enforcement officials. In addition, The Netherlands are obliged to incorporate the principle of extraterritoriality in its legislation to criminalize the sexual exploitation of children in The Gambia by Dutch nationals and residents of The Netherlands.

The implementation of Article 35 requires more or less the same measures as those with regard to Article 34. Legislative, administrative, educational and budgetary measures should be adopted at the national, bilateral and multilateral levels to prevent the abduction of, the sale of or traffic in children in The Gambia for any purpose or in any form.¹⁰

Article 39 requires The Gambia 'to take all appropriate measures' to promote physical and psychological recovery and social reintegration of a child victim of, inter alia, any form of neglect, exploitation or abuse. This recovery should take place in an environment which fosters the health, self-respect and dignity of the child. The Gambia should especially establish mechanisms and develop programmes and activities for that purpose, and it should provide educational and vocational training.¹¹ Whereas Articles 34 and 35 require The Gambia to prevent sexual abuse and sexual exploitation as well as trafficking, the purpose of Article 39 is to require appropriate action

⁹ UN Doc. CRC/C/58, paras.158-159

¹⁰ UN Doc. CRC/C/58, paras.160-162

¹¹ UN Doc. CRC/C/58, paras.149-150

for those children who still fall victim.

Other legally binding instruments

The legally binding obligation of States under the Convention on the Rights of the Child, are further elaborated in additional legally binding instruments. The ILO Convention 182 on the Worst Forms of Child Labour (1999) requires, 'as a matter of urgency', States Parties to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour. It also particularly emphasises the importance of adopting effective and time-bound measures, as well as a programme of action. The Optional Protocol to the Convention in the Rights of the Child on the sale of children, child prostitution and child pornography (2000) elaborates significantly on the obligations of States Parties towards law enforcement and child-centred proceedings. The Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children (2000) requires a comprehensive international approach in the countries of origin, transit and destination which includes measures to prevent trafficking, punish the traffickers and protect the victims, including the protection of their human rights.

In addition, the African Charter on the Rights and Welfare of the Child (1990) obligates African States Parties to undertake the necessary steps to adopt legislative or other measures to, inter alia, prevent child sexual abuse, exploitation and trafficking. Any custom, tradition, cultural or religious practice that is inconsistent with the rights, duties and obligations contained in the Charter should to the extent of such inconsistency be discouraged.¹²

These instruments only contain legally binding obligations for The Gambia and The Netherlands if they sign and ratify the documents. The ILO Convention 182 on the Worst Forms of Child Labour was adopted in 1999 and entered into force one year later in 2000. Both The Gambia, in 2001 and The Netherlands, in 2002, ratified it and they are therefore legally bound by it. The Optional Protocol to the Convention in the Rights of the Child on the sale of children, child prostitution and child pornography was adopted in 2000 and entered into force in January 2002. The Optional Protocol is signed both by The Gambia and The Netherlands in 2000, but as they have not ratified it yet, they are therefore not bound by it. However, they did sign it which creates a duty to refrain from any actions which may defeat the objects and purposes of the treaty. The Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime was adopted in 2000, but has not yet entered into force. The UN Trafficking Protocol is signed both by The Gambia and The Netherlands in 2000, but neither have ratified it. As the Protocol has not yet entered into force and The Gambia and The Netherlands did not ratify, they are not bound by it. Still, they signed the document which implies their intention to oblige themselves to implement the above measures in the near future. The African Charter on the Rights and Welfare of the Child was adopted in 1990 and entered into force in 1999. The Gambia acceded to the African Charter in 2000 and is therefore legally bound by it.

According to all these documents, The Gambia and The Netherlands have legal obligations to protect children in The Gambia from sexual abuse and sexual exploitation by Dutch tourists. More specifically:

The Gambia should adopt and implement, as a priority, legislative and administrative measures, social policies and programmes of action to prevent and eliminate the sexual abuse and sexual exploitation of children below the age of 18, without discrimination and with special attention to children who are especially vulnerable to such exploitation. For this

¹² See for more detailed information appendix III on law sections

purpose The Gambia should allocate adequate resources and promote closer networking among key actors, including non-governmental organisations, the tourism industry, the media and children themselves (child participation). The measures, policies and programmes should address the root causes of child sexual exploitation, such as poverty and sex tourism, promote free access to education, raise awareness about the preventive measures, illegality and harmful effects of sexual exploitation of children, assist child victims in their rehabilitation and social integration, and review and revise national laws by implementing international standards, as well as train law enforcement officials for the effective implementation of those national laws. Finally, The Gambia should conclude or accede relevant bilateral, regional and multilateral agreements, including on technical cooperation, to foster the prevention and elimination of all forms of sexual abuse and sexual exploitation;

The Netherlands should assist The Gambia financially and technically, through bilateral agreements, in the prevention, detection, investigation, prosecution and punishment of those responsible for acts concerning sexual abuse and sexual exploitation of children in The Gambia, as Dutch nationals are involved. To this end, The Netherlands should technically assist in the training of law enforcement officials and financially assist in the rehabilitation and social integration of child victims. The Netherlands should, in addition, promote cooperation between herself, The Gambia, Interpol, UNICEF, the World Tourism Organisation, tour operators, and international and national non-governmental organisations, in order to address the root causes of child sexual exploitation, such as poverty and sex tourism, and to raise awareness of preventive measures, illegality and the harmful effects of sexual exploitation of children.

Monitoring processes

Some of the above mentioned documents established a monitoring Committee to view the enforcement of children's rights by States Parties. The Committee on the Rights of the Child observes States Parties' obligations under the Convention on the Rights of the Child and the Optional Protocol on the sale of children, child prostitution and child pornography. The Gambia and The Netherlands are required to report on the measures of implementation every five years. When examining country reports the Committee on the Rights of the Child has placed a particular emphasis on the need for legislation as a basis for protection against sexual abuse and exploitation.¹³

The Gambia is also obliged to report to the African Committee of Experts on the Rights and Welfare of the Child every three years on the implementation of its obligations under the African Charter on the Rights and Welfare of the Child. In addition, this Committee is empowered to receive complaints from any person, group or non-governmental organization recognized by the African Union relating to child sexual abuse and exploitation. And it is also mandated to resort to any appropriate method of investigating matters falling within the ambit of the treaty.

