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Trafficking in Persons Report 2017 - Country Narratives - The Gambia

THE GAMBIA: Tier 2 Watch List

The Government of The Gambia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made key achievements during the reporting period; therefore, The Gambia was upgraded to Tier 2 Watch List. These achievements included identifying and providing services to the first internal trafficking victims identified in four years; training law enforcement and border officials on identifying and referring cases of trafficking for investigation; and convicting and sentencing one trafficker to life imprisonment—its first reported conviction for a trafficking-related offense in four years. Despite these efforts, the government did not have formal procedures to identify trafficking victims and refer them to care; it did not complete any prosecutions or secure any convictions under the amended 2007 Trafficking in Persons Act, even though NGOs brought cases of child sex trafficking to law enforcement’s attention; nor did it prosecute or convict any complicit officials. Additionally, the National Agency Against Trafficking in Persons (NAATIP) remained without sufficient funding and resources to coordinate inter-ministerial anti-trafficking efforts and investigate trafficking offenses nationwide..

RECOMMENDATIONS FOR THE GAMBIA

Vigorously investigate, prosecute, and convict traffickers—including allegedly complicit government officials and child sex traffickers—with sufficiently stringent sentences; train law enforcement and prosecutors to investigate and prosecute all types of trafficking, and ensure they have the resources to do so; develop standard procedures for identifying trafficking victims, including those among vulnerable populations, and referring them to care, train government officials on such procedures, and ensure no victims are detained before referred to services; significantly increase awareness of trafficking among the general public, including of child sex trafficking and how to report cases; increase funding and training for social workers to ensure trafficking victims, including those outside the capital, receive adequate social services; provide adequate funding and resources to NAATIP to ensure effective implementation of the anti-trafficking national action plan; amend the labor law to extend its protections to domestic workers; and improve data collection and public reporting on victim identification and law enforcement efforts.

PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts. The 2007 Trafficking in Persons Act, as amended in 2010, criminalizes all forms of trafficking and prescribes penalties of 50 years to life imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The 2005 Children’s Act also prohibits child trafficking—although it does not include forced labor in its definition of trafficking—and prescribes a penalty of life imprisonment. Other articles of the 2005 Children’s Act also criminalize child sex trafficking offenses with penalties of 10 years imprisonment. The 2003 Tourism Offenses Act criminalizes child sex trafficking, prescribing a penalty of 10 years imprisonment. The penalties in both the 2005 and 2003 acts are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape.

The government investigated, prosecuted, and convicted one trafficker under the 2005 Children’s Act and continued, from previous reporting periods, three labor trafficking investigations under the 2007 trafficking act, compared with one investigation, one prosecution, and zero convictions for trafficking offenses the previous reporting period. A judge sentenced one convicted trafficker to life imprisonment for rape under the 2005 Children’s Act. The trafficker, a Scandinavian child sex tourist, sexually exploited two Gambian girls in exchange for paying their schooling fees. A judge adjourned indefinitely the prosecution of four defendants charged with exploiting 59 women in Lebanon and Kuwait initiated in a previous reporting period because three of the suspects remained at large. Despite identifying 40 children as potential forced begging victims, officials did not report investigating any suspects in connection with those cases.

NAATIP trained 60 security personnel, including police and immigration officers, on the 2007 trafficking act and how to report suspected trafficking cases to NAATIP for investigation; however, authorities acknowledged law enforcement and judicial personnel continued to lack adequate training to investigate and prosecute trafficking offenses. NGOs reported alleged child sex traffickers and child sex tourists to law enforcement but claimed police would not provide updates on the cases, calling into question if law enforcement were investigating such cases. Due to a lack of training on human trafficking, authorities investigated and prosecuted some potential sex trafficking cases as rape. Despite reports of official complicity, the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

Additionally, law enforcement officials acted with impunity, and corruption remained a problem. The government collaborated with two foreign governments on transnational trafficking investigations during the reporting period.

