



2021 Trafficking in Persons Report: Gambia

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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THE GAMBIA: Tier 2 Watch List

The Government of The Gambia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included adopting a new national referral mechanism (NRM) and training government officials and service providers on its implementation. The government identified more victims and continued efforts to raise public awareness of trafficking. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government did not convict any traffickers for the fourth consecutive year. Government agencies charged with combating trafficking continued to lack resources and training, and victim services remained inadequate. Therefore The Gambia remained on Tier 2 Watch List for the second consecutive year.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers, including allegations of sex tourism. • Direct and fund law enforcement to investigate all reported trafficking cases, including those brought forward by civil society. • Ensure human trafficking cases are resolved

through the judicial system rather than extra-judicial or administrative means. • Cohesively train government officials, including law enforcement, diplomatic personnel, and service providers, on comprehensive standard procedures to proactively identify trafficking victims and refer them to care, including among Gambian migrant workers, people in commercial sex, and other vulnerable groups. • Provide resources, including funding and in-kind support, for victim services and training for social workers. • Ensure access to a child-friendly and confidential reporting mechanism allowing victims to report abuse without fear of intimidation, stigmatization, or revictimization. • Improve witness and victim protection measures to ensure victim confidentiality and privacy. • Train law enforcement, prosecutors, and judges to investigate and prosecute all forms of trafficking using the 2007 Trafficking in Persons Act. • Strengthen international law enforcement cooperation to prevent and investigate child sex tourism. • Raise awareness of child sex trafficking among civil society, including how to report cases. • Regulate and monitor labor recruitment agencies and investigate entities suspected of fraudulently recruiting workers for exploitation abroad. • Develop and implement pre-departure trainings for labor migrants, including sessions on labor rights and methods to access justice and assistance in destination countries, to prevent exploitation abroad. • Amend the labor law to extend protections to domestic workers. • Adopt a new national action plan and allocate resources to its implementation. • Screen foreign workers, including Cuban medical workers, for forced labor indicators and refer them to appropriate services.

PROSECUTION

The government maintained insufficient law enforcement efforts. The 2007 Trafficking in Persons Act, as amended in 2010, criminalized sex trafficking and labor trafficking and prescribed penalties of 50 years to life imprisonment and a fine of between 50,000 and 500,000 *dalasi* (\$960-\$9,620). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

The government investigated 23 cases involving at least 20 suspects (11 for sexual exploitation and nine for forced labor), compared with investigating 15 cases in the previous reporting period. Authorities initiated prosecutions of two defendants and continued prosecutions of three defendants from previous reporting periods, a slight increase compared with continuing three prosecutions in the previous reporting period. As required by law, courts released all five alleged traffickers on bail. Of the five alleged traffickers, one suspect absconded; the government had not yet issued an extradition request by the end of

the reporting period. For the fourth consecutive year, the government did not convict any traffickers. Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Some observers alleged some border authorities did not follow anti-trafficking procedures, and in past years, that some police officers requested bribes to register trafficking complaints. An NGO reported former government officials had procured women through fraud and coercion to engage in sex acts with former president Jammeh while he was in office; the allegedly complicit officials were no longer in The Gambia, nor was the former president. Two of the sexual exploitation victims testified to Jammeh's abuses in the government's Truth, Reconciliation, and Reparations Commission (TRRC) during the previous reporting period. The law that created the TRRC specified that upon submission of the TRRC's final report, the government will decide whether to initiate prosecutions based on the allegations. The TRRC remained ongoing at the end of reporting period. Aside from the TRRC process, the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes.

In September 2020, the National Agency Against Trafficking in Persons (NAATIP) coordinated with an international organization to train law enforcement, prosecutors, and judges on trafficking investigations and prosecutions. However, training and resources for law enforcement and judicial officials remained severely inadequate. The government increased judicial officials' salaries to limit turnover and increase institutionalized knowledge among prosecutors and judges. General case backlogs, weak case management infrastructure, and low judicial capacity inhibited prosecutions and convictions. Defendants accused of trafficking were eligible for bail and sometimes absconded. Designated child welfare and gender units within the police force and immigration department received anti-trafficking training; however, frequent turnover, lack of resources, and limited capacity to monitor regions outside of the capital limited their effectiveness. The pandemic further reduced law enforcement's capacity to conduct investigations; units worked in smaller teams and were dually mandated to enforce public health measures. NGOs and international organizations attributed underreporting of sexual crimes, including sex trafficking and child sex tourism, to cultural taboos and a penchant to rely on informal resolution mechanisms rather than the formal justice system; in some cases, the police or judiciary encouraged parties to settle child sexual exploitation cases privately. Low confidence in the justice system, lengthy investigations and court proceedings, and a lack of meaningful protection, including accessible, child-friendly reporting channels, also led to underreporting of child trafficking. An international organization reported low awareness of anti-trafficking laws; lack of human, technical, and financial capacity; and inadequate specialized victim services further impeded

effective enforcement of child protection laws, including provisions on child sex trafficking. A lack of international law enforcement cooperation hampered efforts to identify, investigate, and prosecute child sex tourism and trafficking cases.

