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促进和保护所有人权——公民权利、政治权利、
经济、社会及文化权利，包括发展权

对冈比亚的访问

买卖儿童和儿童性剥削(包括儿童卖淫、儿童色情制品和其他儿童性虐待材料)问题特别报告员莫德·德布尔-布基契奥的报告* **

概要

买卖儿童和儿童性剥削(包括儿童卖淫、儿童色情制品和其他儿童性虐待材料)问题特别报告员莫德·德布尔-布基契奥在本报告中参照国际人权规范和标准探讨了冈比亚有关买卖儿童和儿童性剥削的问题。特别报告员根据访问前后和访问过程中收集到的情况，着重介绍了该国为打击和防范上述现象而采取的立法举措、制订的体制框架和实施的儿童保护政策，以及为照料儿童受害者并确保他们康复和重新融入而采取的措施。特别报告员提出了多项建议，以便冈比亚加强努力，防范和根除买卖儿童和儿童性剥削现象。

* 因提交方无法控制的情况，经协议，本报告迟于标准发布日期发布。

** 报告概要以所有正式语文分发。报告正文附于概要之后，仅以提交语文分发。



Annex

Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, Maud de Boer-Buquicchio, on her visit to the Gambia

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I. Introduction

A. Programme of the visit

1. At the invitation of the Government of the Gambia, the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, Maud de Boer-Buquicchio, visited the Gambia from 21 October to 29 October 2019. The objectives of the visit were to assess the situation of the sale and sexual exploitation of children and to evaluate the national child protection system, with a view to making recommendations to prevent and eradicate all forms of sale and sexual exploitation of children.

2. During her visit, the Special Rapporteur met with multiple stakeholders, including the child welfare committee of the National Assembly, the Minister of Women, Children and Social Welfare, representatives of the Department of Social Welfare, the Minister of Tourism and Culture, representatives of the national refugee commission, the Ombudsman, representatives of the National Agency against Trafficking in Persons, representatives of the National Human Rights Commission, the Minister of Information and Communication Infrastructure, representatives of the Ministry of Justice, the panel of the children's court in Kanifing, representatives of the prosecutor's office, the Solicitor General and Legal Secretary, representatives of the National Agency for Legal Aid, the Permanent Secretary of, and senior officials at, the Ministry of Basic and Secondary Education, and representatives of the Child and Welfare Unit based at police headquarters in Banjul, the Investigation Unit of the Immigration Department, the Truth, Reconciliation and Reparations Commission and the Ministry of Foreign Affairs. She also held meetings with members of associations of hotel workers and hotel owners, tourist guides and tourist taxi drivers. She had insightful discussions with members of Child Protection Alliance, the Jaara Soma community association of working children, the Gambia National Youth Council, the children's parliament and a group working in the area of young people in the media. She visited a shelter in Bakoteh, the SOS Children's Village in Bakoteh and an informal religious teaching centre (*daara*) in Sambuya. She also visited the Tourism Security Unit in the Banjul tourism development area. During her visit to the Lower River Region, the Special Rapporteur met the Governor and members of the region's multidisciplinary teams, the Regional Education Directorate and the Jaara Soma community child protection committee. She also had a meeting with the United Nations Development Partners Group.

3. The Special Rapporteur was impressed by the quality of interaction and the professionalism of governmental stakeholders, child protection service providers, young activists and children. She is grateful to the Government for the cooperation before and during the visit. To everyone who met with her, including the representatives of civil society organizations, children and independent researchers, she wishes to express her appreciation for their dedication and commitment. The Special Rapporteur extends her gratitude to the United Nations office in the Gambia and, in particular, to the West Africa Regional Office of the United Nations High Commissioner for Human Rights and United Nations Children's Fund (UNICEF), for their support and assistance in the preparation of and during the visit.

B. Context

4. Stretching 450 km along the Gambia River, the Gambia is a small country on the Atlantic coast in West Africa, surrounded by Senegal. Children constitute approximately half of the total population of 2,280,000.¹ According to data published in 2017, 48.6 per cent of the population was living in poverty.² Disparities between rural and urban areas mainly affect children belonging to marginalized and disadvantaged groups. The high-school dropout rates,

¹ See www.gbosdata.org/data-stories/population-and-demography/poverty-still-a-major-challenge-despite-all-the-nu.

² See www.unfpa.org/data/world-population/GM.

especially among girls, are reportedly due to child marriage and early pregnancy.³ Unemployment is high – about 35.2 per cent in 2018.⁴ Corruption is widespread, with the Gambia ranked 96th of 198 countries on the 2019 Corruption Perception Index of Transparency International.⁵

5. With the establishment of the Truth, Reconciliation and Reparations Commission, the Gambia has embarked on a national process of healing and reconciliation by addressing its past and pursuing truth seeking, reversing the abusive legacy and bringing perpetrators to account. The visit of the Special Rapporteur coincided with the public hearings of testimonies by courageous Gambians, victims and witnesses of sexual and gender-based violence who came forward to testify about their ordeal and speak about some of the horrific experiences they had endured. The testimonies before the Commission were broadcast live on the street, in the market, in taxis, at bus stops and in other public premises the Special Rapporteur visited. This has created a momentum and a much-needed space to break through the culture of silence deeply embedded in the society. The Special Rapporteur has called on Gambians, including children, to promote the healing of victims by condemning any attempt in their communities to harass, shame or intimidate victims for having publicly spoken of their horrific experiences.

6. At the time of the visit, the Gambia had also embarked on processes for constitutional reform and comprehensive criminal justice reform, and has established the National Human Rights Commission, which is compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Gambia has deployed significant efforts to sensitize members of society and to raise awareness among different stakeholders, including in law enforcement, in the judiciary, in the tourism industry, in the media and children, of international norms and standards on combating sexual abuse and commercial sexual exploitation.

II. Scope of the sale and sexual exploitation of children

7. The extent and prevalence of various manifestations of sexual abuse and exploitation of children in the context of travel and tourism and within the community is unknown due to the lack of comprehensive, systematically collected, reliable and disaggregated data on the number of cases reported, and on investigations and prosecutions undertaken. The lack of cohesive data sharing between various child protection agencies was further exacerbated by underreporting, owing to the prevailing stigmatization, shame and negligence and the overall culture of silence. There is a lack of trust towards the judiciary and investigative bodies due to a lack of convictions, perceived corruption and the immunity enjoyed by high-level officials, which had led to massive impunity for multiple human rights violations perpetrated during the dictatorship. Moreover, no comprehensive vetting procedures were known to have been undertaken in the law enforcement and intelligence sectors.⁶ The Special Rapporteur was told that the Child Protection and Sexual and Gender-Based Violence Committee of the Truth, Reconciliation and Reparations Commission had not received any statements from minors, either as direct or indirect victims or as witnesses of sexual and gender-based violence during the previous regime.