Besides these two Committees, the Commission on Human Rights (CHR) appointed a Special Rapporteur on the sale of children, child prostitution and child pornography in 1990. The Special Rapporteur has a mandate to collect and analyse comprehensive data and to recommend measures aimed at eliminating the sale of children, child prostitution and child pornography at the international, regional and national levels. The Special Rapporteur prepares annual reports for the Committee on the Rights of the Child, carries out field visits and prepares country-specific reports.

¹³ UNICEF, Implementation Handbook on the Convention on the Rights of the Child, 1998, p.461-462

The Special Rapporteur communicates with governments where there are allegations of violations of children's rights and promotes international cooperation.

2. Political commitments

The legal obligations of States to prevent and protect children from sexual exploitation are reaffirmed and completed by political commitments. During the First World Congress against Commercial Sexual Exploitation of Children in Stockholm in 1996, the Gambia and the Netherlands reaffirmed their legal obligation to protect children from all forms of sexual abuse and exploitation as laid down in the Convention on the Rights of the Child. However this Congress also reflected the political will to take more legislative action on this subject, resulting in the adoption of ILO Convention 182 on the Worst Forms of Child Labour in 1999, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2000, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children also in 2000. At the Second World Congress against Commercial Sexual Exploitation of Children in Yokohama in 2001 and the UN General Assembly's Special Session on Children in 2002, the Gambia and the Netherlands politically committed themselves to undertake urgent action on all their legal obligations under binding international law, concerning the protection of children from all forms of sexual abuse and exploitation.

The First World Congress against Commercial Sexual Exploitation of Children (1996)

At the First World Congress against Commercial Sexual Exploitation of Children governments, international organizations, non-governmental organizations, the private sector and members of civil society from around the world committed themselves to a global partnership against the commercial sexual exploitation of children. The Congress reiterated its commitment to the rights of the child, bearing in mind the Convention on the Rights of the Child, and called upon all states in cooperation with national and international organizations and civil society to:

- accord high priority to action against the commercial sexual exploitation of children and allocate adequate resources for this purpose;
- promote stronger cooperation between states and all sectors of society to prevent children from entering the sex trade and to strengthen the role of families in protecting children against commercial sexual exploitation;
- criminalize the commercial sexual exploitation of children, as well as other forms of sexual exploitation of children, and condemn and penalize all those offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized;
- review and revise, where appropriate, laws, policies, programmes and practices to eliminate the commercial sexual exploitation of children;
- enforce laws, policies and programmes to protect children from commercial sexual exploitation and strengthen communication and cooperation between law enforcement authorities;
- promote adoption, implementation and dissemination of laws, policies, and programmes supported by relevant regional, national and local mechanisms against the commercial sexual exploitation of children;
- develop and implement comprehensive gender-sensitive plans and programmes to prevent the commercial sexual exploitation of children, to protect and assist the child victims and to facilitate their recovery and reintegration into society;
- create a climate through education, social mobilization, and development activities to ensure that parents and others legally responsible for children are able to fulfill their rights, duties and responsibilities to protect children from commercial sexual exploitation;
- mobilize political and other partners, national and international communities, including intergovernmental organizations and non-governmental organizations, to assist countries in eliminating the commercial sexual exploitation of children;
- to enhance the role of popular participation, including that of children, in preventing and eliminating the commercial sexual exploitation of children.

The World Congress also adopted an Agenda for Action aiming to highlight existing international commitments, to identify priorities for action and to assist in the implementation of relevant international instruments in the areas of coordination and cooperation, prevention, protection, recovery and reintegration, and child participation. The agenda highlights the commitment to adopt national agendas for action, with set goals and time frame for implementation. Also included is the commitment to promote better cooperation between countries, international organisations and other catalysts which have a key role in eliminating the commercial sexual exploitation of children, including Interpol and the World Tourism Organisation. The area of prevention highlights, inter alia, the commitments to provide children with access to education as a means of improving their status and make primary education compulsory and available free to all; to improve access and provide relevant health services, education, training, recreation and a supportive environment to families and children at risk; and to mobilize the business sector, including the tourism industry, against the use of its networks and establishments for the commercial sexual exploitation of children. Moreover, extraterritorial criminal laws have to be adopted and networks between national and international law enforcement authorities, including Interpol, and civil society should be established, as well as special units among law enforcement personnel, with adequate resources and child-friendly facilities, and law enforcement personnel should be trained on child development and child rights.

The Second World Congress against Commercial Sexual Exploitation of Children (2001)

The Second World Congress against Commercial Sexual Exploitation of Children in Yokohama provided an opportunity to strengthen world-wide partnerships, old and new, since the first World Congress and to reinforce the global commitment to protect children from sexual abuse and exploitation. Emphasised were the commitments to effective implementation of the Convention on the Rights of the Child and related instruments; to early ratification of the ILO Convention 182 in the Worst Forms of Child Labour and other relevant instruments; to address the root causes that put children at risk of sexual exploitation, such as poverty and sex tourism; to promote education and information to protect children from sexual exploitation; to develop a national plan of action; to criminalize the commercial sexual exploitation of children in all its forms, while not criminalizing or penalizing the child victims; and to promote closer networking among key actors, including children themselves.

Interpol, the global policing organisation, made clear, at the Second World Congress, that the combatting of crimes against children is afforded the highest priority by the organization. The Interpol Specialist Group on Crimes against Children focuses on child prostitution, child pornography, missing children, trafficking in children and management of sex offenders, which reflects the realisation and reality that known sex offenders need to be prevented from re-offending in order to protect children. The Specialist Group has also produced the Interpol Handbook of Good Practice for Specialised Officers dealing with Crimes against Children. Interpol has been increasingly involved in facilitating training at the request of states, who recognise the necessity to increase the resources and level of knowledge of their law enforcement agencies. Interpol emphasised that Interpol Notices to individuals wanted for crimes against children will be given the same priority as notices for those wanted for terrorist acts.