PROTECTION

The government increased overall protection efforts, including victim identification, but it did not adequately assist victims identified abroad. The government identified 18 victims, an increase compared with identifying 12 victims in the previous reporting period. This included 11 Nigerian women and girls exploited in sex trafficking within the country and seven Gambian women exploited in domestic servitude in the Middle East. NGOs reported identifying 42 Gambian women exploited in domestic service in Lebanon, Kuwait, and Oman. In collaboration with an international organization, the government adopted an NRM with standard operating procedures to identify and refer trafficking victims to care; the NRM included mechanisms to screen vulnerable populations, including child migrants and individuals in commercial sex, for trafficking indicators. NAATIP, in collaboration with an international organization, trained government social workers, NGOs, prosecutors, and Ministry of Justice officials on the NRM; however, coordination among law enforcement, prosecutors, and social service providers to implement the NRM remained weak.

The government operated one short-term shelter for vulnerable persons, including both foreign and domestic trafficking victims, abandoned children, the elderly, and victims of domestic violence. The shelter had an 80-person capacity, offered basic services such as medical care, and provided limited counseling to children and women; adult victims could leave the shelter unchaperoned. Despite resource constraints caused by the pandemic and spending restrictions imposed by international creditors, the government maintained funding for the shelter; it allocated 600,000 *dalasi* (\$11,540) to the shelter in 2020, the same amount provided in 2019. During the reporting period, NAATIP referred one Nigerian trafficking victim to the shelter, and four victims opted to live at their own residences; the government did not report whether it referred the remaining victims to care. The government improved shelter security by providing additional police officers and installing perimeter fencing. The government and civil society jointly operated daytime centers providing services, including psycho-social, food, and medical assistance, to trafficking victims and vulnerable children. Shelter services were concentrated around the capital, leaving some victims in rural areas without access to assistance. In some cases, law enforcement and child protection authorities temporarily sheltered child victims in their own homes or provided care at their own expense until shelter space became available. A small country with few overseas diplomatic missions,

select Gambian embassies had welfare offices trained to recognize and support suspected victims of trafficking, but in one high-profile case, the government failed to adequately identify and protect victims abroad. An NGO, in coordination with the Gambian government, repatriated 38 Gambian trafficking victims from Lebanon in September 2020, including 36 women and two children exploited in domestic servitude; the women requested assistance from The Gambian Honorary Consul following the August 2020 explosion in Beirut. According to international organizations and media reports, the Honorary Consul denied assistance to the victims and publicly dismissed their claims. However, the government helped facilitate their repatriation and provided travel documents following protests outside of The Gambian Honorary Consul's offices. The Ministry of Justice created a select committee led by the National Human Rights Commission and NAATIP to investigate the incident; the government did not publicly report its findings before the end of the reporting period. The government repatriated two additional trafficking victims from Kuwait and Lebanon, and it provided reintegration services to one repatriated victim from Oman.

Authorities did not condition access to victim services on cooperation with law enforcement; the government provided legal aid and transportation to victims who chose to cooperate with law enforcement proceedings. The government did not have a formal witness protection policy and it did not always keep victims' identities confidential; victims at times were reluctant to cooperate in investigations due to fear of retaliation by their traffickers. The government allowed victims to provide testimony via video or written statements; however, no victims reportedly did so during the reporting period. The 2007 anti-trafficking law allowed foreign victims to obtain temporary residence visas during legal proceedings, but the government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. Victims could file civil suits against their traffickers; the government did not report any victims doing so, in part due to lack of awareness of the option. There were no reports the government detained or otherwise penalized trafficking victims for unlawful acts traffickers compelled them to commit; however, due to inconsistent application of victim identification procedures, authorities may have detained some victims. During the reporting period, authorities used provisions in the NRM to identify trafficking victims among individuals in commercial sex. However, the screening mechanisms did not include LGBTQI+ persons among vulnerable populations; due to social stigmatization and lack of screening, LGBTQI+ persons remained vulnerable to trafficking.

PREVENTION

The government maintained prevention efforts. The Department of Strategic Policy and Delivery (DSPD) in the Office of the President coordinated NAATIP and the government's anti-trafficking efforts; NAATIP convened quarterly task force and regular board meetings with support from an international organization. The government allocated 3.6 million *dalasi* (\$69,230) to NAATIP in fiscal year 2020, the same amount provided in 2019. NAATIP continued to use its budget to implement the 2016-2020 national action plan. In coordination with an international organization, NAATIP validated an updated anti-trafficking national action plan and national communications strategy; final adoption of the plan remained pending at the end of the reporting period. NAATIP, in coordination with an international organization, trained 20 media personnel on reporting on trafficking and organized public awareness activities, including a public procession to commemorate World Day against Trafficking in Persons in July 2020; sensitization campaigns in border towns, schools, tourist areas; and community radio programs, throughout the reporting period. NAATIP conducted an awareness campaign targeting minibuses drivers, passengers, and community members; minibuses were the primary method of transportation in the country and a critical link in trafficking networks.