8. The anecdotal evidence gathered from child protection stakeholders showed, however, that sexual abuse of minors within the circle of trust and in the community, the sale and trafficking of children for sexual and labour exploitation, the commercial sexual exploitation of children in the context of travel and tourism, and child marriage continued to remain challenging realities in the Gambia. Although girls are more exposed and at risk than boys,

³ E/C.12/GMB/CO/1, para. 28 and CEDAW/C/GMB/CO/4-5, para. 32. See also CCPR/C/GMB/CO/2, paras. 13 (d) and 14 (d).

⁴ Gambia, “The Gambia Labour Force Survey (GLFS 2018) analytical report” (2018), p. 47.

⁵ See www.transparency.org/en/cpi/2019/results/gmb.

⁶ CCPR/C/GMB/CO/2, paras. 23 (d) and 24 (g). See also A/HRC/45/45/Add.3, para. 8.

the absence of reliable data on boys being sexually exploited is not an indication that this phenomenon does not exist.⁷

A. Sale and trafficking of children for labour and sexual exploitation

9. The Gambia remains a source and destination country for children subjected to trafficking for sexual exploitation purposes.⁸ The phenomenon of sale and trafficking of children is highly underreported, partially due to the lack of confidence in the administration of justice for children, lengthy investigations and court proceedings, the lack of prosecutions and convictions, and the lack of a meaningful national referral mechanism for child victims of trafficking, including for protection from retaliation and for assistance. Only seven cases of trafficking were reported in 2016. In 2018, four victims of sex trafficking were identified for referral; no prosecutions ensued. It is not clear how many of the victims were children. No convictions are known to have been secured under the Trafficking in Persons Act of 2007. Of the five cases pending before the court at the time of the visit, two concerned children: one case involving allegations of sexual exploitation of a minor who was reportedly repatriated to Nigeria, and one concerned a three-month-old child who was believed to have been abducted.

10. The Special Rapporteur regrets that at the time of the visit there was no formal mechanism in place to identify child victims of prostitution. Comprehensive data were also lacking with regard to the number of reported cases related to trafficking of children for the purpose of sexual exploitation and the number of children who had been sexually exploited in the Gambia. The Special Rapporteur heard allegations of trafficking of children, in particular Senegalese children to, and Gambian children from, the Gambia, for exploitation in international or domestic labour, domestic servitude, prostitution, apprenticeships and the fishing industry, and as beggars or shoe shiners.⁹ She also heard about instances of Gambian women and girls being trafficked to the Middle East for labour exploitation and domestic servitude, and was told by child protection stakeholders that very few such victims admitted to being subjected to prostitution.

11. At the time of the visit, there was no available information on the measures taken to monitor informal adoption within the extended family and to identify any potential abuse of children. Cohesive data on the number of illegal adoptions, including illegal intercountry adoptions, was also lacking.

1. Child marriage

12. According to UNICEF, in 2018, about 7.5 per cent of women in the Gambia aged 20–24 years had married before the age of 15, and 25.7 per cent had married or entered into a union before the age of 18.¹⁰ In 2019, 12 child marriages were registered. The data, however, is not inclusive of all of the marriages registered in the Gambia, including in rural areas. Child marriage is driven by poverty, fears over premarital sex, entrenched patriarchal attitudes and gender inequality, religious beliefs and lack of education.

13. Although the 2016 amendment of the Children's Act of 2005 criminalizes the marriage of children under the age of 18, with penalties of up to 20 years' imprisonment for adult perpetrators, it lacks effective enforcement partially due to insufficient awareness-raising about the absolute nature of the prohibition in the Act, irrespective of personal or customary law. There is also misperception in some communities that the laws promulgated during the past regime are no longer valid. There are no monitoring strategies in place to oversee the prevalence of child marriage in communities.

⁷ Angela Hawke and Alison Raphael, *Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism 2016* (Foundation ECPAT International).

⁸ E/C.12/GMB/CO/1, para. 20.

⁹ See also CCPR/C/GMB/CO/2, paras. 35–36.

¹⁰ See https://data.unicef.org/resources/data_explorer/unicef_f/?ag=UNICEF&df=GLOBAL_DATAFLOW&ver=1.0&dq=.PT_F_20-24_MRD_U15+PT_M_20-24_MRD_U18+PT_F_20-24_MRD_U18+PT_M_15-19_MRD+PT_F_15-19_MRD..&startPeriod=2016&endPeriod=2021.

14. At the time of the visit, child-friendly and confidential reporting and complaints mechanisms were lacking, and there was no meaningful support for victims, including legal assistance, shelters and rehabilitation services.¹¹ Few prosecutions had been conducted or sentences handed down for forced child marriage.

2. Sexual exploitation of children in the context of travel and tourism

15. Nearly one fifth of the gross domestic product of the Gambia is brought in by tourism,¹² making it the country's second-highest generator of foreign revenue. This heavy reliance on tourism, coupled with poverty and a weak child protection system, poses significant challenges for law enforcement efforts to combat the sexual exploitation of children in travel and tourism in the Gambia.¹³ Trafficking of children for sexual purposes and sexual exploitation of children in the context of travel and tourism is reportedly on the rise in Africa; the Gambia is listed as a major destination for both male and female perpetrators of child sex offences, and is reportedly a target for western tourists, both men and women, seeking commercial sex with children.¹⁴ Commercial sexual exploitation of locals is also common. There are no precise data on the number of offenders and victims, as much evidence remains anecdotal.

16. The incidents of commercial sexual exploitation of children are reportedly occurring in the tourism development areas, which comprise the areas around the major hotels, beaches, restaurants and nightclubs, and in densely populated and impoverished areas. Children from poor communities are brought to meet tourists in bars, restaurants and nightclubs, and in tourist areas such as Kololi, Kotu, Manjai, Kerr Serign and Bijilo. Some perpetrators come into contact with children and develop relationships with them through organizations registered as philanthropic organizations and charities, others approach children under the guise of sponsoring their education. Offenders also gain access to children through intermediaries known as "bumsters", who can be tour guides, taxi drivers and hotel workers, and some search online before their arrival to find out about the areas where they can have access to children.¹⁵ There are also allegations of existing organized sex-trafficking networks, reportedly operated by overseas and Gambian travel agencies, that promote Gambia as a destination for child sex tourism.¹⁶ Due to the increased efforts of, and the presence of police checkpoints set up by, the Tourism Security Unit, the recent introduction of strict rules in hotels, and the endorsement by hotels of the tourism code of conduct, offenders are increasingly using private residences and compounds outside the commercial tourist areas of Banjul. The number of unregistered lodges and guesthouses, which operate without any licensing supervision, is increasing.

