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**MOBILITY, TECHNOLOGY AND CHILD SEX ABUSE IN THE GAMBIA : ACTORS,
INSIDERS AND OUTSIDERS**

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1.1 Introduction

The field of child and youth studies is broad and touches on several issues including various aspects of child abuse and the fundamental violation of children's rights. On July 29, 2009, RFI announced the recuperation of over 30.000 child soldiers from war-torn Darfour (Sudan) under the Child Disarmament, Demobilisation and Reintegration Programme as a way of coping with this despicable abuse of children. Perhaps another domain where children are increasingly abused and dehumanised, especially with the advancement of global tourism, is the sphere of sex. Tourist destination areas including Thailand and the Philippines experience the phenomenon of child sex tourism on grand scale which is seen as a modern form of slavery (*cf.* Montgomery 2008: 908-917, Oppermann 1998) and this is matter of a great concern for the international community. The declaration of the World Congress against Commercial Sexual Exploitation of Children, Stockholm, 1996, reads:

The commercial exploitation of children is a fundamental violation of children's rights. It comprises sexual abuse by adult and remuneration in cash or kind to the child or third person or persons. The child is treated as a sexual object and a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children and a contemporary form of slavery (cited in Bijnsdorp and Montgomery 2003).

The Gambia which is a favourite tourist destination is not spared from the practice of child sex abuse. This abuse has been on the rise in the Gambia since the advent of tourism in the mid-1960s and measures taken to check it have met with little success. Increasing number of tourist paedophiles, categorised as outsiders, started finding their way to the Gambia with the enforcement of legislation against their activities in South East Asia in 2000. Tourist paedophiles are adult tourists who manifest a strong sexual attraction to prepubescent Gambian children, captured as first category "insiders". Ordinarily, paedophilia or under-age sex is sexual attraction and sexual acts towards children generally, including adolescents who may far be beyond a prepubescent level of physical development. The introduction of the alien practice of child sex pornography in The Gambia is one of the despicable aspects of child sex abuse which society frowns at.

In a 2004 study conducted on sexual abuse and exploitation in 2003 by UNICEF, it was revealed that "64.2 per cent of the sampled prostitutes below the age of 18 were either enrolled in upper basic schools or had reached that level. The findings revealed that "prostitution, pornography, early marriage and cross-generational sex (between adolescents and adults have taken root in the country" (UNICEF/DoSE 2005: 5). Evidence indicates that The Gambia is also an important country of origin for trafficking of children to Sweden and possibly other Scandinavian countries (ECPAT, 2000, <http://www.ecpat.net>). In May 2004, a Norwegian teacher was charged by Norwegian police with sexual abuse of a 12-year-old boy in The Gambia. The man provided the boy with pocket money, helped support his family, and paid for his school fees (*Afrol News*, 28 April, 2004). The scope of this study does not include the trafficking dimension of child abuse and pederasty which is underage sex, especially anal sex, between adult male tourists and Gambian male adolescent children which is also prevalent in The Gambia.

Although child prostitution and child pornography used to be particularly prevalent around the Tourist Development Area in The Gambia, it is now an increasingly

alarming ubiquitous phenomenon forcing the Gambian Minister of Justice, Marie Saine Firdaus, in March 2009, to raise concerns about its continuous prevalence in the country in the National Assembly. This paper promises to examine the phenomenon of child sex abuse with emphasis on child prostitution and pornography in The Gambia and the fight against these sordid practices by Gambian Courts, Non- governmental Organisations and the government since the 2000s. Child sex abuse and exploitation, in essence, involves sexual intercourse between adults and children and underage teenagers, and the shooting of child pornographic films. The main legislation regulating child sex abuse in The Gambia is the Tourism Offences Act, 2003, which is wide-ranging and defines a child as anyone under eighteen, although the legal age of consent is sixteen years. This paper looks at heterosexual abuse of underage Gambian females by western tourists locally known as *toubabs* and highlights the most obnoxious aspect of it which is pornography. How do *toubabs* indulge in child sex abuse and pornography? What actually happens inside gated villas, hotels, hide-outs on beaches and the countryside between *toubabs* and underage children? How do the judiciary, the government and NGOs react to these practices? Can the sexual abuse of the girl child in The Gambia stop?

The tendency in the media and other social stakeholders in The Gambia is to blame child sex abuse and exploitation on tourists as “outsiders” while ignoring nationals and other Africans resident in The Gambia as the “adult male insider category”. While recognising the two categories of abusers of children in The Gambia, they do not operate the same way. The category of adult male insiders-who are nationals and other Africans, are less affluent and restrict abusing children to canal heterosexual sex¹. But outsiders, particularly tourists (*toubabs*) from the developed West, are generally comparatively affluent in a poverty-stricken third world country like The Gambia. These tourists introduced sophisticated new forms sexual practices which are highly commercialised, and use technologically sophisticated cameras for pornography, which is culturally alien and repugnant to Gambians. The twin male abusers of children in The Gambia are therefore outsiders-tourists-and their accomplices and insiders-older Gambian men. The focus of this paper is on the ‘*toubab*’ form of child abuse characterised by its cultural, organisational, commercial and technological dimensions.