PROTECTION

The government increased efforts to protect trafficking victims. The government identified and referred to services two sex trafficking victims and 40 child potential forced begging victims. The lack of formal identification procedures likely resulted in victims remaining unidentified in the law enforcement system. The Department of Social Welfare (DSW) operated a shelter for trafficking victims, abandoned children, and victims of domestic violence, as well as a drop-in center for street children; these facilities cared for the 40 child potential forced begging victims during the reporting period, including assistance with repatriation and family re-integration. The government provided two million dalasi (\$45,455) to the shelter and paid the salaries of eight nurses and 30 other staff members. The shelter offered 24-hour services to children, adults, males, and females; authorities did not allow victims to leave without a chaperone. The shelter could assist Gambian victims exploited abroad after repatriation, and it reported providing initial screening, psychological counseling, and victims’ assistance funds to support vocational training for 10 victims repatriated by an international organization during the reporting period. The government referred the two child sex trafficking victims to an NGO shelter for care. Shelters were concentrated around the capital, leaving some victims in rural areas without access to assistance. In addition, many shelters lacked social workers trained to assist trafficking victims. NAATIP trained law enforcement and social services personnel on victim identification. The government maintained an electronic child protection database, which included information on trafficking cases. The 2007 trafficking act allows foreign victims to obtain temporary residence visas for the duration of legal proceedings, but the government did not offer any other legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution. Victims could file civil suits against their traffickers, although there were no reports that any such cases were filed during the year. There were reports police detained potential child trafficking victims in the course of investigations.

PREVENTION

The government made uneven prevention efforts. The government allocated 1.84 million dalasi (\$41,818) to NAATIP in 2016 for salaries and administrative costs; this was insufficient to fund law enforcement training, investigations, and prevention activities, however, so NAATIP continued to rely on donors for additional support. In consultation with NGOs, NAATIP updated the government’s national action plan to cover 2016-2020 and began implementation. In 2017, the government began disbursing to NAATIP approximately 160,000 dalasi (\$3,636) monthly for the plan’s implementation. NAATIP officials traveled to key border posts to sensitize civil society groups, security personnel, government officials, and local communities on human trafficking and the need to report suspected cases directly to NAATIP. The Ministry of Education continued to encourage reputable Quranic school teachers, called *marabouts*, to educate students and not force them to beg by providing monthly cash transfers and food rations to 17 schools that it verified did not employ forced begging. The ministry also provided science, math, and English teachers to these Quranic schools to broaden their curriculums. It estimated 1,000 children were benefitting from the program. The government did not have effective policies to regulate foreign labor recruiters and penalize them for fraudulent recruiting. The 2015 draft MOU between the Gambian

government and Lebanon to improve the regulation of labor recruiters and law enforcement cooperation remained pending at the close of the reporting period. Domestic laborers are not protected under the national labor law, rendering such workers vulnerable to exploitation.

In collaboration with NGOs, the Gambian tourism board continued to raise awareness of child sex trafficking within the tourism industry. Authorities continued to enforce the 2005 ban on unattended children in resort areas. DSW continued to operate five neighborhood watch groups to monitor urban areas near tourist resorts for possible cases of child abuse or child sexual exploitation, and it provided group members with allowances and cell phone credits; however, none of these efforts led to the arrest of any suspected traffickers or child sex tourists. The government also maintained posters at the international airport and in tourist areas to warn of the dangers of trafficking, including child sex tourism, and the criminal penalties for such offenses. The government did not make efforts to decrease the demand for forced labor. The government provided anti-trafficking training to Gambian troops before their deployment abroad on international peacekeeping missions. The government provided anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, The Gambia is a source and destination country for women and children subjected to forced labor and sex trafficking. Within The Gambia, women, girls, and—to a lesser extent—boys are subjected to sex trafficking, forced labor in street vending, and domestic servitude. Women and children from West African countries—mainly Senegal, Sierra Leone, Liberia, Ghana, Nigeria, Guinea, Guinea-Bissau, and Benin—are recruited for commercial sexual exploitation in The Gambia. The majority of these victims are subjected to sexual exploitation by child sex tourists, primarily from Britain, Germany, Scandinavia, the Netherlands, and Canada. Poor families may encourage their children to endure such exploitation for financial gain. In recent years, sex traffickers are increasingly hosting child sex tourists in private residences outside the commercial tourist areas of Banjul, making the crime harder for law enforcement to detect. Traffickers have allegedly exploited Sierra Leonean boys and girls as “cultural dancers” in The Gambia. Observers believe organized sex trafficking networks use European and Gambian travel agencies to promote child sex tourism. Many Gambian boys attend Quranic schools in The Gambia, Guinea-Bissau, and Senegal, and some corrupt *marabouts* force their students into begging and street vending. Gambian children have been identified as forced labor victims in neighboring West African countries, including Ghana and Senegal. Gambian Women are subjected to forced labor and sex trafficking in Middle Eastern countries, including United Arab Emirates, Kuwait, and Lebanon. Finnish authorities identified Gambians in forced labor and sex trafficking during the reporting period.

ecoi.net summary:

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