17. The Special Rapporteur heard allegations that some parents from impoverished families directly or silently encouraged their children to get involved in the tourism industry for financial gain. Many interlocutors acknowledged the significant efforts invested in increasing awareness of the dangers of commercial sexual exploitation of children, but saw the problem as rooted in the lack of oversight by parents who, knowingly or unknowingly, and due to ignorance or poverty, felt compelled to push their children to work in the street and seek out relationships with tourists to help support the family, thus normalizing the phenomenon. Children also use the sex trade as a gateway to Europe, often embarking on dangerous maritime journeys through illegal migration routes known as "back ways". This is reportedly due to the false glamorization of commercial sex that is perpetuated among children involved in prostitution, who believe that by getting involved in the sex tourism industry they will secure wealth and a "modern" lifestyle. The majority of children engaged

¹¹ See also CCPR/C/GMB/CO/2, para. 15.

¹² Index mundi, "Gambia, the economy profile 2014".

¹³ CRC/C/GMB/CO/2-3, paras. 25 and 26 (a).

¹⁴ Vimala Crispin and Gillian Mann, *Global Study on Sexual Exploitation of Children in Travel and Tourism: Regional Report– Sub-Saharan Africa* (2016, Foundation ECPAT International and the Africa Child Policy Forum), pp. 14 and 32. See also Frans de Man and Adama Bah, *"Don't Look Away": Be Aware and Report the Sexual Exploitation of Children in Travel and Tourism* (2014, Defence for Children, Foundation ECPAT International and the Netherlands).

¹⁵ De Man and Bah, *Don't Look Away*.

¹⁶ Department of State of the United States of America, "2019 trafficking in persons report: Gambia".

in commercial sex are reportedly girls aged between 14 and 17; however, the number of boys engaged is reportedly increasing.¹⁷ The Special Rapporteur was also made aware of a so-called sex-for-grades practice, involving transactional sex for better grades or reductions in school fees.

18. To track those involved in the sexual abuse of children, a number of deterrents and tools have been put in place, including a manual for training on the eradication of child labour and sexual exploitation in the tourism industry, and efforts to identify and respond to violations arising in the context of tourism have been made, including through the introduction of the tourism code of conduct in hotels, motels and restaurants within the tourism development area and the strengthening by the Department of Immigration of the procedure for issuing residential permits to non-Gambians.

3. Sexual abuse of minors within the circle of trust and in the community

19. Although the information received by the Special Rapporteur was fragmented and anecdotal, and the data inconsistent, the evidence gathered from child protection stakeholders demonstrates that sexual abuse of children within the community and the inner circle of trust, and in residential facilities, as well as incest at home and so-called cross-generational sex perpetrated by “sugar daddies”, are common. The phenomena, however, are highly underreported. Children are intimidated, through threats, to keep them from telling their stories, and cases are concealed to preserve the family’s honour and to protect children from stigmatization. There are also communication barriers between parents and children on the topic of sex and sexual abuse. In 2012, the Department of Social Welfare recorded a total of 1,505 cases of child abuse and violence, including 12 cases of rape involving children and 19 cases of forced marriage. In 2019, 10 cases of rape and 12 cases of child marriage were reported within the greater Banjul area, while according to another official source, 74 cases involving rape, incest, child marriage and physical abuse were reported between November 2019 and September 2020.

4. Child sexual abuse material and online sexual exploitation of children

20. In 2018, 19.8 per cent of the population in the Gambia was using the Internet, while only 9.6 per cent had a computer at home.¹⁸ Many access the Internet at Internet cafés or on their mobile telephone. Reportedly, operators of online services are not taking any measures to prevent children from accessing pornographic sites. They often recommend dating websites and help the customers register. Most of the recorded cases involving child sexual abuse material also involved other manifestations of sexual exploitation of children. There is no information available on measures taken to ensure the mandatory reporting by information and communication companies of cases of sexual exploitation and abuse of children, or on measures taken to protect children from online sexual exploitation and abuse, including on online dating websites.

B. Root causes and push and pull factors

21. Children in communities where poverty is rampant are at a higher risk of sexual abuse or exploitation. Girls in rural areas with limited access to education and economic opportunities are often disproportionately affected by child marriage. Along with poverty and illiteracy, a lack of awareness of the relevant laws, gender discrimination, insufficient sexual and reproductive health education, and fear of stigmatization perpetuates the practice of child marriage as a legitimate way to prevent premarital sex. Children are often not given a voice within families or communities, and are discouraged from reporting cases to the police, pressured to withdraw cases, disbelieved when providing testimony and encouraged to settle cases informally within the community.

¹⁷ De Man and Bah, *Don’t Look Away*.

¹⁸ International Telecommunication Union, “Gambia profile” (2018). Available at www.itu.int/itu-d/apis/clients/res/pdf/country_profile/report_GMB.pdf.

22. Existing societal barriers, the perception of sexual abuse of children as a private matter, the related stigma and shame, the negligence or ignorance of children's needs, and a misperception of child welfare vis-à-vis the best interests of the child, including among the State institutions and the children's courts, continue to feed the culture of silence and inhibit the reporting of cases to the police. The deeply embedded culture of silence is further compounded by weak law enforcement and inadequate child protection responses, a lack of accessible, confidential, child-friendly and effective channels for reporting cases, lengthy and cumbersome judicial proceedings, and a lack of prompt child-sensitive medical forensic services and child-friendly counselling. There is an absence of the disaggregated data that is necessary for evidence-based and informed policy development and interventions.

23. Another issue of concern was the reportedly high number of children not immediately registered at birth, particularly in rural areas, owing to the stigmatization faced by single mothers,¹⁹ and cumbersome procedures for the registration of children above 5 years of age.²⁰ A lack of birth registration leaves children vulnerable to exploitation, forced marriage, child labour, trafficking and disappearance.

Children at risk

24. Children on the move, including children living and working in the streets, *talibe* (children in Qur'anic memorization schools, known as *daaras*), child refugees, and asylum seeking, stateless and undocumented children are at high risk of being trafficked and exploited. Children who migrate from neighbouring countries in pursuit of a better life or short-term employment opportunities often end up working as street vendors or performing low-paid jobs. Some lack identity cards and are in dire need of age and country of origin assessment, registration and family tracing.

25. During her visit, the Special Rapporteur did not encounter any child begging in Banjul or in the Lower River Region, and due credit should be given to the Government for its efforts to eradicate this problem. However, she saw many child vendors selling bananas and peanuts in the beach areas, exposing their vulnerability to traffickers and sex offenders.