The UN General Assembly's Special Session on Children (2002)

In the Plan of Action that was adopted at the UN General Assembly's Special Session on Children eight paragraphs are specifically addressed to the elimination of trafficking and sexual exploitation of children. States members of the UN committed themselves to implement specific goals, strategies and actions concerning the sexual exploitation of children. They agreed to take concerted national and international actions as a matter of urgency and raise awareness of the

illegality and harmful consequences of sexual exploitation. They committed themselves to enlist the support of the private sector, including the tourism industry and the media, for a campaign against sexual exploitation and trafficking of children. Moreover, UN member States obligated themselves to identify and address the underlying causes and the root factors and implement preventive strategies, as well as to ensure the safety, protection and security of child victims and provide assistance and services to facilitate their recovery and social reintegration. In addition, States agreed to criminalize and penalize effectively the sexual abuse and exploitation of children, while ensuring that during the legal proceedings the best interest of the child will be a primary consideration. The Special Session concluded with the commitment of States to monitor and share information regionally and internationally and provide or strengthen training for law enforcement officials concerning children's rights.

B Private Sector

In principle, the enforcement of children's right to protection from sexual abuse and exploitation lies with The Gambia, who can seek assistance from The Netherlands and other tourist sending countries. However, as the sexual abuse and exploitation of children is directly promoted by the widespread and continuing practice of sex tourism, the tourist industry, within the private sector, also has an important role to play in the prevention of child sexual exploitation.¹⁴

International human rights law has long imposed direct obligations on the private sector. Labour law forms an important part of international human rights law. The International Labour Organization (ILO) was established in 1917 as a tripartite structure involving government, employers and labour representatives. In its ILO Convention 182 this results in the involvement of civil society, which helps raising awareness of the sexual exploitation of children and is particularly valuable as a tool to help preventing child sex tourism. In addition, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography widens the applicability scope of the Convention on the Rights of the Child. In particular, Article 3(4) states that each State Party should take measures to establish the liability of legal persons for violations of children's right to protection from sexual abuse and exploitation.

Awareness is growing within the tourism industry of the important role they have to play to protect children's rights, thanks to the two World Congresses against Commercial Sexual Exploitation of Children. The World Tourism Organization (WTO), which includes members from both the public and private sectors and which is described as the only intergovernmental organization that serves as a global forum for tourism policy and issues, created a Child Prostitution and Tourism Watch Task Force. Its stated aims are to prevent, uncover, isolate and eradicate the exploitation of children in sex tourism. To this regard a Code of Conduct for the Protection of Children against Sexual Exploitation in Travel and Tourism project was started in 1998. As from December 1999 the project enjoys financial support from the European Commission. The Netherlands have joined the project, as well as Sweden, Germany, the United Kingdom, Italy and Austria. However, Dutch tour operators, contrary to others, have so far not signed the Code. They have concluded their own code of conduct in the general Dutch assembly of tour operators (ANVR).

The WTO Code of Conduct, which primarily addresses the demand factor, has six criteria to be implemented by the tour operator companies:

1. Establish an ethical company policy regarding child sex tourism.

¹⁴ See Preamble of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

2. Train personnel in the country of origin and the travel destinations.
3. Introduce a clause in all contracts with hotels and other suppliers that proclaims a common repudiation of child sex abuse. The tour operator has the right to cancel the contract should the clause not be respected by the supplier.
4. Provide information to travellers by means of catalogues, in-flight videos, ticket slips, web sites, etc.
5. Provide information to local 'key persons' at the destinations, i.e. restaurants, excursion companies, local police and others with whom the tour operators collaborate more informally.
6. Annual reporting on the implementation of the above criteria to the International Code of Conduct Secretariat, located in Madrid.

During the general discussion of the Committee on the Rights of the Child in September 2002 on the role of the private sector in providing services, self regulation, in the form of codes of conduct, was considered to be the guiding principle for the action by non-state actors.¹⁵

In conclusion, the enforcement of the right of children in The Gambia to protection from all forms of sexual abuse and exploitation lies primarily with the Gambian Government. The Gambia can seek assistance from The Netherlands, which should comply in good faith with their obligation to promote and safeguard children's rights throughout the international community. In addition, The Netherlands should develop laws to criminalize the sexual exploitation of children by Dutch nationals in The Gambia. However, within the private sector, the tourist industry has also an important role to play in the prevention of child sexual exploitation. Codes of conducts are very suitable constructions to give guidance to the measures the tourism industry could take, both by (foreign) tour operators as well as local tourist server providers, like hotels, restaurants etc.

III National Law

As noted by the Committee on the Rights of the Child, legislative measures are most important in implementing the international standards.¹⁶ According to the international standards described above, children have the right to protection from all forms of sexual abuse and sexual exploitation. This means that the national laws of, inter alia, The Gambia and The Netherlands should protect children from being used, procured or offered in sexual activities for remuneration or any other form of consideration. National laws should also protect these children from being used in pornographic performances and materials. These are any representation, by what ever 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. According to international standards, children also have the right to protection from abduction, sale and trafficking for the purpose of sexual abuse and sexual exploitation. Thus, national laws should protect children from being transported or transferred for the purpose of prostitution or other forms of sexual exploitation. It is very important that the national laws protect children from sexual abuse and exploitation up to the age of 18, although the age of sexual consent can be lower in case of other sexual activities. The principle of non-discrimination should be given great consideration, as boys and girls should get the same protection under the law.

