

2024 Trafficking in Persons Report: Gambia

THE GAMBIA (Tier 2)

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. The government demonstrated overall increasing efforts compared with the previous reporting period; therefore The Gambia remained on Tier 2. These efforts included conducting significant trainings on the NRM and standard victim identification procedures for law enforcement; protection actors; and civil society, referring more victims to care, and increasing victim services and funding. Officials investigated more trafficking cases, including a fraudulent labor recruitment case, and courts ordered restitution for trafficking victims. The government passed a new labor law regulating labor recruiters. However, the government did not meet the minimum standards in several key areas. Law enforcement and the judiciary lacked the specialized training and adequate resources to effectively investigate and prosecute trafficking cases. The government continued restricting adult victims' movement outside of its short-term shelter for vulnerable persons.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate and prosecute trafficking crimes, separate from migrant smuggling, and seek adequate penalties for convicted traffickers, including fraudulent labor recruiters and complicit officials, which should involve significant prison terms. * Ensure human trafficking cases are resolved through the judicial system rather than extra-judicial or administrative means. * Increase the quantity and quality of shelter services and ensure a victim-centered and trauma-informed approach to the provision of assistance for all identified trafficking victims. * Proactively screen vulnerable populations, including Gambian migrants, domestic workers, individuals in commercial sex, foreign workers (including Cuban overseas workers), and children in the informal labor sector (including children forced to beg), for trafficking indicators and refer trafficking victims to appropriate services. * Continue to train law enforcement, diplomatic personnel, service providers, and civil society on the NRM and victim identification SOPs, and fully implement the procedures throughout the country. * Increase efforts to prevent exploitation of Gambian workers abroad, including by implementing the 2023 Labor Act to regulate and monitor recruitment agencies, implementing the national migration policy and pre-departure procedures, and eliminating worker-paid recruitment fees. * Train law enforcement, prosecutors, and judges to investigate and prosecute all forms of trafficking – including fraudulent labor recruitment and child sex trafficking cases involving tourists – using the 2007 Trafficking in Persons Act. * Ensure the National Agency Against Trafficking in Persons (NAATIP) can continue to effectively coordinate the government's anti-trafficking efforts, including increasing coordination between law enforcement, prosecutors, and social service providers.

PROSECUTION

The government maintained 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 (\$780-\$7,810). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other grave crimes, such as rape. The Tourism Offences Act additionally criminalized child trafficking crimes committed by tourists, prescribing penalties of life imprisonment and a fine of between 100,000 and 500,000 dalasi (\$1,560-\$7,810).

The government initiated 22 trafficking investigations, including at least one investigation of alleged fraudulent labor recruitment; this compared with eight investigations during the previous reporting period. The government initiated prosecution of six alleged sex traffickers and convicted two sex traffickers. The court sentenced the two convicted traffickers to 15 years' imprisonment and a fine; the court also ordered one trafficker to pay 500,000 (\$7,810) dalasi in restitution. This compared with six prosecutions and one conviction during the previous reporting period. The Gambian and Nigerian governments had an MOU on trafficking in persons and cooperated on law enforcement activities; the governments convened a technical working group and drafted a work plan to operationalize the MOU. The Gambian and Senegalese governments established a cross-border, interagency committee intended to strengthen technical cooperation on border security and combating transnational crime, including human trafficking.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking crimes; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action. Observers alleged some border authorities did not follow anti-trafficking procedures and solicited bribes from individuals without proper identity documents; in past years, some police officers reportedly requested bribes to register trafficking complaints. Observers also alleged some government officials were involved in networks fraudulently recruiting Gambian workers for exploitation abroad. Although not explicitly reported as human trafficking, there was one open case (submitted in 2018) of alleged sexual exploitation with trafficking indicators by Gambian personnel deployed to the UN peacekeeping mission in Liberia from 2013 to 2015. As of the end of the reporting period, the government had not yet provided the UN the information it needed to complete its investigation.