(a) Children in Qur'anic schools

26. The number of *daaras* operating in the Gambia and the number of children enrolled in them is unknown. Due to the unregulated nature of such informal settings, the children enrolled are virtually deprived of any form of funding and cannot benefit from the child protection system. The child welfare units lack the resources, including vehicles and technical support, needed to reach out to these centres. The vast majority of *talibe* living and studying at residential *daaras* are boys between the ages of 5 and 15 from the local community, other *talibe* include children from other villages and neighbouring countries, most commonly from Guinea, Guinea-Bissau, Mali and Senegal. Some are neglected children, others have been abandoned by their families due to poverty or in the context of migration. Very few receive any formal quality education beyond learning the Qur'an. Children are used by caregivers and marabouts to beg and are extremely vulnerable to abuse and exploitation. Instances of forced begging, street vending and agricultural work, beatings and other forms of abuse by the marabouts or by older children have been denounced by child protection stakeholders and children living in the communities.

27. The *daara* visited by the Special Rapporteur in Sambuya had 44 children at the time of the visit – 40 boys and 4 girls – between the ages of 10 and 15. The premises comprised three barracks, including a prayer area, and an unfinished construction in the vicinity. The living, sanitary and safety conditions were unacceptable. The sleeping areas contained only a few overused mattresses and piles of carpets on a concrete floor. The meal consisted of a bucket of rice with or without a side dish. Of all the children, only one girl attended the community school, at the request of her parents.

¹⁹ CCPR/C/GMB/CO/2, para. 47. See also CEDAW/C/GMB/CO/4-5, paras. 30–31 and CRC/C/GMB/CO/2-3, para. 35 (c).

²⁰ CRC/C/GMB/CO/2-3, para. 35 (a)–(b) and (d).

28. The Special Rapporteur was told by many stakeholders that children placed in *daaras* in neighbouring countries or cross-border regions often ran away from the hardship, and attempted border crossings themselves. In the absence of any means to support their travel, they are forced to beg and are at a high risk of becoming victims of sexual abuse at the hands of truck drivers and traffickers. When identified by immigration and border control officers, such children are being transferred to the Bakoteh transit shelter for children and the elderly, the only Government-run shelter with the capacity to house 75 children; the shelter is operated by the Department of Social Welfare. Children may stay for several months, or even years. Authorities are expected to trace their parents and negotiate the return of the child to his or her immediate family or another safe environment, such as the extended family. However, the shelter being severely understaffed and underfunded, these activities are often inconclusive and children tend to run away, only to find themselves in the same vulnerable situation as before.

(b) Refugees, asylum-seeking, stateless and undocumented children

29. According to one estimate provided by the Office of the United Nations High Commissioner for Refugees, in 2018, over half of the refugee and asylum-seeking population in the Gambia were children. Most refugees, because of their ethnic background (Jola) and occupation (agriculture), are settled in the West Coast Region of the country, in direct proximity to their region of origin, Casamance.

30. In the absence of a functional identification and referral system and sufficient numbers of transit centres with adequate facilities and services, refugee, asylum-seeking, stateless and undocumented children are particularly vulnerable to trafficking, forced labour, street begging, sexual and labour exploitation and disappearance.

31. Refugee children born in the Gambia or arriving as minors are also at risk of statelessness, because the Gambia applies the *jus sanguinis* principle, whereas many countries of origin practise the *jus soli* rule.

III. Measures to combat and prevent the sale and sexual exploitation of children

32. The Government has undertaken commendable steps by enacting progressive laws, setting up children's courts in Kanifing, Brikama, Mansakonko and Basse and establishing in 2019 the Ministry of Women, Children and Social Welfare. In 2014, the Attorney General's Chambers created a gender unit to train police officers, prosecutors and law enforcement on the issue of gender and sexual and gender-based violence.

33. While significant legislative and policy measures are in place, their implementation remains weak. Perpetrators are rarely brought to justice and punished. Enforcement is hampered by several factors, including a lack of awareness of existing laws and penalties; inadequate human, technical, financial and administrative capacity to oversee and rapidly respond to reported cases; and significant gaps in capacity and expertise for providing victims with the necessary child-friendly services and assistance, including at the first point of contact with children. Law enforcement is hindered by a deeply ingrained culture of silence favouring the informal settling of a case in the community, between the households, for fear of stigmatization that could be brought upon the family. The culture of silence and existing religious, societal and cultural barriers deter children from reporting their experiences. Other obstacles are insufficient data and a general lack of awareness of child rights.

34. Measures taken have had a limited impact on the prevention of the sale and sexual exploitation of children and the protection of child victims. This is mainly due to the lack of a comprehensive strategy to effectively tackle the sale and sexual exploitation of children, including the root causes, a lack of accountability for perpetrators and a lack of child-sensitive justice focusing on prevention and the care, rehabilitation and reintegration of victims.

A. Legal framework

35. The Gambia has ratified all of the major international and regional human rights treaties, including the African Charter on the Rights and Welfare of the Child, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It has not ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure or the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

36. As a country with a dualist legal system, international legal instruments are not recognized as part of the law of the Gambia unless they are transposed into national legislation.²¹ The rules for the transposition of ratified international human rights treaties remain unclear.²²

37. Issues relating to the sale and trafficking of children are addressed in the Children's Act, the Criminal Code, the Trafficking in Persons Act, the Tourism Offences Act of 2003 and the Sexual Offences Act of 2013. Extraterritoriality is dealt with under the Children's Act (sects. 26 (1), 30 and 34) and the Trafficking in Persons Act (sect. 36). Despite the above-mentioned amendment of Children's Act relating to child marriage, exceptions are still allowed in customary and "personal laws" for children between the ages of 16 and 18. The amendments made in 2015 to the Women's Act of 2010 prohibit female genital mutilation.

38. The Criminal Code (sects. 129–130) criminalizes the procurement of a child for the purpose of sex or prostitution; section 144B criminalizes the acts of producing, participating in the production of, trafficking in, publishing, broadcasting, procuring, importing, exporting, or in any way abetting, pornography depicting images of children. Sections 29 (1) and (2), 31, 32 of the Children's Act provide serious punishments for exploiting children in prostitution and related offences.

39. The Information and Communications Act of 2009 does not define child sexual abuse material, nor criminalize the possession of such material. Neither does it outlaw grooming or criminalize knowingly accessing child sexual abuse material. The Gambia does not have any legal or policy provisions that require Internet service providers or financial institutions to monitor transactions for suspicious behaviour. With the assistance of the Council of Europe, the Gambia is in the process of creating cybercrime legislation in line with the Convention on Cybercrime of the Council of Europe.