1.2 Study Methods

The study method included a triangulation of participant observation, 6 focus-group discussions, in-depth interviews and questionnaires, and the examination of the Reports of Gambian Government Departments and UNICEF, and the Reports of NGOs such as ECPAT UK, Terre des Hommes, and Child Protection Alliance. Repeat interviews were conducted with two groups of 4 child hawkers between the ages of 8 and 16 all of whom are still attending Lower Basic Schools. The sexual history of two girls aged 18 and 21 were compiled and this enabled us to have an inside into *toubab* sexuality.. Fieldwork started in 2007 and the author was able to initiate contact, forge relationships, build rapport and establish trust with different individuals particularly in

¹The adult male insiders include ‘Sugar daddies’ or older Gambian men (also locally called ‘Mafia Pas’ or ‘Big Bosses’), who are known to have sexual relationships with girls as young as 13 and 14 years of age in exchange for money and other luxuries. A common traditional practice, known as the “Almudu Syndrome,” involves sending children to study Islam and the Qur’an with a knowledgeable adult opens the way to sexual child abuse. In some cases children are exploited by their teachers, even becoming sex slaves

socialisation milieus where children often hawked groundnuts. In order to conceal the identity of the respondents, pseudonyms were used in this work.

Over 6 selected Gambian students of the University of the Gambia were used in data collection after a period of initiation. These students were selected on basis of belonging to various communities in The Gambia and their familiarity with the type of interviewees needed for this work.

The author adopts a social constructionist approach drawing on elements of interpretive symbolic interactionism (Christopher 2001), and critical social theory. This methodological approach is important because what constitutes child sexual abuse as defined by international conventions is further articulated by African cultural norms to capture the African situation. The methodology combines grounded theory (Strauss and Corbin 1990) and ethnography (Spradley 1979).

1.3 Context and Setting

The Gambia is the smallest country in West Africa sandwiched by Senegal and bisected by the navigable River Gambia that takes its rise from the Fouta Jallon Mountains in Guinea Conakry and empties itself into the Atlantic Ocean. Lobeck (2006: 14) describes The Gambia as “a tiny frail country, eking its existence along the banks of the Gambia River....” It lies along the mangrove and jungle-tangled banks of The Gambia River, and stretches from a short coastline of sandy beaches into the heart of the West African Sahel. What The Gambia lacks in size and resources is compensated by its people’s hospitality, peacefulness and easy going nature, which has gained it the nickname “the smiling coast of West Africa”.

The Gambia’s comparative proximity to Europe makes it an easy tourist destination. It has a relatively lax immigration control, unlike Senegal, and this has facilitated visitors travel to the country by land, sea or air. Banjul, the capital, is a seaport and the international airport at Yundum receives charter flights, regional and international airlines.

The strength of the Euro, Pound and Dollars against the Gambian Dalasis is also a significant consideration and the winter package holidays are comparatively very cheap when compared to European resorts. The Gambia relies heavily on the December to January influx of European visitors taking a step beyond Spain and the Canaries. Flights from Europe take less than six hours.

The Gambia has a population estimated at 1.4 million (Central Statistics Department 2004) of which over 70 per cent are youths below 25 years. Over 95% of Gambians are Muslims while the rest are Christians. Tourism is the biggest industry, employing more than 10,000 people (CPA and Terres des Hommes 2003, UNICEF 2003). In 2004 per capita income was estimated at US \$330 per annum. Education levels are relatively low, particularly in the rural areas, and enrolment in secondary school is extremely low (UNICEF 2003). The University of the Gambia is the sole university established in the country established in 1999. Polygyny is widely practiced and the average household size is 8.9 people (UNICEF 2001).

2 Historising Tourism and Overviewing Child Sex Abuse in The Gambia

As a tourist destination, *toubab* holiday makers started interacting with Gambians from the mid-1960s leading to the establishment of relationships and the immigration of Gambian youths to Scandinavian countries. Cruise ships started to call at the port of Banjul in the 1960s but tourism saw a real development in 1965 when a Swedish

investor, Bertil Hardings, brought 300 Swedish tourists to The Gambia through his company, Hardings, on a chartered flight and established a tourism agency at Malmö, Sweden (Jammeh1985). This act brought The Gambia into the limelight of tourism and the number of tourists visiting The Gambia increased gradually and reached a figure of 1,207 in 1969-70. Then the growth continued in the 1970s from 2,601 in 1970/71 to 21,116 in 1975/76 as chartered flights increased (Touray 1996).

For the next two decades Swedish and other Scandinavian tourists, tour operators and investors dominated the sector. The British also entered the tourist sector and by the 1990s, they became the single largest group with over 60 per cent coming from the UK. Following the July 1994 Coup D'Etat, the British government issued a Travel Advisory message to its citizens not to travel to The Gambia and this drastically cut the number of tourists for the next two years before bouncing back after the cancellation of the Advice in 1996. The number of tourists visiting the Gambia gradually climbed up from its modest beginnings to an average of 100,000 per annum from the late 1990s and over 44 percent are repeat visitors.

Tourism accounts for about 16 per cent of The Gambia's National Income and 30 per cent of its export earnings according to the World Bank Report (2007). A 2008 Overseas Development Institute Report states that one in five private sector jobs in The Gambia are in the tourism sector. The country's heavy reliance on tourist dollars is just one side of the picture.

The economic benefit of tourism is not without its by-product-sex tourism. A sex tourist is one who travels in order to have consensual sexual relations with people of the host community, often in exchange for a felt need (Bauer 2007, Taylor 2006). When children are a party, it is clearly sex abuse because they are below the legal age of consent.

Events elsewhere in the 1990s are reported to have triggered the rise of child sex tourism in Gambia. A tightening of legislation checking child sex tourism in countries such as Thailand and Philippines redirected the flow of European paedophiles to places such as The Gambia where such legislation did not exist (Tattersall 2004, *UN Integrated Regional Information Network*, 26 February 2004). 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 crimes against children silently with impunity. A Dutch Report in 2002 noted that The Gambia had become a major child tourist destination. The report was provoked by a rumour that a Dutch Guest House in The Gambia was serving as a hideout for tourists involved in sexually abusing and exploiting children. There were several reported cases going to court in the early 2000s but very few convictions were carried out.