Gambian National Law

The Gambian national law concerning the protection of children from all forms of sexual abuse and exploitation, can be found in the criminal code, capital 10. Rape of a woman and indecent

¹⁵ CRC 31st session, 20-09-02, UN Press Release, Internet: www.unhcr.ch

¹⁶ UNICEF, Implementation Handbook on the Convention on the Rights of the Child, 1998, p.461-462

assault against a woman or a boy under 14 years is prohibited. The age of sexual consent for girls is put at 16 years. Homosexual activities are against nature and punishable by law. Girls below 21 years old are protected from being procured in unlawful sexual activities in The Gambia or anywhere else in the world. It is also prohibited to procure a woman for prostitution in The Gambia or somewhere else or to profit of this prostitution. The selling, making, distributing, circulating, im- or exporting, exhibiting, producing, or possessing of any obscene book, pamphlet, paper, drawing, painting, representation, figure or object is punishable, as well as taking part in or receiving profit from any business dealing in obscene publications and materials. The advertising or making known any of the above mentioned obscene materials or persons engaged or ready to engage in the above is also prohibited.

The Gambian law does not protect boys below 18 from rape and indecent assault. If a boy under 18 is raped by a tourist, they are themselves punishable under the prohibition of homosexual activities. The same applies in the case of indecent assault against a boy between 14 and 18 by a male tourist. Sexual activities with a girl under 16 is prohibited, but boys are not afforded the same protection.¹⁷ A tourist who procures a girl in unlawful sexual activities or prostitution in The Gambia as well as abroad is punishable, whereas the procuring of a boy in such activities is not. A tourist who does not procure, but uses a child in prostitution is not punishable. Child pornography is prohibited, just like all pornography.

It is clear that the protection of children in The Gambia from sexual abuse and exploitation does not comply with the international standards on protection. Moreover, boys and girls do not get the same protection, which is a violation of the principle of non-discrimination. In addition, boy victims are themselves criminalized and penalized, while this is specifically noted and prohibited at the second World Congress in Yokohama.

Dutch National Law

The Dutch national law concerning the protection of children from all forms of sexual abuse and exploitation, can be found in the criminal law under chapter 'sexual offences'. Over the last few years, changes have been implemented within the law, as a result of public pressure and in order to comply more fully with the international standards. The age of protection from child pornography is extended from 16 till 18 years and the possession of pornographic materials is also made punishable. Furthermore, the exploitation and use of children in sexual services other than prostitution is also prohibited. Sexual services are, thus, not limited to sexual activities of a child with another person, but can also take place for another person (to look at).

Articles 240b and 242 till 250 of the Dutch criminal code, prohibit the use, procurement and profit from children below 18 in sexual activities for remuneration or any other form of consideration. Also prohibited are the distribution, display, processing, transporting and possessing of pornographic material of a child below 18. A person being present, intentionally, at a peepshow or movie in which a child below 18 is performing, is also punishable. Moreover, the recruitment, transport and abduction of a child below 18 for the purpose of sexual activities against remuneration in another country is prohibited as well. The age of sexual consent is put at 16, but when children are between 12 and 16 they have the right to be heard and the prosecution may be stopped when the child explains that the sexual activities were not against his or her will. Rape of

¹⁷ However, a person who unlawfully compels any person to labour against his or her will is also punishable. As prostitution is one of the worst forms of child labour, according to the ILO Convention 182, it could be argued that boys are protected from procuring in prostitution as well, when this is against their will.

or indecent assault against any person is always punishable. No distinction is made between the protection of boys and girls.

From the above, it can be concluded that Dutch legislation, over the last few years, has been reformed to the point where international standards are fully met.

Child protection level and punishment of Dutch tourists

In case of the sexual abuse or sexual exploitation of a child in The Gambia by a Dutch tourist, the child is protected under both the Gambian national law as well as the Dutch national law. In other words, the Dutch tourist is punishable under the Gambian national law and the Dutch national law. This is possible because of the principle of extraterritoriality.

The Netherlands have established extraterritorial law over sexual offences against children committed abroad by Dutch nationals. However, prosecution in The Netherlands was not always possible. Law reform over the last few years changed this. Previously there used to be a complaint procedure in a case of sexual abuse of a child between 12 and 16 years old. However, without a complaint filed by the victim, prosecution in The Netherlands was not possible. This made it extremely difficult to prosecute a Dutch child sex tourist, because the child was domiciled abroad. Another obstacle was formed by the double criminality approach to prosecution. A Dutch national could only be prosecuted in The Netherlands if the elements of sexual exploitation amounted to an offence in both countries, The Netherlands and the country where the offence had been committed. Consequently, because of a lack of legislation or incomplete legislation in a number of states, alleged exploiters sometimes could not be prosecuted in The Netherlands. The Netherlands have changed the complaint procedure to a right of the child to be heard and dropped the double criminality approach in October 2002. Moreover, within the extraterritorial law the jurisdiction has been extended from Dutch nationals to aliens who have their habitual residence in The Netherlands.

Firstly, therefore, children in The Gambia are protected from sexual abuse and exploitation by Dutch tourists under the Gambian national law. Dutch tourists can be punished under Gambian law when they commit an offence in the Gambia. At the same time, children are also protected under the Dutch national law, which provides a higher level of protection that complies with international standards. Dutch tourists who sexually abuse or exploit children in The Gambia, are punishable under Dutch national law, regardless of the Gambian national law. However, this should not be used as an excuse for The Gambia not to reform its legislation in accordance with international standards. The Netherlands should continue their commitment to stop child sexual abuse and exploitation by focussing on law enforcement.

6. CONCLUSIONS AND RECOMMENDATIONS

This research study began by asking three basic questions:

1. Does child sex tourism happen in The Gambia?
2. Are Dutch Tourists involved?
3. If so, what international standards and local actions can be called upon to prevent and protect children from being targeted by abusers.

The response to the first two of these questions was overwhelming. There is a clear perception by those people interviewed, people who are living and working in The Gambia in tourism and child related services, that male tourists over the age of 45 are coming from a variety of European countries, including The Netherlands, to sexually exploit and abuse children.

The ways in which tourist abusers make contact with children were described as through direct and indirect contacts. Direct contacts are enabled by the open, trusting and friendly culture of the Gambian people. Indirect contacts are facilitated by different persons who act as go-betweens and who might have a well organized system. The sexual abuse and exploitation, then, takes place mostly in hidden places, like hotel rooms. Disturbingly, there are indicators that the abuse sometimes continues in the home countries of tourists, where some children are invited for holidays or to go into college education.