40. The Children's Act provides a framework for child protection from prostitution or forced sexual intercourse, lays out the punishments for such acts and defines a child as anyone under the age of 18. Section 206 of the Act provided for the establishment of the Child Welfare Unit in the Gambian Police Force.

41. The Tourism Offences Act outlaws sexual advances on children, which carry a punishment of up to two years' imprisonment or a fine of 20,000 dalasis. It criminalizes the use of any premises for the sexual abuse or prostitution of a child. It also criminalizes the act of trafficking of children itself, and trafficking for the purpose of sexual exploitation or for forcing or seducing children into prostitution. Although the Act is in line with international standards, its provisions on trafficking of children, which set out a punishment of five years' imprisonment, are inconsistent with the provisions stipulated in the Trafficking in Persons (Amendment) Act of 2010, which provide for much harsher penalties, in particular where the victim of trafficking is a child.

42. The Trafficking in Persons Act (sect. 49) falls short of the requirements of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in that it provides for the possibility of detention and prosecution of victims of trafficking for sexual exploitation, unless circumstances justify otherwise, without spelling out the

²¹ Constitution, sect. 7.

²² A/HRC/45/45/Add.3, para. 14.

circumstances. Furthermore, the legal framework on trafficking does not provide for the systematic screening of foreign children or specifically take into account the potential international protection needs of victims of trafficking. Whereas the law allows victims of trafficking to obtain a temporary residence visa for the duration of legal proceedings, no other legal alternatives are mentioned with regard to asylum procedures and proper reception facilities.

B. Institutional framework

43. The primary authority responsible for providing protection from and preventing sexual exploitation of children and related offences is the Ministry of Women, Children and Social Welfare. There is no single dedicated body to coordinate the efforts to prevent child sexual exploitation. The coordination of child protection among the various State actors, namely, the Ministry of Women, Children and Social Welfare, the National Agency against Trafficking in Persons and the Gambia Tourism Board, had yet to be organized.

44. The National Agency against Trafficking in Persons is responsible for administering and monitoring the implementation of the Trafficking in Persons Act. The Gambia Tourism Board enforces the implementation of the Tourism Offences Act. In 2014, through the amendment of the Tourism Offences Act, a special court was created to deal with tourism-related offences, including sexual exploitation of children in travel and tourism cases.

45. The Ministry of Women, Children and Social Welfare and the National Human Rights Commission were not yet fully operational and were still developing their annual plans and outreach to generate the necessary human, technical and financial resources. Measures to increase budgetary allocations and expenditure on children by specific ministries, as well as data-collection efforts, were not yet defined.

C. National policies, strategies and programmes

46. The National Plan of Action against the Sexual Abuse and Exploitation of Children for 2011–2015 had not yet been renewed and no information was available on its renewal.

1. Response and prevention

47. Reporting mechanisms for abuse and exploitation are limited outside of the Greater Banjul Area, and regulatory guidelines and monitoring mechanisms on child protection issues are virtually non-existent. The free hotline has been suspended due to its limited use and the inadequate training of the hotline operators. The role of the first point of contact with child victims of abuse, such as the gender and child-welfare officers with the police, the immigration department and the Tourism Security Units is crucial but largely underestimated. Some officers have been working on the front line for several years and are in dire need of resources, psychological support and counselling.

48. The establishment of community child protection committees across the country and five youth neighbourhood watch groups within the tourism development area of Senegambia are good examples of how the community can be empowered to support preventive efforts. These groups, however, lack counselling skills and techniques, child-friendly interviewing skills, referral support services and incentives to refer the cases to appropriate institutions. They do not sufficiently understand, or consistently apply, the principle of the best interests of the child.

49. The lack of adequate data-collection mechanisms constitutes another serious obstacle to the prevention of sexual exploitation of children. UNICEF is currently supporting the Department of Social Welfare in building a child protection information management system to facilitate the monitoring and evaluation of child protection interventions in the Gambia, inform policy and evidence-based decision-making and facilitate appropriate information-sharing between stakeholders and service providers.

50. Important challenges remain in the area of identification, referral and reintegration of refugees and asylum seekers. The Gambia Commission for Refugees suffers from frequent

staff turnover within the administration and a lack of capacity and expertise in refugee protection and child protection, trafficking in persons and sexual and gender-based violence.

51. Since 2018, the National Agency against Trafficking in Persons, in collaboration with the national agencies for the prohibition of trafficking in Nigeria and in Senegal, has been working on creating bilateral cooperation in the fight against trafficking in persons, especially women and children. It has also worked with the British High Commission to create a national hotline for child trafficking, overseen by the Department of Social Welfare. The National Agency against Trafficking in Persons often works with police or immigration to carry out its work, given that its own resources and capacity are so limited. There is no designated person or unit working on cases involving children. In September 2019, the International Organization for Migration, in coordination with the Ministry of Women, Children and Social Welfare, completed the development of standard operational procedures to help law enforcement identify potential trafficking victims among unaccompanied and separated or homeless children. The procedures, however, are limited in scope and have not yet become operational. In 2011, the Gambian Tourism Board launched, and distributed among various stakeholders in the tourism industry, a training manual on the issue of child sexual abuse and exploitation in tourism.

52. The Ministry of Basic and Secondary Education was contemplating various strategies for providing support to some 50,000 children identified following a mapping of religious teaching centres, including initiatives to provide basic literacy skills and to engage the heads of the centres in various economic opportunities and financial incentives to support their livelihood. In partnership with a non-governmental organization, the Ministry had previously initiated monthly cash transfers and food rations to 17 such centres to discourage them from involving children in forced begging and had broadened the schools' curricula. The National Human Rights Commission envisaged an outreach inspection as part of its monitoring mandate, with a view to regulating the centres and shutting down those that are not in compliance with minimum standards.

53. The Ministry of Information and Communication Infrastructure has envisaged various measures to ensure online safety and curb the spread of child abuse material, including plans to launch awareness-raising on cyberbullying and online grooming. It also plans to engage with Internet service providers, Internet cafes and social network platforms to develop child protection codes of conduct, ensure stricter monitoring and filtering and block modules of websites containing child sexual abuse images. The review of the 2016 National Cybersecurity Strategy, and the new national cybersecurity policy and strategy, are both pending adoption.

54. The National Agency for Legal Aid provides services to those in need of legal aid and representation in criminal or civil judicial proceedings, including at children's courts. Although the Agency has regional mobile aid clinics throughout the country, it lacks the financial and human resources²³ necessary to reach out to vulnerable groups. There is a need for increased awareness of the existence of legal aid, especially in cases related to sexual abuse, exploitation and trafficking of children.