In February 2003, the Dutch chapter of Terres des Hommes (TDH) and the Child Protection Alliance (CPA) The Gambia, documented rising child sex tourism in The Gambia from their research and emphasised the need for an action plan to identify the abusers and curb the situation. According to their research findings, child sex tourism in the Gambia operates in a complex context. It is favoured by poverty and the overall position of children within Gambian culture which extracts parental submission without questioning, the culture of treating sex as a taboo subject and silence about it. The culture of parental fear and silence embedded children from coming up and denouncing abusers. The report also indicated that police had few resources with which to tackle the problem of child sexual abuse and exploitation. The report revealed that organized pimping and

occasional services by hotel guards, taxi drivers, and others facilitate child sex tourism (CPA and TDHN 2003).

The TDH and CPA NGOs intended to work out a way The Gambia could meet the obligations of the World Congress against Commercial Sexual Exploitation of children held in Stockholm in 1996 which gave rise to the Stockholm Agreement. The Stockholm Agreement, in essence, 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. The Gambia needed to be assisted by these NGOs because it had not met its obligations to put in place a plan of action on the “Commercial Sexual Exploitation of children”.

A UNICEF (2003) report shows that children as young as 10 years in The Gambia are abused by tourists through prostitution, and that there is a growing demand for young children in the trade. The 2003 Report states that child sex tourism was particularly prevalent around the Tourist Development Area, as well as in Kololi, Senegambia and Pipeline. In some cases older girls, aged over fifteen say that they are younger and virgins in order to attract customers. Research also found that some tourists convince themselves that a child is older than they really are to allay their guilt in having sex with them.

In 2009, child sex tourism was reported to be booming despite in The Gambia. Despite stringent regulations by The Gambian government and the interventions of NGOs, there are no signs in the horizon that sexual exploitation of children in The Gambia by tourists is abating. Bakary Badjie, Programme Officer with the non-profit coalition the Child Protection Alliance (CPA) reported that more and more children were working in the sex industry with tourists (IRIN Africa, *West Africa*, 29 March 2009) because they found it to be a lucrative trade. Although security staff are trained to stop tourists from bringing under-aged girls to hotels, they are easily bribed given that they are poorly paid and hardly earn more than \$40.00 per month.

A visit to the beaches during the tourist season or main tourist areas at night time in The Gambia reveals the level of interaction between tourists and locals. European men lying by the hotel swimming pool can be seen with youthful teenage girls. European women, known locally as “Marie Claires,” are often accompanied by teenage boys (Smith 2004).

3. The *Toubab* Sex Industry: Identity of The Girl Child and Conditions favouring Procurement

How do *Toubab* paedophiles obtain their children client for their sex industry? The *toubab* sex industry is essentially commercial and its workers are well paid. According to Ousman Kebbeh, tourism resource officer for the Gambia Tourism Authority (GTA), girls can earn up to 2,000 Dalasi (US\$83) a day in the *toubab* sex industry versus the \$1 a day the majority of working Gambians earn, according to World Bank figures. The girls may receive presents such as watches or mobile phones, and some proudly consider themselves the ‘girlfriends’ of return tourists ((IRIN Africa, *West Africa*, 29 March 2009). But this does not mean that prostitution is allowed in The Gambia?

It is illegal in The Gambia to engage in, promote or profit from prostitution which means “the commission by a person of any natural or unnatural sexual act, deviate sexual intercourse, or sexual contact for monetary consideration or any other thing of value”. The girl child is forced into prostitution by both paedophile tourists (outsiders)

and the local counterparts-adult Gambians (male insiders). Although the girl child is sexually abused by both *toubab* and local adults, there is a clear difference determined by culture in the sexual practices which leaves room for the construction of a *toubab* child sex abuse and Gambian (African) child abuse. *Toubab* sexuality is broadly defined to include heterosexual intercourse between a couple, multiple sex partners practices, experimentations with several sensitive parts of the body to have a 'real' feeling and the performance of sexual actions for pornographic films. Specialised technology and expertise is needed to shoot child pornography. Gambian (African) sex abuse does not generally include pornographic photography and is free of the 'dehumanising' aspect involving multiple male partners per child. The *toubab* sex industry is therefore different from The Gambian model but common in that children are the objects of abuse with the use of money and gifts as inducements.

Sex between *toubab* men and children is constructed as prostitution and child abuse because of the non-consensual commodification of children's bodies for the benefit of adults with telling psychological damages on them. A child who is subjected to single or multiple sex partners under the gaze of a camera loses her self-esteem. Who are these child prostitutes in The Gambia and how did they become prostitutes?

Children engaged in prostitution are of various backgrounds and the reasons for which they end up in prostitution depend on their individual circumstances. Although a 2004 study conducted on sexual abuse and exploitation in 2003 by UNICEF revealed that "64.2 per cent of the sampled prostitutes below the age of 18 were either enrolled in upper basic schools or had reached that level, the statistics seem to have risen. Taking advantage of their ability to speak English, many more children are lured by their friends to enter the industry as they often flock the beaches and tourist areas during the tourist season in search of a *toubab* boyfriend.

Not only Gambian children occupy the tourist sex industry. Other nationalities resident in The Gambia, particularly refugees, are also abused in this industry. The Gambia has large communities of refugees from war torn neighbouring countries, and nationalities include Sierra Leonean, Senegalese, Congolese, Guinean, and Liberian. Many of these children may be living in the Gambia without their families, making them vulnerable to exploitation. There is a case of Ghanaian fishermen who were caught trafficking children to The Gambia for the sex market ((ECPAT 2003, UNICEF/Gambian...Study 2003). The lucrative nature of the child sex market in The Gambia explains why there is trafficking towards The Gambia.