The abuse can easily continue because of a culture of silence in regard to the sexual abuse and exploitation of children. Religious and cultural beliefs keep sex as a taboo subject between generations, which deters children from going to their parents or guardians to tell them about their experiences.

As The Gambia is a poor country it is easy to understand that people are looking for ways to obtain money from tourists. This together with the African culture in which the family rather than the individual is the most important unit, the child might have to meet certain expectations, which are important for family survival. In addition, the expectations that young people in The Gambia have about sex, love and marriage results in seeing sexual exploitation not as an issue, as long as there is something in there for them as well.

However, according to international and regional standards children in The Gambia have the right to protection from all forms of sexual abuse and sexual exploitation, including prostitution and pornography. This right to protection includes all children, both boys and girls below the age of 18. In addition, children have the right to protection from abduction, sale and trafficking for the purpose of sexual abuse and sexual exploitation. The consent of the parents and/or the child is irrelevant.

The enforcement of these rights lies primarily with the Gambian Government. To attain this the Gambia could seek assistance from The Netherlands, which should comply in good faith with their obligation to promote and safeguard children's rights throughout the international community. In addition, The Netherlands should develop laws to criminalize the sexual exploitation of children by Dutch nationals in The Gambia, which they already did.

Within the private sector, the tourist industry also an important role to play in the prevention of child sexual exploitation. Codes of conduct are very suitable constructions to give guidance to the

measures the tourism industry could take, both tour operators from sending countries, as well as local tourist service providers, like ground tour operators, hotels, restaurants etc.

The will to act against child sexual abuse and exploitation in The Gambia exists. All those people interviewed for this Report are willing and ready to make a difference and to act towards the elimination of child sex tourism. The Netherlands not only adopted extraterritorial legislation which criminalizes the sexual exploitation of children by Dutch nationals abroad, but also made it possible to prosecute those Dutch nationals in The Netherlands regardless of the sexual exploitation being an offence in the host country. The tourist industry in Europe is interested in addressing the issue of child sex tourism and some companies have signed up to codes of conduct.

This Report comments this positive stand towards the elimination of child sex tourism in The Gambia and other countries. We present concrete recommendations, based on what emerges from our interviews and, that we believe fall in line with positive achievements from other countries affected by child sex tourism and which could be implemented in The Gambia.

Recommendations

The recommendations which follow are based on suggestions made by interviewees, on international legally binding instruments and the Agendas for Action as agreed at the 1996 Stockholm and 2001 Yokohama Conferences on the Commercial Sexual Exploitation of Children. The recommendations are addressed to the national governments of The Gambia and The Netherlands, Police and Justice authorities, the tourist industry, NGO's, the media, parents and others who could play a role in the elimination of child sexual abuse and exploitation.

1. Development

Directed towards the Government of The Gambia:

1. Poverty eradication programmes should be strengthened and extended.
The sexual abuse and exploitation of children in The Gambia by (Dutch) tourists is promoted by the existence of high levels of poverty.
2. Free and compulsory primary education, especially for girls, should be extended.
Children who are not in school are especially vulnerable to child sex abuse, as they spend their time on the street and at the beach, becoming in this way easy targets for abusers. Efforts should be undertaken to make primary and secondary education at least to Grade 10 free of charge and compulsory for every child.
3. Birth registration should be established as a priority.
Only 60% of births in The Gambia are registered, making it very difficult to protect and ensure the rights of under eighteens. The right of a child to be protected from sexual abuse and exploitation includes all children, both boys and girls below the age of 18.

2. Prevention

Directed towards the Government of The Gambia, the tourist industry, NGO's, media and parents:

4. Nationwide awareness and education campaigns on commercial sexual exploitation.

Because of a culture of silence in regard to the sexual abuse and exploitation of children and the open, trusting and friendly culture of the Gambian people, child sex tourism can easily take place. Awareness campaigns on the issue of child sexual exploitation and the dangers of child sex tourism should therefore be initiated, aimed at parents, children and the wider society. Part of these campaigns should be sex education and awareness raising on HIV/AIDS and other sexually transmitted diseases (STD's), as well as awareness raising on the illegality and consequences for offenders, of child sexual abuse.

Parents in their turn have a responsibility to educate their children to be more distrustful of strangers and especially tourists, warn them of the dangers they will face if they follow tourists, and create a family environment where children will approach them with problems and feel that they will be listened to and not be punished for speaking out.

The Child Protection Alliance (CPA) and other NGO's could provide information materials to be used in the awareness and education campaigns and conduct their own campaigns as well. To integrate prevention and protection procedures and increase collaboration, the Child Protection Alliance could call for a meeting of all relevant agencies and the leading figures in the tourist industry to develop a Plan of Action on Commercial Sexual Exploitation of Children which should be integrated into the CPA National Plan of Action on Child Protection.

5. All Tour Operators working in The Gambia should adopt "The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism" which is a set of ethical statements developed by the World Travel Organisation.

According to the Code of Conduct, Tour Operators have -

- To establish an ethical policy regarding commercial sexual exploitation of children;
- To train the personnel in the country of origin and travel destinations;
- To introduce a clause in contracts with suppliers, stating a common repudiation of commercial sexual exploitation of children;
- To provide information to travellers by means of catalogues, brochures, in-flight films, ticket slips, web-site home pages etc.;
- To provide information to local key persons at the destinations i.e. restaurants, hotels and excursion companies;
- To report annually.

All of these actions involving the tour operators is to promote a positive image of a sustainable tourism industry.

6. Cooperation and collaboration involving Government Departments, such as Tourism and Social Welfare as well as tourism industry organisations and companies, could be improved by holding round table meetings.