55. Many preventive campaigns are led by young people and non-governmental organizations. Child Protection Alliance, for example, is engaged and active in encouraging children and youth leaders to voice concerns about their vulnerabilities, in developing solutions and in hosting general community discussions. Voice of the Young, a child-led advocacy group formed by Child Protection Alliance, is very active in social mobilization and capacity-building.

56. The coordination among child protection and prevention services is weak. Resources in the social protection sector need to be substantially scaled up to ensure sufficiently equipped, child-friendly and decentralized shelters, well-trained psychologists and social workers, adequate communication and transportation means, child-friendly interviewing facilities respecting the confidentiality and privacy of the child, and continued capacity-

²³ CCPR/C/GMB/CO/2, para. 37.

building and training of gender and child-welfare police officers to identify, respond to and investigate child abuse cases.

2. Investigation and prosecution

57. The Child Welfare Unit within the national police force is responsible for receiving, referring and investigating cases of child sexual exploitation and abuse. It is severely underresourced, lacks the technical capacity to receive, investigate and address complaints by children in a child-sensitive manner and has limited outreach and monitoring capacity, in particular in regions outside the Greater Banjul Area.

58. In 2018, a sexual and gender-based violence unit was established at the Ministry of Justice to monitor, investigate and prosecute sexual and gender-based violence and provide counselling support for victims. However, the unit lacks the human, technical and financial resources, and the specialized training and skills, necessary to identify, investigate and respond to the reported cases of sexual exploitation of children. It also lacks an accessible, confidential, child-friendly and effective channel for children to report cases of sexual exploitation and abuse.

59. The Special Rapporteur heard that reports of sexual abuse are often not taken up by the authorities for further action. In the rare instances where complaints are lodged with the police, they are not duly acted upon, the gathering of compelling evidence is delayed, and investigation and prosecution are stalled, resulting in victims or witnesses withdrawing their complaints. Reportedly, cases have been dismissed on the grounds that child victims' statements were allegedly inconsistent. In some cases, the police or even the judiciary have encouraged the parties to settle a case in the community to the detriment of the child and in the interest of protecting the family's honour.

60. Of 15 new investigations reported by the Government at the time of the visit, 6 involved allegations of sex trafficking and 9 involved allegations of forced labour in domestic work in the Middle East. Three prosecutions were still pending. No convictions were known to have been obtained on charges of trafficking of persons. Of the 18 victims identified, reportedly 6 were Nigerian women and girls exploited in sex trafficking, 2 were women from Sierra Leone, and 10 were Gambians on their way to or coerced to work in domestic service in the Middle East.

3. Care, recovery and rehabilitation of victims

61. Recovery and reintegration services and specialized support services for victims of sexual exploitation of children are limited and rare in the Gambia, and were previously provided by the Department of Social Welfare. The Ministry of Women, Children and Social Welfare is mandated to provide a wide range of care and support, including counselling for child victims of sexual abuse and exploitation and other rehabilitation services. It is also responsible for the protection and support of trafficking victims. The Trafficking in Persons Act provides for the establishment of a fund for victims of trafficking and outlines how funds should be allocated. However, thus far the financial support from the Government to the National Agency against Trafficking in Persons has generally been used only for operation and programme costs. There is no information available as to whether a person convicted of trafficking may be ordered by the court to pay compensation to the victim as provided for by the Act.

62. The establishment of three one-stop centres, an inter-agency unit for victims of domestic or sexual violence, and hospitals for the provision of medical, legal and counselling support for victims of sexual and domestic violence is an encouraging step, but the initiatives require proper funding and scaling up to other locations in the country.

63. The Child and Environmental Development Association – The Gambia provides some assistance in reintegrating child victims of trafficking in their families within the Children on the Move project of the West African Network for the Protection of Children. These services, however, are available only to victims of trafficking.

64. The Bakoteh shelter for children and the elderly (see para. 28 above) is severely underfunded. Children in shelters have very little psychological counselling and support and

the possibilities of engaging them in any meaningful activities while they are awaiting their cases to be finalized are extremely limited. There is virtually no security surrounding the shelter and many children run away from the shelter, go missing or continue to be involved in or become victims of illegal activity. Their transfer from remote regions is significantly delayed due to the lack of means of communication. Pending transfer, there are no readily available child-friendly facilities, emergency shelters or services in the cross-border areas to temporarily house children who are runaways or victims of sexual or domestic abuse. Child-welfare immigration officers, gender and child-welfare police officers and other front-line child protection actors are often confronted with situations where they have no choice other than to care for the children, including providing food and essential items, at their own expense, housing children in their premises or taking them home before their transfer to the shelter is arranged. It is also not clear how the risk assessments of these children are conducted, including any assessment of their vulnerability upon their return to ensure that they are not being returned to an unsafe environment from which they have escaped.

65. There is a need for a functional referral system and effective case management to ensure efficient service delivery and connect victims to support services.

66. There is also an urgent need to establish additional shelters for child victims of sexual violence and exploitation that are properly funded and staffed by well-trained personnel who can offer integrated psychological, legal, medical and other services.

4. Training and awareness-raising

67. Between 2014 and 2016, the Ministry of Justice conducted activities nationwide to raise awareness of the relevant international and national legislative frameworks among more than 500 law enforcement officials, including investigators and prosecutors. Training series have also been conducted by the Government and civil society organizations across the country targeting women, young people, district tribunal members, students, members of the National Women's Council, journalists, judges, magistrates and prosecutors.

68. Numerous training sessions on how to identify and investigate cases of child sexual violence have been organized for the police and other child protection actors. The most recent was a training session on case management for 90 social workforce members conducted by the Department of Social Welfare. The National Agency against Trafficking in Persons has conducted community campaigns to raise awareness of how to identify and combat exploitation through trafficking. It has provided numerous training sessions for Tourism Security Unit officers and law enforcement personnel at the immigration, State intelligence and anti-drug agencies.

69. The Ministry of Basic and Secondary Education has conducted some preventive and awareness-raising activities among children and teachers on the issue of sexual misconduct, including the distribution of a guide among teachers on its sexual harassment policy.

70. Although the Gambian Tourism Board, together with civil society organizations, has organized trainings for taxi drivers, hotel workers, tourist guides and personnel of the Tourism Security Unit, launched awareness-raising campaigns and installed banners and billboards and posters at Banjul international airport, in hotels and along highways, there is still a need to expand awareness-raising campaigns beyond the tourism development area to ensure that there are no protection gaps.