Poverty is the essential lubricant for the propitious conditions for the prevalence of child sex abuse. Over two-thirds of population live in poverty, and illiteracy is rife with low levels of education (37% adult literacy in 2000). Another report by the United Nations Development Programme in 2004 states that 82.9 percent of the population lives on less than US\$2 a day. The Gambian Department of Social Welfare and UNICEF Report (2004) point to the fact that Tourists easily exploit this weakness by approaching poverty-stricken families with offers of adopting or fostering young Gambian children. Poverty therefore makes many families vulnerable to accepting promises of gifts and money by wealthy adults or tourists for ceding their children to them. This is clear parental complicity in sending children into prostitution and exploitation owing to poverty (Department of Social Welfare.../ UNICEF,2004).

Many of the girls in tourist rings are also duped into getting involved in the sex industry through offers of payment of school or medical fees and travel abroad. The tourists proceed to meet the girls' parents and get an endorsement.

The girls would take-off with the tourists for the rest of his vacation under the pretext of serving as a guide when the real reason for collecting her is to engage in sexual activities. According to UNICEF's research, some of the girls' families do not view the work of serving tourists as exploitative child labour, and many of the girls involved no longer consider themselves children after several episodes of sexual abuse. While some tourists may make genuine offers, others make generous donations in order to get close to the family's children to grab. This direct contact between a tourist and a child's family is becoming the most common disguised form of procuring children for abuse.

Families may be tempted to disregard the sexual abuse of their children by the *toubab* "benefactor" in order to meet their basic needs, while others are known to persuade or coerce their daughters to become 'friendly' with the *toubabs* and "big men". Additionally, when these children assume responsibilities in supplying bags of rice to the family, families may be in denial about the real source of income from their offspring, preferring to believe that they are working for a *toubab*, in a hotel, restaurant or bar when they are actually sex workers. (Gambia's Report on Sexual Abuse and Exploitation, *Independent*, 2 May, 2004). The social category of children who lack family safety net and are likely to end up in prostitution include those who are the offspring of poor widows, who are trafficked and orphaned and who live on the streets or are wards of a guardian.

Sex tourists are also imaginative as they go out for the most beautiful children for their carnal desires either directly or through intermediaries. Direct contact with children is established by going directly to their schools and approaching them with promises. They buy them mobiles to entice them and provide a communication channel. Tourists meet some children on the streets or beaches hawking fruits or peanuts. Intermediaries used by tourists for a fee include hotel workers or security guards who take children directly to their rooms for money, beach boys, and taxi drivers.

A tourist aged about 60 claimed to have converted to Islam and was married to four wives with an average age of about 16. All the four wives are school dropouts. He introduced himself as the representative of an NGO and his hobby was photography. He also had girl friends in addition to his four teenage wives. He was well respected in the community and his wives often returned to their parents homes each time he returned to Europe after the winter vacation, while the security men took guard of his compound (Anonymous Respondent, 2008: Personal Interviews). The activities of this polygamous photographer *toubab* may not be far from criminal paedophilia who cannot easily fall in the net of the law.

When tourists do not go for the girl child, others approach them with such offers. On a drive in such areas such the Senegambia tourist area, young boys can be seen approaching tourists and offering an under age "sister" as a housemaid, complete with the promise that she is a virgin and is innocent in sexual matters (UNICEF Report, Situation of Women and Children in The Gambia, 2001, DHN 2003).

Other factors and situations that increase the vulnerability of children to sexual exploitation include discrimination against the girl child resulting in less access to education, employment or land resources and some traditional practices such as early marriages, child domestic labour and street begging. Such practices are usually seen normal and acceptable even they clearly 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.

Cultural encouragement and endorse of early sexual relations sanctioned by marriage is common in the Gambia. A significant age gap between an older husband and his young wife is not abnormal. While there are many problems associated with early marriage, the death of an older husband or divorce often leaves the wife and her children without any means of financial support. This lack of financial resources can lead to young widows or divorcees being pushed into prostitution. Additionally, if a girl is not married early in The Gambia, she is often viewed as a drain on her parents' resources and may feel pressured to contribute to the household as her peers are doing. She therefore easily falls for a *toubab*. A 2002 report by the Women's Bureau suggested that violence against Gambian women had increased tremendously over the five preceding years. Such violence mostly affected girls and took the form of rape, forced marriages, and sexual abuse and these culminated in sending girls to the streets.

Girls also end up being sexually exploited because they associate prostitution with a 'glamorous' lifestyle. UNICEF (2003) found that some girls feel envious of their friends wearing fashionable clothes and hanging out in nightclubs. It is also considered fashionable to have a 'white' boyfriend because of opportunities to travel abroad. Thus, girls who are not forced into prostitution because of poverty or coercion become involved as a way to "escape victimisation of poverty, abandonment and sexual abuse or harassment at home where they feel powerless". Associating with *toubabs* is an alternative means of empowerment for the girl child although at a price.

4.1 *Toubab* Paedophile Sex Venues, Child Pornography and the Courts

Toubabs paedophiles have sex with children in hotels, private homes that are well fortified and beach hide-outs. Targeting hotels as the sole venue for the practice of sexual intercourse between children and tourists is fast losing its significance. It is increasingly becoming a common practice in the Gambia for tourists to rent or actually build and own enclosed and fortified villas that are maximally safe. These villas serve as their sex and pornography industries and are outside the view of neighbours and the public. They are provided with maximum security and a stand-by generator that guarantees a continuous flow of electricity. When *toubabs* return to Europe at the end of their business and holiday, they rent out their villas to other in-coming tourists and trust worthy individuals but not on long term basis. Other tourists are actually moving deeper into the local communities where they are adopted as members of the households and they freely carry out their sexual activities unimpeded.