Front-line officials referred trafficking cases to NAATIP's specialized law enforcement unit for investigation; the government appointed additional NAATIP police officers to increase its capacity. The police force and immigration department had designated, specially trained child welfare and gender units that referred potential trafficking cases to NAATIP for investigation. The government provided anti-trafficking training to law enforcement, including the police force, customs, and immigration officials. However, law enforcement lacked training to identify and proactively investigate child sex trafficking cases, including in the tourism sector, and some law enforcement officers were reluctant to investigate cases involving tourists.

Weak case management infrastructure and limited capacity of the justice sector remained concerns, as did limited training and resources for law enforcement and judicial officials. The government provided some anti-trafficking training to justice system officials, including on the anti-trafficking law and procedures, and using trauma-informed approaches during legal proceedings. Officials conflated human trafficking and migrant smuggling. Defendants accused of trafficking were eligible for bail and sometimes absconded. According to NGOs and international organizations, sexual crimes, including sex trafficking, were underreported due to cultural taboos and a reliance on informal resolution mechanisms rather than the formal criminal justice system; in some cases, the police or judiciary encouraged parties to settle child sex trafficking cases outside of court. Low confidence in the justice system, lengthy investigations and court proceedings, and a lack of meaningful victim protection also led to underreporting of child trafficking.

PROTECTION

The government increased protection efforts. The government reported identifying 38 victims (24 sex trafficking victims, 10 labor trafficking victims, and four victims of unspecified forms of exploitation); the majority of identified victims were Nigerian. The government referred 24 victims to shelter services; it did not report whether it referred the remaining 14 victims to services. This compared with identifying 39 victims and referring 18 victims to shelter services during the previous reporting period. An NGO identified an additional six labor trafficking victims and referred them to NAATIP for care. The government also provided counseling services to 46 trafficking survivors.

The government continued implementing its NRM and SOPs on victim identification and referral to care. Under NRM provisions, front-line officials referred trafficking cases to NAATIP and the Department of Social Welfare, which assigned a case manager and worked with partner service providers in the referral directory to conduct an assessment and develop an individual case plan. NAATIP significantly increased training of protection actors and front-line officials, including at least 120 law enforcement officers, on the NRM and SOPs. However, observers reported additional coordination on victim identification and referral among law enforcement, prosecutors, and social service providers was needed.

The government operated one short-term shelter for vulnerable persons, including both Gambian and foreign national trafficking victims, vulnerable children, the elderly, and domestic violence victims. The shelter generally had a 50-person capacity and offered basic services, including medical care and some counseling services. In an effort to improve the quality of victim care, NAATIP trained shelter staff and social workers on victim-centered, trauma-informed care procedures. It also increased the availability of psycho-social counseling services for trafficking survivors. However, officials restricted adult victims' movement outside of the shelter, and shelter conditions may have resulted in victims feeling as though they were detained. Observers reported the shelter lacked key services, including vocational training, extra-curricular activities, and onsite psychologists. The government and civil society jointly operated daytime centers providing services, including psycho-social, food, and medical assistance, to trafficking victims and vulnerable children. The government allocated 977,000 dalasi (\$15,265) to victim protection and assistance in 2023, compared with allocating 509,000 dalasi (\$7,950) in 2022. The 2007 anti-trafficking law called for creation of a victim assistance fund; however, the fund was not operational. Shelter services were concentrated around the capital, and some victims in rural areas lacked access to assistance. The 2007 anti-trafficking law allowed foreign victims to obtain temporary residence visas during legal proceedings, and the government granted temporary residence to at least one victim. The government, in coordination with an international organization, repatriated vulnerable Gambians migrants.

Authorities did not condition access to victim services on cooperation with law enforcement proceedings. The government provided victim-witness assistance to support participation in investigations and prosecutions, including legal aid, psychological services, transportation, the option to provide testimony via video or written statements, and the option to speak with a social worker during investigations. However, some victims were reluctant to cooperate in investigations due to fear of retaliation by traffickers; Nigerian traffickers reportedly often used coercive "curses" to discourage victims from seeking assistance. Gambian law allowed victims to obtain restitution, and courts awarded two victims 250,000 dalasi (\$3,905) each in restitution. Victims could file civil suits against traffickers; however, no victims reportedly did and many victims were not aware of this option. Authorities used provisions in the NRM to screen vulnerable populations, including individuals in commercial sex, for trafficking indicators; in at least one case, law enforcement screened individuals in commercial sex for indicators of trafficking during a law enforcement operation involving a commercial sex establishment, and identified a trafficking victim. However, due to inconsistent application of victim identification procedures, some victims may have remained unidentified in the law enforcement system.