71. The law enforcement agencies that play a critical role in preventing and responding to child sex tourism cases need ongoing and sustainable capacity-building on how to detect, investigate and respond to incidents of child sex tourism. The Tourism Security Units are willing to do more to detect cases, but they are limited by inadequate logistical and technical capacity and a lack of training. More capacity-building activities for the child welfare officers of the police are needed in the areas of sexual exploitation of children, child trafficking, and child, early and forced marriage, including with regard to legislation and child-friendly interviewing techniques. There is an urgent need to continue to raise awareness in society in general and families, and to engage more with tour operators, travel agencies, airlines and airports in the countries of origin of potential and registered child sex offenders.

72. The capacity of community child protection committees to raise awareness of child sexual abuse and exploitation and to report suspected child abuse to the relevant authorities is limited, due to a lack of training, their voluntary nature and the cultural barrier within the communities to confronting these issues. The Department of Social Welfare has developed guidelines with clear and tailor-made information on key communication messages to raise awareness about child rights and child protection issues at the community level.

73. Awareness-raising activities targeting vulnerable communities, the tourism industry and employment agencies are needed to effectively tackle the impunity and to reach out to victims. Additional training and capacity-building activities are required to improve screening and referral mechanisms as part of the initial reception arrangements to ensure that the vulnerabilities and protection needs of asylum seekers and other groups are identified in the early stages.

74. There is also a need to ensure access to high quality information and education about sexual and reproductive health and to affordable contraceptive methods.²⁴

5. Child participation and empowerment

75. The 2015 National Youth Policy is aimed at ensuring the full engagement and participation of young people. The participation of children and young people in the planning for and implementation of protection against sexual exploitation of children has occurred mainly within the activities provided by Child Protection Alliance. The Alliance is active in encouraging and enabling the participation of children and young people. Voice of the Young (see para. 55 above), in collaboration with schools, raises awareness of child protection issues and advocates for enhanced participation of children in school management and community development.²⁵

IV. Conclusions and recommendations

A. Conclusions

76. **The Government of the Gambia has undertaken commendable legislative and institutional reforms to prevent and eradicate child sexual abuse and exploitation. Enforcement and implementation, however, remains weak. Although there have been significant developments in combating the sexual exploitation of children in tourism through the enactment of extensive laws and the establishment of policies and training, only a handful of cases have been brought to court. No alleged perpetrator of sale of children, sexual abuse, exploitation or human trafficking is known to have been prosecuted or convicted under the relevant laws.**

77. **Enforcement is hampered by several factors, including a lack of awareness of existing laws and penalties and mistrust in the administration of justice; inadequate child protection services for victims and survivors; inadequate human, technical, financial and administrative capacity to oversee and rapidly respond to reported cases; and significant gaps in capacity and expertise for providing victims with the necessary child-friendly services and assistance. A lack of disaggregated data on the different forms of sexual abuse and exploitation of children and the lack of cohesive data-sharing among various child protection agencies makes it difficult to engage in evidence-based and informed policy development and interventions and hinders the ongoing efforts to combat the root causes of the phenomena.**

78. **There is an urgent need for resources, adequately equipped and child-friendly, decentralized shelters and continued capacity-building for front-line child protection actors, including gender and child-welfare police officers, Tourism Security Unit officers and immigration child welfare officers; better coordination of activities among the various child protection actors to ensure the complementarity of interventions; and,**

²⁴ CCPR/C/GMB/CO/2, para. 18 (c).

²⁵ Information provided by Child Protection Alliance, October 2019.

most importantly, awareness-raising to address the culture of silence surrounding child sexual abuse and exploitation.

79. The Ministry of Women, Children and Social Welfare, while it is not yet fully operational and is in need of a well-equipped and decentralized department on children, can play a pivotal role in coordinating, reinforcing and decentralizing child protection services in partnership with other line ministries and civil society.

80. There is a continued need to expand bilateral and multilateral agreements and partnership with other countries of origin, transit and destination, to prevent trafficking in and sale of children; and to establish an effective screening process to identify child victims of trafficking and ensure they are provided with adequate recovery and social reintegration services and programmes and that cases are investigated and perpetrators are duly charged and convicted.

B. Recommendations

81. On the basis of the above findings, and in a spirit of cooperation and dialogue, the Special Rapporteur offers the recommendations below to the Government of the Gambia.

82. Concerning the legislative, institutional and policy framework, the Government should:

(a) Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

(b) Ensure the effective implementation of the Tourism Offences Act, the Children's (Amendment) Act and the Trafficking in Persons Act (as amended in 2010), by adopting the necessary directives, standard operating procedures, regulations and guidelines to coordinate interventions, reinforcing reporting mechanisms, allocating adequate resources and strengthening protection for victims and witnesses;

(c) Amend section 24 of the Children's Act on the prohibition of child marriage to ensure it is not subject to sharia law (personal law);

(d) Amend the Information and Communications Act to criminalize all acts relating to child abuse material, including possession and receipt of such material, grooming, accessing and viewing online streaming of child abuse, and facilitating online sexual abuse and exploitation of children;

(e) Amend section 49 of the Trafficking in Persons Act to remove the provision that precludes the detention, imprisonment or prosecution of trafficking victims in connection with their trafficking experience only "where circumstances so justify";

(f) Amend the relevant legislation to allow for the registration of the birth of a child by either the mother or the father, without attaching any preconditions;

(g) Adapt the legislative framework to ensure the legal accountability of business enterprises and the tourism industry;

(h) Accelerate the development and adoption of a comprehensive national child protection strategy to complement the National Social Protection Policy 2015–2025, and renew the National Plan of Action against the Sexual Abuse and Exploitation of Children for 2011–2015 and allocate the resources necessary for its implementation;

(i) Implement the Trafficking in Persons Act effectively, including by allocating adequate resources for the 2016–2020 anti-trafficking national action plan;

(j) Take measures urgently to ensure that the Ministry of Women, Children and Social Welfare is appropriately structured and resourced, and has a comprehensive plan of action to effectively prevent and combat the sale and sexual exploitation of children;

(k) **Allocate adequate resources to the Gambia Commission for Refugees so as to ensure effective management and appropriate treatment of refugees and asylum seekers, and increase the number of transit centres, ensuring they have adequate facilities and services;**

(l) **Finalize the establishment of a centralized database to systematically collect disaggregated data on the crimes of sale and sexual exploitation of children.**

83. **Concerning investigation, prosecution and sanctions, the Government should:**

(a) **Increase efforts to detect, investigate, prosecute and convict the perpetrators of the sale and sexual exploitation of children, including acts perpetrated in the context of trafficking, travel and sex tourism, at school, at home and in the community, and regularly publish information on the number of investigations, prosecutions and convictions;**

(b) **Ensure the prosecution and conviction of all intermediaries in the tourism and entertainment industries, at every level of the supply chain, in order to effectively stop the sexual exploitation of children;**