Toubabs are actually engaged in child abuse which consists of knowingly engaging in or offering to engage in a sexual act with children they have lured or hired. *Toubab* sexual act or sexual intercourse comprises cunnilingus, fellatio, masturbation of another, anal intercourse or the causing of penetration to an extent and with any object of the genital or anal opening of another, whether or not there is emission (<http://definitionsuslegal.com/com/p/prostitution/>). The girl child respondents consider sex to be a penetrative heterosexual act between two individuals. Having sex with *toubabs* is another experience for them. In some cases, it is a collective experience in which more than one couple are having sex in the same space and sometimes end up exchanging partners. Sometimes a group of *toubab* men take turns penetrating the girl child. Sometimes the *toubab* prefers to have sex with multiple girl children sleeping on the same bed. Sexual engagements may therefore take place between two individuals or may be multiple. These different *toubab* sexual acts are considered by respondents as humiliating, dehumanising and alien.

The pornographic aspect of child sex abuse in The Gambia is considered by many respondents to be more dramatic, painful, humiliating and dehumanising because it is the registration of their clandestine sordid sexual acts which would not only criminalise them but can expose them to the wrath of their own society if it leaks. What took place behind close doors or in a secret location is brought to the knowledge of the whole world. The girl child is therefore living in permanent trauma of being accidentally exposed.

A convenient operational definition of Child Pornography provided is “any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

- the production of the visual depiction involves the use of a minor engaging in sexually explicit conduct; or
- the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
- the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

The law of The Gambia, taking queue from other international conventions, also criminalizes knowingly producing, distributing, receiving, or possessing with intent to distribute, a visual depiction of any kind, including a drawing, cartoon, sculpture or painting, that:

- depicts a minor engaging in sexually explicit conduct and is obscene, or
- depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex and such depiction lacks serious literary, artistic, political, or scientific value.
- Sexually explicit conduct is defined as actual or simulated sexual intercourse (including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex), bestiality, masturbation, sadistic or masochistic abuse, or lascivious exhibition of the genitals or pubic area of any person.

For purposes of enforcing the law “minor” is defined as a person under the age of 18. It is criminal in The Gambia to knowingly possess, manufacture, distribute, or access with intent to view child pornography. As a result, a person who violates these laws may face be charged in court. Child pornography exists in multiple formats including print media, videotape, film, CD-ROM, or DVD. It is transmitted on various platforms within the Internet including newsgroups, Internet Relay Chat (chatrooms), Instant Message, File Transfer Protocol, e-mail, websites, and peer-to-peer technology. Child pornography possessors in The Gambia are a diverse group of *toubabs*, including people who are:

- sexually interested in prepubescent children or young adolescents, who use child pornography for sexual fantasy and gratification;
- sexually “indiscriminate,” meaning they are constantly looking for new and different sexual stimuli;
- sexually curious, downloading a few images to satisfy that curiosity;

- interested in profiting financially by selling images or setting up web sites requiring payment for access (Wolak, Finkelhor, and Mitchell, 2005: X)

The content in these illegal images varies from exposure of genitalia to graphic sexual abuse, such as penetration by objects, anal penetration, and bestiality. These images are crime scene photos-they are a permanent record of the abuse of a child. The lives of the children featured in these illegal images and videos are forever altered. Once these images are on Internet, they are irretrievable and can continue to circulate forever. The child is re-victimised as the images are viewed again and again.

Gambian Children participants explain the various types of *toubab* sex they are taught and subjected to including genital-genital, oral-genital, anal-genital, or oral-anal for the sexual satisfaction of *toubabs* and the camera. They are always expected to perform fellatio while the *toubabs* perform cunnilingus on them especially for the cameras. The anecdote that follows reveals what happens between *toubab paedophiles* and underage Gambian girls.

Question: What is your name and how did you become involved in making love with *toubabs*?

Answer: I am called Fatou (pseudonym) and I am 15 years old. I went to the gated house of a *toubab* on the invitation of my friend, Jane. She told me of her *toubab* boyfriend, Mr. Jack (pseudonym), who wanted to hand me over to his rich friend, Mr. Richmond (pseudonym). When we arrived in Mr Jack's house, about 10.00am, we were welcomed and given a good treat. Richmond later met us in the sitting room and came straight to sit by my side. My friend and Mr jack wasted no time in undressing in the sitting room in my presence and immediately started making love. I could not understand the whole scenario and before I could make out what was happening, Mr Richmond grabbed me and started fondling me up and down. My pleas that I was a virgin and that I did not visit them for sex was useless as we soon found ourselves on the carpet and Richmond was on me. After this embarrassing sexual episode, the whole plan of the sexual game was divulged to me while Richmond pushed 3000 Gambian Dalasis (approximately USD112.00) into my hand. This was my initiation into love making with *toubabs*. We were invited to come back again but to spend one week inside the barricade.

Question: Did you go back to the *toubabs* house and if yes why?

Answer: I did. The amount of money he gave me was significant and was an indication that better things were ahead.

Question: Was sex a motivation for visiting the *toubab* again?

Answer: Not at all. *Toubab* sex is very tedious and filthy. They pay you handsomely for it but you have to endure incredible scenarios and you sometimes lose your honour as a human being.

Question: You speak of 'tedious', 'filthy' and the loss of your dignity, what do you specifically mean?

Answer: (She laughs). Why do you want to know? It is a woman's privacy and it is not good to be said.

Question: Please, let me share with you. It will help you also because you will know you have a confident.

Answer: *Toubabs* are very weird people. They love group sex. Sometimes about six of my friends and about 10 *toubabs* would constitute a sex group. We would be shown pornographic videos on how to proceed before a camera man. We would move around nude, take various positions for the camera. We are subjected to all types of *toubab* sex

styles and are required to suck the penis of the *toubabs*. When they opt to suck our vagina for the camera, it is so embarrassing and truly kills my spirits. Although we have done that many times, it is never my style. I don't like it at all.