The Department of Tourism and the Gambian Tourism Authority (GTA) should organize a round table discussion and information sharing sessions involving all parties in the tourist trade plus security forces, the media, tour guides, tour operators, local hotel owners and traders, the Police, Army, Department of Immigration, Department of Social Welfare, Child Protection Alliance (CPA), business people and the representatives of European countries in The Gambia. They should also organize a conference involving these key players, which could be facilitated by ECPAT and CPA. Out of these processes networks should be developed for sharing information such as regular meetings and newsletters. A central point for referring cases or sightings should be set up by the GTA or Department of Immigration.

3. Law reform

Directed towards the Gambian Government and Justice authorities:

7. The Gambian criminal code should be reviewed, revised and harmonised with the UN Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and other relevant international documents.

The protection of children in The Gambia from sexual abuse and exploitation does not comply with the international standards on protection. The Gambian national law should be reviewed and revised, in order to criminalize all forms of sexual abuse and sexual exploitation of children below 18, without discrimination between boys and girls and without penalizing the child victim. The right of child victims of sexual abuse or sexual exploitation to rehabilitation and social integration should be ensured as well.

4. Law enforcement

Directed towards the Gambian and Dutch Governments, Police and Justice authorities, the tourist industry and NGO's:

8. Special units within the Police and Tourism Security Force for monitoring and reporting child sex abuse by tourists should be strengthened and established.

Without a place to report it becomes very difficult to stop child sex tourism from happening. The Gambian Police Force should therefore establish a policy on child protection and child sex tourism and increase the capacity of the Police Child Welfare Unit to enable the reporting and monitoring of child sexual abuse and sexual exploitation.

However, in order to stimulate the reporting of cases policies to improve the visibility of the police should be undertaken by the Department of Tourism and the Gambian Tourism Authority (GTA). They should establish a place or a process in the tourist development area (TDA) for reporting cases or complaints about abusers that are seen by the public or hotel staff or reported to tour guides. Tour operators should join financial support for the setting up of such a place or process. The CPA could facilitate the development of a centralised reporting system recording reporting forms specifically for child sex tourism specifically for child sex tourism.

9. Training of law enforcement officials in recognising and dealing with child sex tourism should be provided.

A small selected group of officers from the Police Child Welfare Unit, the National Intelligence Agency (NIA), the TDA Police and the Special Tourism Force of the Gambian National Guard, and should be trained in child abuse identification, child rights, child development and child friendly interviewing techniques.

This trained group could then integrate their knowledge within the general police training. In the end, this facilitates the awareness raising of child sexual abuse and child sex tourism which enables Police officers to recognize child abuse and be able to sensitively handle children and deal with abusers.

Funding and expertise for such training could be sought from the Dutch Police who have knowledge and experience of such cases and are already providing training in other law enforcement areas to the Gambian Police Force.

10. Co-operation on combatting child sex tourism on different levels could be improved.

Because child sexual abuse is dealt with in extraterritorial law cooperation across borders is very important. Consulates and Embassies of European tourist sending countries should link up with the Child Protection Alliance (CPA), the Gambian Department of Immigration and other relevant

agencies to establish an information sharing process that will lead to the development of coordinated processes. In this way they all can assist one another in investigations or criminal or extradition proceedings brought in respect to child sexual exploitation offences, including assistance in obtaining evidence necessary for court proceedings.

As some of the European child abusers are not just tourists but actually live in The Gambia, the Gambian Department of Immigration should review the process of applications for residential permits. They could collaborate with tour companies whose traveller lists could be checked against known lists of paedophiles from each of the European countries or through Interpol.

11. Penalties against hotels and tourism service providers who continue to permit hotels or rooms to be used for the sexual abuse of children.

Tour operators have a very powerful means at hand to stop child sex tourism. They could introduce a clause in all contracts with hotels and other suppliers that proclaims a common repudiation of child sex abuse. Under such a clause the tour operator would have the right to cancel the contract should the clause not be respected. For example, a contract clause that commits hotel owners to forbid the presence of children in tourists' bedrooms.

5. Rehabilitation

Directed towards the Gambian and Dutch Governments, NGO's and donors:

12. Rehabilitation and social integration programmes should be developed focussing in the first instance on the development of counselling services.

The Gambian Department of Social Welfare could develop rehabilitation and social integration programmes for child victims of sexual abuse and sexual exploitation and establish safe houses for these child victims. Cooperation should be sought with non-governmental organisations, including the Child Protection Alliance (CPA). The Netherlands could financially assist in the rehabilitation and social integration of the child victims of sexual abuse or exploitation by Dutch tourists.

Training in counselling should be developed and targeted at children's and youth based organisations such as NAYCO and the Youth Council to provide a network across the country. Young people could provide these services themselves if they were properly trained and part of a support network.

6. Research

Directed towards the Gambian Government and NGO's and donors:

13. Further research into child sex tourism and child sexual abuse by others living as residents of The Gambian or visiting on business.

More research should be done into the extent and nature of the problem of child sex tourism, as well as commercial sexual exploitation of children by non-tourists and trafficking in children for sexual purposes. Moreover, research should be focussed on identifying children who are especially vulnerable to exploitation and abuse, such as street children, refugee children, domestic workers and disabled children.

POST SCRIPT

During the period of the Research the Government of The Gambia demonstrated its commitment to developing protective measures for children.

The Department of Tourism and the Gambian Tourism Authority has prompted the drafting of a Tourism Bill, which was initially targeted at removing harassment of tourists by bumsters. The researchers supported the amendment of the Bill to include protective measures targeted at child sex abuses committed by tourists.

During the write up of this Report, the Government has pushed forward the process for the harmonisation of Gambian law with the UN Convention on the Rights of the Child.

Additionally, the Department of Immigration is changing the way it issues residential permits to non Gambians wanting to live or work in The Gambia. All applicants are now required to submit a set of fingerprints that will be sent to the police department of their country of origin to check for any criminal records before applications are approved. This may help track some of those involved in child sex abuse.

We commend the Government of The Gambia in taking these measures and hope that the recommendations of this report will be considered and implemented (where appropriate), with similar resolve.