(c) **Ensure that investigations and prosecutions are carried out by specialized and appropriately trained investigators, prosecutors and forensic experts in a child-friendly manner, and that those professionals have the resources necessary to collect and process evidence;**

(d) **Update information on child victims and travelling sex offenders and share it with overseas law enforcement agencies to ensure the accountability of perpetrators.**

84. **Concerning the prevention and eradication of the sale and sexual exploitation of children, the Government should:**

(a) **In partnership with and assisted by international organizations, conduct a mapping of all of the causes underlying the demand factor, with a view to informing a comprehensive and evidence-based preventive and awareness-raising strategy targeting children and society at large;**

(b) **Intensify efforts to regularly monitor the activities of the entertainment and tourism industries, both in the formal and informal sectors, to detect and report cases of sexual exploitation of children and ensure the compliance of the private sector with international guidelines such as the Guiding Principles on Business and Human Rights, the Global Code of Ethics for Tourism and the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism;**

(c) **Ensure that the formal and informal sectors of travel and tourism, Internet service providers and operators and Internet café owners are aware of the provisions criminalizing the organization or promotion of or assistance in the sexual exploitation of children and that they have a legal obligation to report online grooming and suspected cases of sexual exploitation of children;**

(d) **Continue raising awareness in the tourism industry, among the general public and in particular impoverished communities near the tourism development areas about the existing patterns and manifestations of sexual exploitation of children in travel and tourism, child protection laws, any complaints mechanism and existing support services, including free legal aid;**

(e) **Intensify efforts to raise awareness and promote peer-to-peer education among children and communities, including in impoverished areas, about criminal networks, traffickers, smugglers and suspicious charity organizations operating in the tourism and entertainment industries to lure children into sex tourism, commercial sexual exploitation and trafficking, including by educating young people about the dangers of the illegal migration routes known as “back ways”. Raise awareness among the public of online grooming and online child sexual exploitation, ensuring that remote communities are reached;**

- (f) Take measures to prevent the economic exploitation of children, especially child labour in family businesses, in the context of Qur'anic schools and in the informal sector;
- (g) Ensure that Qur'anic schools are adequately inspected, that those found to have violated children's rights are shut down, and that, in coordination with civil society and child protection actors, children are placed in temporary shelters pending the tracing of their families;
- (h) Ensure that child refugees born in the country or arriving as minors are provided with identification documents to avoid the risk of statelessness and that they can access free education and social services, and establish data on refugees and asylum seekers through the nationwide refugee status determination exercise;
- (i) Ensure the registration at birth of all children and take the measures necessary to facilitate the registration of all children in rural areas; and raise awareness about the importance of birth registration and the penalty for late registration;
- (j) Establish a registry for child sex offenders and, in partnership with relevant authorities overseas, ensure the monitoring of the movement of child sex offenders;
- (k) Implement vetting procedures in the law enforcement and security services to dismiss or suspend suspected perpetrators pending investigation and prosecution, and ensure mandatory background screening for anyone dealing with children;
- (l) Increase public awareness of the criminalization of early and forced marriage, particularly among traditional leaders; create confidential and safe mechanisms for the reporting of cases of child marriage; provide protection and shelters for victims of child marriage; develop appropriate responses to the sociocultural and religious drivers of child marriage;
- (m) Ensure access to age-appropriate information on sexual and reproductive health rights for girls and boys, including as part of the school curriculum and in particular for out-of-school children;
- (n) Take measures to monitor potential abuses of children within the practice of informal adoption in the extended family, encourage formal domestic adoption and set up an effective mechanism to assess and monitor illegal adoptions;
- (o) Ensure the availability of legal support and child-friendly and confidential complaint, reporting and referral mechanisms allowing victims to report abuse without fear of intimidation, stigmatization or revictimization and improve access to toll-free hotlines in the country, including by making them accessible to children in residential facilities; ensure that village mediation units appropriately refer cases of sale and sexual exploitation of children to the formal justice system; and develop tools and procedures to follow up on reported cases;
- (p) Ensure that the National Agency for Legal Aid has the mandate and the financial and human resources necessary to represent the victims of sexual abuse, exploitation and trafficking and that victims can effectively seek and obtain free legal aid;
- (q) Strengthen the human, technical and financial resources and the specialized training available to the Ministry of Justice unit on sexual and gender-based violence, and ensure that the unit provides for an accessible, confidential, child-friendly and effective channel for children to report cases of sexual exploitation and abuse;
- (r) Ensure that the principle of the best interests of the child is sufficiently understood and applied by the children's courts and child welfare officers. Take measures to strengthen the respect for the views of the child within the community, in the family, at school and in the judicial system, and continue sustaining and promoting the children's parliament, Voice of the Young, and child-led advocacy groups;

(s) Continue raising awareness among and building capacity for community child protection committees with respect to child protection laws, identification of children at risk and children in need of special protection, counselling skills and techniques, child-friendly interviewing and referral support services, and encourage such committees to refer cases to appropriate institutions;

(t) Ensure for all personnel involved in the administration of child justice systematic training on child-friendly criminal proceedings.

85. Concerning the care, recovery and reintegration of child victims, the Government should:

(a) Ensure that there are enough secure, dedicated and decentralized shelters for child victims of sexual exploitation available, and that they are properly funded, equipped with adequate communication and transportation means, staffed by well-trained personnel and able to offer comprehensive care, rehabilitation and reintegration services;

(b) Ensure that gender and child-welfare police officers can benefit from continued capacity-building training on how to identify, respond to and investigate child abuse cases;

(c) Improve witness and victim protection measures to ensure victim confidentiality and privacy; and ensure that a child is not confronted with the defendant during the proceedings and will not be exposed to further contact with the perpetrator;

(d) Ensure the early identification and referral of victims of trafficking and provide free legal and psychological support and compensation to such victims.

86. Concerning cooperation and partnership, the Government should:

(a) Strengthen the coordination between child protection stakeholders by clearly defining their roles and responsibilities, both at the central and the local levels, through a set of regulations and procedures;

(b) Coordinate efforts with non-governmental organizations that work to detect, receive and refer cases of sexual abuse and exploitation of children. Ensure sufficient State funding for civil society and other service providers to maintain sustainable and quality services;

(c) Expand bilateral, regional and international agreements and partnerships with neighboring countries to prevent and combat the sale and sexual exploitation of children;

(d) Strengthen international law enforcement cooperation to prevent and investigate child sex tourism;

(e) Support and/or join initiatives such as the Virtual Global Taskforce and the WeProtect Global Alliance in order to enhance the means to identify victims and perpetrators of online sexual abuse;

(f) Adopt, including through international technical assistance, the measures necessary to achieve targets 5.3, 8.7 and 16.2 of the Sustainable Development Goals.