Question: And what makes *toubab* sex tedious? Do you have other things to say again?

Answer: Shooting sex films is not easy. We have to do several repeat performances of particular postures for the camera in order to have good and impressive images. Remember that you are having sex with multiple partners for the camera and you have to exercise patience until a male partner is ready. It is a very tedious job.

Question: So, did you stop going to the *toubab* for such a job?

Answer: No, I didn't. They pay well and depending on how you perform, you might sometimes get 10.000 and 25.000 Gambian Dalasis (approximately USD 400.00-USD 1000) for a particular season and regular monthly support from the *toubabs*.

Question: Do have a price for sexual intercourse with *toubabs*?

Answer: Never!! It is not in our culture. We are not like Salon girls (i.e girls from Sierra Leone).

Question: Do you practice safe sex by using condoms?

Answer: Yes, when we are involved in group sex, it is the rule. But when I am having sex with my *toubab* boyfriend after business, we do not use condoms.

Adult Gambian men may be involved in child sex abuse because of the age of the girl child. *Toubabs* are more exploratory and go the extra mile by engaging in group sex with children and taking pornographic pictures which is not culturally sanctioned by the Gambian society. Child pornography is almost the exclusive reserve of *toubabs* in The Gambia and the site for the shooting of such films are beach hide-outs, hotels and above all privately owned villas.

The Gambian judiciary has been taking legal measures against paedophiles indulged in child pornography in a number of publicised isolated cases. But the sanctions are generally lenient and lackadaisical manner for fear of being too severe and scaring tourists away. Deportation is hardly contemplated because most of these paedophile *toubabs* can easily pass for Gambians given their longevity and investments in the country. Even then, the number of cases that are brought to the courts are just a tip of the iceberg and are generally a consequence of a breach of agreement on payment between a tourist abuser and a pimp or a betrayal by an injured lover who discovers that his girl friend has a relationship with a *toubab*. Sometimes, the *toubab* is reported by his own regular girlfriend out of jealousy and betrayal. A few anecdotes of court cases involving paedophiles suffice.

Birk Padberg, a German national, regular visitor to the Gambia for over 40 years, was on 1 November 2007 convicted of child pornography and related offences by Principal Magistrate B.Y, Camara of Banjul Magistrate Court (*Gambian News*, 6 November 2007). Mr. Padberg was a regular visitor to The Gambia since 1973 and knew the country very well. He was charged with three counts all related to child pornography. Count one was conspiracy to effect an unlawful purpose contrary to section 371 (e) of the Criminal Code Cap 10 Vol. III Laws of The Gambia, 1990. The particulars of the offence states that Birk Padberg, with others at large in diverse places and dates in The Gambia, conspired together to take obscene photographs of themselves and other persons thereby committed an offence. On count two Padberg was charged with trafficking obscene photographs contrary to section 15 (9) of the criminal code Cap 10 Vol. III Laws of The Gambia 1990. According to the particulars of the offence, Padberg on diverse dates and places in The Gambia, was in possession of obscene photographs and thereby committed

an offence. On count three Mr. Padberg was charged with child pornography contrary to section 8 (1) (9) of the Tourism Offence Act, 2003. The particulars of the offence states that Mr. Padberg, on diverse dates and places in The Gambia took indecent or naked photograph of Rosaline Meurer and thereby committed an offence.

After the charges were read to Mr. Padberg, he pleaded guilty to all of them. Lawyer Jobarteh, the German's defence lawyer, urged the magistrate that given that his client Mr. Padberg had completely cooperated with the police during the investigation, thereby saving their time and also shown remorse, his client should be given the minimum punishment. Lawyer Jobarteh further stated that Padberg had expensive and immovable properties in the Gambia and was an important economic operator in The Gambia whose services were needed. On the basis of these facts lawyer Jobarteh pleaded for leniency.

Given Padberg's economic investments and health condition as a heart patient, the counsel urged the Magistrate to temper justice with mercy. In delivering his verdict, Presiding Magistrate B.Y. Camara fined Mr. Padberg a total sum of twenty five thousand dalasis (approximately \$1000.00) for the three counts brought against him. For counts one and two he was ordered to pay seven thousand five hundred (D7, 500) Dalasis each. Furthermore, Magistrate B.Y Camara told Padberg that such immoral and indecent acts were totally incompatible with the customs, culture and values of Gambian society. While appreciating his regular visits to the Gambia and his choice to invest in the country, the magistrate urged the German to invest positively in children instead of exploiting and dehumanising them. Magistrate B.Y Camara stressed that although tourists are welcome to The Gambia, irresponsible tourism cannot be allowed.

A court in the Gambia convicted a Norwegian, Anthony Michael Dobson, 61, for child pornography and jailed him for one year. Dobson pleaded guilty to pornography charges after he was arrested for taking pictures of naked women and children in 2008. The Gambian Police had arrested Dobson, at his imposing residence at Yundum, 25 km south of the capital Banjul and very close to the Banjul international airport. An under aged Gambian female reported him to the police for rape, for sleeping with her friends and for taking pornographic photographs. Dobson's suspected Gambian accomplice, Mustapha Drammeh who was accused of fetching minor girls for Dobson's exploitative child pornographic business, was also arrested. Under the Commander of Major Crimes, Malamin Ceesay, a search was mounted at Dobson's residence resulting to the confiscation of a digital camera and a lap top computer containing pornographic pictures of minor Gambian girls (*West Africa*, March 19, 2009".

Dobson admitted shooting pornographic pictures of Gambian minors in and around Banjul. The Gambia has legislated strict laws on sex crimes targeting minors, but the majority of the paedophile *toubabs* reportedly use money to lure underage girls into sex and pornography. Both the Tourism Offences Act of 2003 and Section 127 of the constitution outlawed defilement of a girl under 16 years (*West Africa*, March 19, 2009".