APPENDIX I

Questionnaire A

Child Protection Alliance / Terre des Hommes Netherlands
Research Study The Gambia

Date.....
Name of Respondent.....
Designation.....
Organisation.....
Contact numbers:.....

1. In your opinion does child sex tourism happen in The Gambia?

2. Who is involved?

Men - ages

Women - ages

Children - ages

3. What nationalities?

4. How are the connections between the perpetrators/children made?

5. Where does it happen?

a) Geographical location

b) Places (eg hotels)

6. When does it happen – time of year / time of day?

7. What is the effect on the children?

8. What actions can be taken to stop it from happening?

9. Anything else?

Questionnaire B

Onderzoek naar kinderseksisme in Gambia
Door Terre des Hommes en de Child Protection Alliance Gambia

Graag vragen wij uw medewerking door de onderstaande vragen te beantwoorden:

1. Wanneer bent u in Gambia aangekomen?

2. Is dit de eerste keer dat u in Gambia bent?

Ja

Nee, de ... keer

3. Kunt u kort omschrijven wat volgens u kinderseksisme is?

4. Bent u in dit verband benaderd?

Nee

Ja, namelijk ...

5. Heeft u situaties gezien of gehoord die aan bovenstaande omschrijving voldoen?

Nee

Zo ja,

a) Waar vond dit plaats?

b) Wanneer en hoe laat vond dit plaats?

c) Wie waren erbij betrokken?

Man / vrouw:

Geschatte leeftijd:

Nationaliteit:

Jongen / meisje:

Geschatte leeftijd:

d) Hoe vond dit plaats?

6. Bent u van plan om nog een keer naar Gambia op vakantie te komen?

Ja

Zo nee, waarom niet?

7. Wat denkt u dat er moet gebeuren om kinderseksisme te voorkomen/ stoppen?

8. Is er iets anders dat u over dit onderwerp wilt vertellen?

APPENDIX II

List of Participants: Individuals / Institutions / Organisations Interviewed¹⁸

Name	Organisation	Designation
H.J.W. Plusquin		Attorney General's Chambers
Name withheld		Gambian Consulate Amsterdam
Name withheld	-	Bar Owner in Bakau
Njundu Drammeh	Dutch Tour Company	Representative
Sherriff Mballow	UNV/ UNICEF	UNV, Child Protection Officer
Kabira Camara	National Tour Guide Association	Secretary General
Omar Sawaneh	Juice Vendors Association	President
Tamsir Jasseh	Juice Vendors Association	Vice President
Fuambai Ahmadu	Department of Immigration	Deputy Director
Momodu Touray	UNICEF Consultant	Researcher
Kaliba Senghore	Centre for Children's Rights	Child Rights Activist
Name withheld	Gambia Tourism Authority	Director of Human Resources
Phoday	Hotel	Owner
Meta Bartholdy	Association of Small Enterprises	Co-ordinator
Karla Meerkins	Scandanavian Leisure Group	Area Manager
Kris Koloszko	My Travel Netherlands	Service Manager
Fanta Cessay	Fajara Children's Centre	Owner
Sargo Jaiteh	Department of Social Welfare	Director
Phoday Kebbeh	Gambian Police Force	Child Welfare Unit
Patrick Sothern	Islamic Relief Agency	Director
Mary Small	Ground Tour Operators Assoc.	Chairperson
Peter Sellu	Gamcotrap (Traditional Practices)	Programme Co-ordinator
Marie Saine	Youth for a Better Future Int.	Executive Director

¹⁸ Plus x number of tourist interviews and x number of informal conversations

-
Consul General

APPENDIX III

Law sections:

A) On the right of the child to protection from sexual abuse and exploitation

Convention on the Rights of the Child (1989)

Article 34:

'States parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, states parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.'

Article 35:

'States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.'

Article 39:

'States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.'

According to Article 3 ILO Convention 182 on the Worst Forms of Child Labour (1999):

Children have the right to protection from the worst forms of child labour, which includes the sale and trafficking of children, the use, procuring or offering of a child for prostitution, for the production of pornography or pornographic performances, and any work which is likely to harm the health, safety or morals of the child.

According to Article 2 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000):

The sale of children means 'any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration';

Child prostitution means 'the use of a child in sexual activities for remuneration or any other form of consideration';

Child pornography means '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'

According to Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (2000):

Trafficking is 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force, or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of

a person having control over another person, for the purpose of exploitation';
Exploitation includes 'the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery';
In case of the trafficking of a child, the means are irrelevant.

African Charter on the Rights and Welfare of the Child (1990)

Article 27:

'States Parties to the present Charter shall undertake to protect the child from all forms of sexual exploitation and sexual abuse and shall in particular take measures to prevent:

- (a) the inducement, coercion or encouragement of a child to engage in any sexual activity;
- (b) the use of children in prostitution or other sexual practices;
- (c) the use of children in pornographic activities, performances and materials.'

Article 29:

'States Parties to the present Charter shall take appropriate measure to prevent:

- (a) the abduction, the sale of, or traffic in children for any purpose or in any form, by any person including parents or legal guardians of the child;
- (b) the use of children in all forms of begging.'

