



## STATEMENT COMMEMORATING THE DAY OF THE AFRICAN CHILD

16 JUNE 2023.

As with previous years, the National Human Rights Commission (NHRC) seeks to continue honouring the Day of the African Child (DAC). The recognition of this day serves as a reminder of the 1976 Soweto Student Uprising and our commitment to uphold the rights of children, and a look to a progressive and fulfilling future for children in The Gambia.

The theme for this year's DAC, as selected by the African Committee on the Rights and Welfare of the Child (ACERWC), focuses on *The Rights of the Child in the digital environment*. Acknowledging the rise of internet access and usage globally, with the population of internet users increasing to 590 million in Africa last year, children represent approximately one-third of all internet users. This relative access to the virtual world fundamentally affects the rights of children and heightens their exposure to online violence, bullying, sexual exploitation and harmful messages. Ensuring children's meaningful and beneficial engagement in the digital environment obliges us all to not only protect them from harm but also to promote, protect, and fulfill their human rights as envisaged by and underscored in the African Children's Charter.

The NHRC acknowledges that the digital space is a key avenue through which children can realise fundamental human rights such as the right to education, the right to leisure, recreation and cultural activities, freedom of expression, etc, and it is therefore imperative that the State makes provisions for the availability and accessibility of the cyberspace for the development and best interest of children in The Gambia as envisaged in the African Children's Charter.

Thus, as we reflect on this year's theme, it gives us the opportunity to further evaluate and address the role of law and policy makers in providing an accessible and safe digital space for children while also ensuring that they are given the tools and training to spot and avoid potential dangers in cyberspace. Therefore, on the Day of the African Child, and in line with the theme, the NHRC strongly encourages the State to consider/implement the following recommendations:

1. Ratify and domesticate the AU Convention on Cyber Security and Personal Data (Malabo Convention) and other applicable international instruments;
2. Set aside sufficient resources for the provision of ICT services, particularly in schools;
3. Develop online child protection frameworks which tackle violation of children's rights online, including Online Child Sexual Exploitation Abuse and Cyberbullying, with a reporting and investigation mechanism and precise conditions and rules for extradition, extra territorial jurisdiction, mutual legal assistance, and the seizure and confiscation of goods;
4. Enact Cyber Security and Data Protection laws, which also offer guidance on the protection of children's privacy and personal data;
5. Create toll-free national emergency numbers that are always available for reporting online violations and for the provision of information on and referral to protection and support services for victims;
6. Adopt appropriate regulatory frameworks to hold businesses accountable where they are found to have been liable in online sexual abuse and exploitation;
7. Mandating for the participation of children in decision-making processes through the use of digital technologies presented in a child-friendly format;
8. Ensure caregivers and teachers are sufficiently equipped to assist children safely navigate the digital environment;
9. Build the capacity of law enforcement and the Judiciary to comprehensively address issues of child online protection;
10. Take steps to remove existing barriers faced by children with disabilities and other children from marginalized and vulnerable communities (refugee children, IDPs, migrants, children affected by armed conflicts, etc.) in relation to the digital environment; and
11. Establish accountability mechanisms to ensure State Actors do not infringe on children's rights in the digital world

The Commission strongly urges the State to effectively implement these recommendations as they will contribute greatly in advancing the achievement of AU Agenda 2040 that calls upon Member States to guarantee certain provisions for every child, with special attention to the digital environment, by 2040.

A Gambia fit for every child is a Gambia that strives for a safer community both on and offline.