Principal Magistrate Pa Harry Jammeh of the Brikama Magistrates Court, who is also a Law Professor in the University of The Gambia, on 19 March, 2009, heard the case against the Norwegian, who had been reported by one of his female clients. The learned Magistrate observed that the first accused, Anthony Michael Dobson, had "acted irresponsibly" in the name of falling in love. He jailed him to one year imprisonment, after he was convicted on a charge of child pornography. The magistrate returned his lab top on which nothing was found but confiscated his digital camera. In condemning the tourist, Magistrate Jammeh opined that:

... when you go to Rome do as the Romans. The act of taking photographs of naked women, more so children, is an affront to [Gambian] customs and traditions..... It is therefore tantamount to an abominable act that is intolerable and unforgivable. Therefore having convicted you of the offence of Child Pornography, contrary to Section 8(1)(a) of the Tourism Offences Act 2003, I hereby sentence you to one year imprisonment. In view of the fact that you have spent 7 months in jail, you will be required to spend an extra 5 months in prison. Furthermore, you will be handed back your laptop as nothing had been found on it. However, you will forfeit the camera to the State.

The magistrate's sentence was short of deportation because the Norwegian national had investments in The Gambia and had been a regular visitor to the country for decades. In his words: "I will not order for your deportation, because I understand that you have an investment in this country" and you have been a partner in its economic development. Economics at the end often determined the severity of the sentences.

When the magistrate watched the pornographic video in camera, he noticed that the underage Gambian girl who reported to have been raped by the tourist was not actually raped but consented to the sex deal. The VCD home video carried images of her as a sex star and actress skilled in *toubab* ways of making love. A participant who knew the details of the case explained that the underage Gambian girl reported her *toubab* boyfriend out of jealousy when she realised that he had other Gambian girlfriends and was treating her like any other girlfriend. In rendering his judgement on the girl's allegation that she was raped, Magistrate Jammeh said:

It is the conclusion of this Court that the complainant here is a compulsive liar whose appearances are very deceptive. Her facial looks depict her as an innocent angelic girl, but behind that masquerade is a girl very much accustomed to the pleasurable demands of sex. It is unfortunate for she has in the figure of a child but has mastered an art best shortened for a woman.

The co-accused person, Mustapha Drammeh, who was charged with the procurement of children for sex, contrary to Section 30 (1) of the Children Act 2005, was acquitted and discharged for lack of evidence (*Foroya Newspaper*, 20 March 2009).

4.2 NGO Efforts at Rescuing the Girl Child from Abuse

Two non-governmental organisations, the Dutch chapter of Terre des Hommes (TDH) and Child Protection Alliance (CPA)² embarked on a collaborative research in early 2000s when it became public knowledge that girl children were being sexually

² Terres des Hommes Netherlands is a Dutch child-focused development organisation based in The Hague and founded in 1965 as a non-profit organisation. The Child Protection Alliance The Gambia was formed in 2001 following the development of a national plan of action on child protection and it represents ECPAT (End of Child Prostitution, Child Pornography, and Trafficking in Children for Sexual Purposes) in the Gambia.

exploited by unscrupulous paedophiles. These NGOs intended to work out a way The Gambia could meet the obligations of the World Congress against child abuse. The Gambia needed to be assisted by these NGOs because it had not met its obligations to put in place a plan of action on “Commercial Sexual Exploitation of children”.

In February 2003, the Dutch chapter of Terres des Hommes (TDH) and the Child Protection Alliance The Gambia (CPA) documented rising child sex tourism in The Gambia. Their research emphasised the need for an action plan to identify the abusers and curb the situation. Against a background of this research, the two NGOs suggested that the law of the Gambian and the tourist host countries should be reviewed and to be consistent with international conventions and protocols such as the UN Convention on the Rights of the Child and the Stockholm agreement on Commercial Sexual Exploitation of Children. These legal frames were examined to see how children’s rights might be protected from abusing tourists and how these tourists could be persecuted both in The Gambia and their countries of origin using extraterritorial legislation.

Using suggestions from people interviewed and linking these to experiences gained through the implementation of these conventions and Agreements by End of Child Prostitution, Child Pornography and Trafficking in Children for sexual Purposes (ECPAT), and the tourism industry, the Report made recommendations which were addressed to the Government of the Gambia and the Netherlands, police and justice authorities, the tourist industry, NGOs, the media, parents and others who have a stake in the elimination of child abuse and exploitation.

Poverty eradication programmes had to be strengthened and expanded. Free and compulsory education, particularly for girls, had to be extended. Birth certificate registration, which is common in Francophone countries, had to be established. Nationwide awareness and education campaigns on commercial sex exploitation had to be carried out. All Tour Operators working in the Gambia had to adopt a Code of Conduct for the Protection of Children from Sexual Exploitation in travel and tourism in the form of a set of ethical statements developed by the World Travel. Cooperation and collaboration with the various Government Departments, such as Tourism and Social Welfare as well as tourism industry organisations and companies, could be improved by holding periodic round table meetings.

Law reform was required with the need to review, revise and harmonise the Gambian Criminal Code 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 enforcements, involving the Gambia and the countries of origin of the tourists, police and justice authorities, the tourist industry and NGOs, had to be strengthened and expanded for monitoring and reporting child sex abuse by tourists. Training of law enforcement officers in recognising and dealing with child sex tourism had to be provided. Cooperation on combating child sex tourism at different levels had to be improved.

Penalties had to be considered against hotels and tourism service providers who violate tourism rules by allowing hotel premises or rooms to be used for the sexual abuse of children. Rehabilitation and social integration programmes had to be developed by various stakeholders focusing on counselling services. Further research into child sex tourism and child abuse by others living as residents of the Gambia or visiting on business had to be pursued.