In partnership with an NGO, the Ministry of Education continued its program with reputable Quranic school teachers to educate students on trafficking and prevent forced begging by providing monthly cash transfers and food rations to 17 schools it regularly verified did not exploit students in forced begging. NGOs reported only two of the 11 Department of Social Welfare (DSW)-organized neighborhood watch groups to monitor urban areas near tourist resorts for possible cases of child abuse or child sexual exploitation remained occasionally active; both groups were untrained and lacked the capacity to effectively investigate or report potential cases. Despite reports of women exploited through fraudulent labor recruitment, the government did not effectively regulate foreign labor recruiters or penalize them for fraudulent recruitment. There were no laws regulating recruitment agencies or international labor recruitment. The government did not license recruitment agencies or require registration, making it difficult for authorities to estimate how many agencies operated in the country. Private, and often informal, recruitment agencies placed many Gambian workers abroad, including in the Gulf and sometimes in coordination with agents in the destination countries. Informal agents recruited workers through social and family networks or posed as tourism or human resource agencies. An international organization reported informal recruitment agencies used fraudulent or predatory contracts; due to the lack of regulations, agents charged migrant workers en route to the Gulf recruitment fees between 5,000 and 40,000 *dalasi* (\$96-\$769). Select Gambian embassies had welfare offices trained to recognize and support suspected trafficking victims, though as a small country, The Gambia has

relatively few embassies. In December 2020, the government launched its national migration policy to protect Gambian migrants, reduce irregular migration, and increase domestic youth employment opportunities. The government established a national coordination mechanism on migration to streamline policy and coordinate with civil society. The Ministry of Trade, Regional Integration, and Employment's migration working group also drafted pre-departure training manuals, ethical recruitment materials, and other resources for Gambians working or intending to work overseas; however, the government did not finalize the materials or hold pre-departure trainings by the end of the reporting period. The government maintained memoranda of understanding (MOUs) with the Governments of Qatar and the United Arab Emirates (UAE) for the protection of Gambian workers but did not report taking steps to implement the agreements during the reporting period. Domestic workers were not protected under the national labor law, rendering them vulnerable to exploitation. The government made limited efforts to reduce the demand for commercial sex acts and child sex tourism by displaying posters and large billboards in resort areas targeting potential buyers of sex and by posting Tourism Security Unit officers in the Tourism Development Area. Gambian law allowed for prosecution of suspected sex tourism offenses committed abroad. The government provided anti-trafficking training to some of its diplomatic personnel; however, the government did not uniformly implement the training, and diplomatic missions' ability to identify and assist trafficking victims remained weak.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in The Gambia, and traffickers exploit victims from The Gambia abroad. Within The Gambia, women, girls, and, to a lesser extent, boys are subjected to sex trafficking and forced labor in street vending and domestic work. Traffickers recruit women and children from West African countries for sex trafficking in The Gambia. Some families encourage their children to endure such exploitation for financial gain. Reporting from an international organization indicates that the number of boys exploited in sex trafficking is growing. Some observers alleged in the past that child sex tourists, primarily from Canada, Germany, the Netherlands, Scandinavian countries, and the United Kingdom, subject child victims to sexual exploitation. A local organization alleged organized sex trafficking networks use European and Gambian travel agencies to promote child sex tourism. An international organization alleged some sex tourists established relationships with children through organizations registered as charities or approached children under the guise of sponsorship for their education. The same organization claimed that sex tourists gain access to children through intermediaries or already have information from the internet about areas where they can have access to

children. One international organization alleged sex traffickers increasingly host child sex tourists in private residences outside the commercial tourist areas of Banjul, making the crime harder to detect. Gambian boys attend Quranic schools in The Gambia, Guinea-Bissau, and Senegal, and some boys from Guinea, Guinea-Bissau, Mali and Senegal attend Quranic schools in The Gambia; some corrupt teachers force their students into begging, street vending, and agricultural work. NGOs identified Gambian children in forced labor in neighboring West African countries and Mauritania. Individuals without birth registrations, especially children of single mothers and those in rural areas, are vulnerable to exploitation. Traffickers allegedly exploit Sierra Leonean children as “cultural dancers” in The Gambia. Traffickers exploit Nigerian women and girls in sex trafficking in The Gambia. Cuban medical professionals working in The Gambia may have been forced to work by the Cuban government. Traffickers exploit Gambian women in forced labor trafficking in the Middle East, including Lebanon and Kuwait. Gambian authorities have identified Sierra Leonean victims en route to exploitation in the Middle East. Some recruitment agencies and agents engage in fraudulent practices facilitating forced labor; authorities have identified Gambian male and female trafficking victims recruited by agents and exploited in Egypt, Kuwait, Lebanon, and the UAE in domestic work, hospitality, construction, and mining. Traffickers are increasingly recruiting victims using social media platforms for domestic servitude in the Middle East. Authorities have identified potential Gambian trafficking victims in Algeria, Cyprus, Finland, and Italy. Gambian migrants, particularly young men from impoverished backgrounds, attempting to travel to Europe through irregular routes, known as “the Backway,” are vulnerable to trafficking and abuse.

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