B) On the obligations of States Parties concerning the right of the child to protection from sexual abuse and exploitation

The Convention on the Rights of the Child (1989) obliges States Parties:

With regard to national measures:

- to develop information, awareness and education campaigns, including campaigns in cooperation with the media, aimed to prevent any form of sexual abuse or exploitation of the child;
- to develop a national and multi disciplinary strategy to ensure protection of children below the age of 18 against all forms of sexual abuse and exploitation, including within the family;
- to establish a coordinating and monitoring mechanism for that purpose;
- to develop relevant activities and programmes, including of a multi disciplinary nature, to ensure the recovery and reintegration of the child victim of sexual abuse or exploitation, in the light of Article 39 CRC;

With regard to law reform and enforcement:

- to develop legislation to ensure effective protection of child victims, including through access to legal and other appropriate assistance and support services;
- to consider sexual abuse and exploitation of children, child prostitution and child pornography, including the possession of child pornography, and the use of children in other unlawful sexual practices as criminal offences;
- to incorporate the principle of extraterritoriality in the legislation to criminalize the sexual exploitation of children by nationals and residents of the state party when committed in other countries;
- to appoint special units of law enforcement officials and police liaison officers to deal with children who have been sexually abused or exploited, and to provide appropriate training to them;

With regard to bilateral and multilateral measures:

- to conclude or accede relevant bilateral, regional and multilateral agreements to foster the prevention of all forms of sexual abuse and exploitation and to ensure the effective protection of child victims, including in the areas of judicial cooperation and cooperation among law enforcement officials;
- to develop relevant programmes of technical cooperation and international assistance with United Nations bodies and other international organizations, as well as with other competent bodies, including Interpol, and non-governmental organizations;

With regard to all measures:

- to ensure respect for the general principles of the CRC, namely non-discrimination, the best interest of the child, respect for the views of the child, and the right to life, survival and development to the maximum extent possible, within the adopted measures.

The ILO Convention 182 on the Worst Forms of Child Labour (1999) requires, 'as a matter of urgency', States Parties to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour. In particular States Parties should:

- establish or designate appropriate mechanisms to monitor the incidence of child prostitution, child pornography and trafficking of children (Article 5);
- design and implement programmes of action to eliminate as a priority child prostitution, child pornography and the trafficking of children (Article 6);
- take all the necessary implementation and enforcement measures to combat child prostitution, child pornography and trafficking in children (Article 7(1));
- take effective and time-bound measures to:
 - prevent child prostitution, child pornography and children from being trafficked
 - provide the necessary and appropriate direct assistance for the removal of children from prostitution, pornography and trafficking and for their rehabilitation and social integration
 - ensure access to free basic education, and, wherever possible and appropriate, vocational training for all children removed from prostitution, pornography and trafficking
 - identify and reach out to children at special risk
 - take account of the special situation of girls (Article 7(2));
- designate the competent authority responsible for the implementation (Article 7(3));
- take appropriate steps to assist one another through enhanced international cooperation and/or assistance, including support for social and economic development, poverty eradication programmes and universal education (Article 8).

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000) requires States Parties to:

With regard to the prosecution:

- criminalize the following child sexual exploitation offences whether committed nationally or transnationally or on an individual or organized basis:
 - the offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation;
 - the offering, obtaining, procuring or providing a child for child prostitution;
 - the producing, distributing, disseminating, importing, exporting, offering, selling or possessing of child pornography (Article 3).
- establish its jurisdiction over these offences:
 - when they are committed in its territory or on board a ship or aircraft registered in that state;
 - when the alleged offender is a national of that state or a person who has his habitual residence in its territory;
 - when the victim is a national of that state (Article 4).
- include the above offences as extraditable offences in extradition treaties between states parties and if such a treaty does not exist between the relevant states, the Protocol may be considered as the legal basis for such extradition (Article 5);
- afford states parties the greatest measures of assistance in connection with investigations or criminal or extradition proceedings brought in respect to the above mentioned offences, including assistance in obtaining evidence at their disposal necessary for the proceedings (Article 6);

With regard to legal proceedings:

- protect the rights of child victims without prejudicing the rights of the accused to a fair trial. There should be no unnecessary delay in the disposition of cases or in the provision of compensation to child victims, and uncertainty as to the actual age of the victim should not prevent the initiation of a criminal investigation. States should inform child victims of their rights; of the role and scope, timing and progress of the proceedings and provide appropriate support services to child victims, including the protection of the child's privacy (Article 8);
- ensure appropriate training, particularly legal and psychological training for the persons who work with children who have been sexually exploited (Article 8);

With regard to national measures:

- adopt and implement legislative and administrative measures, social policies and programmes to prevent the sexual exploitation of children, with special attention to protect children who are especially vulnerable to

such exploitation (Article 9(1));

- promote public awareness through education and training about the preventive measures and harmful effects of the sexual exploitation of children. States parties should encourage community participation and in particular child participation in preventing, education and training programmes (Article 9(2));
- ensure all appropriate assistance to victims, including their full social reintegration and their full physical and psychological recovery (Article 9(3));
- prohibit the production and dissemination of material advertising the sexual abuse of children (Article 9(4));

With regard to multilateral and bilateral measures:

- strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving sexual exploitation of children and child sex tourism. States parties should promote international cooperation and coordination between their authorities, international organizations and national and international non-governmental organizations (Article 10(1));
- promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation (Article 10(2));
- promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to sexual exploitation and child sex tourism (Article 10(3));
- provide financial, technical or other assistance, if the state is in a position to do so (Article 10(4)).

The Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000) requires States Parties to, inter alia:

- criminalize the trafficking of children (Article 5);
- assist and protect child victims if trafficking (Article 6);
- establish comprehensive policies, programmes and other measures, such as research, information and mass media campaigns and social and economic initiatives, in cooperation with non-governmental organizations, to prevent and combat child trafficking; measures to alleviate the factors that make children vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity, including through bilateral or multilateral cooperation; and legislative or other measures, such as educational, social or cultural measures to discourage the demand that fosters all forms of exploitation of children that leads to trafficking, including through bilateral and multilateral cooperation (Article 9);
- establish cooperation between law enforcement, immigration or other relevant authorities to exchange information on, inter alia, types of travel documents used and types and methods used by organized criminal groups for the purpose of child trafficking; training those officials (Article 10);
- take measures on the security and control of documents (Article 12).

The African Charter on the Rights and Welfare of the Child (1990) requires States Parties:

- to undertake the necessary steps to adopt such legislative or other measures as may be necessary to give effect to, inter alia, Articles 27 and 29. Any custom, tradition, cultural or religious practice that is inconsistent with the rights, duties and obligations contained in the Charter shall to the extent of such inconsistency be discouraged (Article 1);
- to take appropriate measures to prevent child sexual abuse, exploitation and trafficking (Articles 27, 29).