4.3 The Gambian Government and Legislation to Protect the Girl Child from Abuse

The Gambian government ratified the United Nations Convention on the Rights of the Child on 3 August 1990, and the African Charter on the Rights and Welfare of the Child in September 2000, both of which require the government to protect children from sexual exploitation. But the increase in sex tourism from the late 1990s and the intervention of international NGOs compelled the Gambian government to review its laws to comply to international regulatory instruments.

According to the UNICEF representative in The Gambia, Min Whee Kang The Gambia made important strides in passing legislation to curb child sex tourism (UNICEF 2003). Working in collaboration with CPA, TDH, UNICEF and other stakeholders, the Gambian government made vigorous efforts to curb the cankerworm of child sex abuse. The main legislation is the Tourism Offences Act, 2003, which is wide-ranging and defines a child as anyone under eighteen, although the legal age of consent is sixteen years. The Tourism Act clearly stipulates that anyone employed in the tourism industry is committing an offence if the person makes any sexual advances or offers any illegal service or product to a tourist. Such an offence leads to a fine, imprisonment of a maximum of two years and disqualification from tourism related work for ten years. The Act also states that owners, occupiers and managers of property can face a fine and five years in prison if they knowingly allow a child to use their premises for the purposes of sexual activity. Furthermore, under Article 6 of the Act, a tourist who sexually abuses a child commits an offence whether or not the child consented to the sexual abuse and whether or not at the time of the sexual abuse the tourist believed the child to be over eighteen years of age. On conviction the tourist could face imprisonment of up to fourteen years.

In 2005, The Gambia passed the Children's act, which harmonised Gambian laws relating to children with the UN Child Rights Convention, the African Charter on the Rights and Welfare of the Child and other international conventions. UNICEF hailed the 2005 Act as quite strong because it provides a framework for a protective environment. The government also set up an army-led tourism security unit to protect tourists and Gambians (ECPAT *et. al* 2006).

In March 2009, Marie Saine Firdaus, Attorney General and Secretary of State for Justice raised concerns about the continuous prevalence of child prostitution and child pornography committed against children in The Gambia while tabling before National Assembly Members to ratify the Optional Protocol to the Convention on the Rights of the Child, the Sale of Children, child prostitution and child pornography which had entered into force on the 18 January 2002 in Geneva, Switzerland. According to the Minister,

The objective of the protocol was to provide a holistic approach to combat these global problems because they posed a significant threat to the physical, mental, spiritual, moral and social development of children and therefore, hampered their full enjoyment of the protection accorded to them by the CRC.

The protocol clearly defines what constitute sale of children, child prostitution and child pornography and obligates state parties to and enact laws to prohibit and criminalise at a minimum, the sale of children for purposes of forced labour or marriage, illegal adoption, sexual exploitation or transfer of organs, child prostitution and child pornography. The protocol to the convention was adopted in 2000 by the General Assembly of the United Nations due to global concern for the widespread of sex tourism, the growing availability of child pornography on the internet and other technologies, the significant increase in

child trafficking for prostitution, pornography and other forms of exploitation internationally.

The protocol also provides for the trial and punishment of perpetrators of these offences whether they are committed domestically or across borders by individuals and legal persons and the liability of these perpetrators can be criminal, civil or administrative. It also obligates state parties to cooperate at bilateral, regional and multilateral levels to fight this scourge through the use of extradition and mutual legal assistance agreement. It also provides other preventive measures to be undertaken such as sensitisation, education and training programmes which shall involve the full participation of the community. State parties are required to provide the necessary protection and assistance needed for child victims throughout the criminal trial and rehabilitation processes. The Gambian as a favourite tourist destination is internally compliant to all these protocols.

5. Conclusion

This paper examined the abuse of the girl child in The Gambia with a focus on *toubabs* paedophiles as the principal perpetrators. The abuse takes the form of weird types of alien sex practices and pornography in various places in the Gambia including beach hide-outs, hotels, *toubab*-owned gated villas and even the private homes of Gambian nationals. The technology and economics of pornography makes it an exclusively *toubab* affair while Gambians refrain from engaging in such an enterprise because it is both alien and culturally untenable.

Girl child sex abuse and pornography have been on the rise despite efforts made by the judiciary, the legislator and NGOs to curb it. The girl child is subjected and continues to be attracted to these varieties of sexual abuses because of poverty and the heavy purse of the *toubab*. That a girl child can earn as much as 2,000 Gambian Dalasi (US\$83) a day through sex work for a *toubab* paedophile versus the \$1 a day that the majority of working class in the Gambian earn shows how attractive the sex industry can be.

The CPA officials recognise the difficulties of enforcing tourist related laws to protect children. The Gambia Tourism Authority recognises the fact that hotels in The Gambia display Codes of Conduct in their lobbies which help to raise awareness of the importance of moral decency and the protection of the girl child from sexual exploitation. But the real issue is that no one is tasked to follow up whether staff adhere to it. There is therefore the problem of supervision.

One hotel manager, Corr noted that child sex abuse would not end unless the Gambia Tourism Authority can stretch its tentacles

into villages and communities where tourists are increasingly renting houses or staying at smaller, less regulated hotels. The fight has to be taken to the community level, to get families, teachers and community leaders involved in better protecting children if we're going to be able to reduce the rates of child sexual exploitation.

Toubabs have become an integral part of Gambian society and the expression of their sexual culture is what poses problems. Beyond sensitisation of the various stakeholders, the religious class have a role to play in solving the problem of child sex abuse in The Gambia. A concatenation of variables including global tourism, technological developments and prevailing domestic socio-economic conditions in The Gambia, the

placing of a high premium on children by paedophiles, and the craze to migrate have all connived to give rise to a new twist in the practice of child sex abuse and exploitation in The Gambia.

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