PREVENTION

The government increased prevention efforts. NAATIP, an agency under the Ministry of Justice, coordinated the government's day-to-day anti-trafficking response and convened its official task force quarterly. The government continued implementing the 2021-2025 anti-trafficking NAP, which had a four-year budget of 3.6 million dalasi (\$56,250). The government allocated an additional 9.4 million dalasi (\$146,875) to support NAATIP's activities, compared with allocating 10.1 million dalasi (\$157,810) during the previous reporting period. NAATIP, in coordination with civil society, conducted awareness raising and community outreach campaigns. The government engaged local survivor-leaders in developing its anti-trafficking policies and programs using victim-centered approaches; this included conducting a public awareness campaign in collaboration with survivor-leaders and civil society. The government did not report efforts to raise public

awareness of child forced begging, nor did it regulate Quranic schools to prevent child forced begging. NAATIP operated an anti-trafficking hotline; the government reported identifying three victims through the hotline, compared with no victims identified from hotline calls during the previous reporting period.

The government passed and began implementing a new labor law regulating foreign labor recruitment and requiring recruitment agencies to obtain a license from the Ministry of Labor. However, the law did not prohibit recruitment fees. The government conducted community sensitization campaigns on the new law throughout the country. The government's national migration policy included standard procedures for investigating potential trafficking cases, and authorities investigated alleged fraudulent labor recruitment in at least one case. The Ministry of Trade, Regional Integration, and Employment had pre-departure training manuals, ethical recruitment materials, and other resources for Gambian migrant workers; however, it did not take steps to implement the resources.

The labor inspectorate had dedicated, specially trained child labor inspectors, and NAATIP held a specialized anti-trafficking training for 12 inspectors. The government did not report identifying any trafficking victims as a result of inspections. The government did not make efforts to reduce the demand for commercial sex acts. Unlike the previous year, it did not report conducting awareness-raising activities on extraterritorial commercial child sexual exploitation and abuse. The government provided anti-trafficking training to some of its diplomatic personnel; however, diplomatic missions' ability to identify and assist trafficking victims, especially among honorary consuls, remained limited.

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. Traffickers exploit women, girls, and boys in sex trafficking and forced labor in street vending and domestic work. Some corrupt Quranic school teachers exploit Gambian boys in forced begging, street vending, and agricultural work in The Gambia and neighboring West African countries, especially Guinea-Bissau and Senegal, and exploit boys from neighboring countries in The Gambia. Traffickers fraudulently recruit women from West African countries, especially Nigeria, for jobs in tourism, and subsequently exploit them in sex trafficking. Observers report children are increasingly vulnerable to sex trafficking as the tourism sector recovers from the COVID-19 pandemic. European tourists, primarily from the United Kingdom, reportedly travel to The Gambia for the purpose of exploiting children in sex trafficking. Observers reported organized sex trafficking networks use European and Gambian travel agencies to promote child sex tourism and traffickers target tourists once they arrive. Some families encourage their children to enter the tourism industry or seek relationships with tourists for financial gain. Observers report traffickers host tourists in private residences or local compounds outside the commercial tourist areas and hotels, making the crime harder to detect. Sex traffickers also exploit men and boys; however, due to social stigma, cases involving male victims are underreported. Individuals without birth registrations, especially children of single mothers and those in rural areas, are vulnerable to exploitation. Government-affiliated Cuban workers in The Gambia, including medical professionals and teachers, may have been forced to work by the Cuban government.

Traffickers exploit Gambian men and women in forced labor in the Middle East in domestic servitude, hospitality, construction, and mining. Traffickers posing as labor recruiters fraudulently recruit Gambian workers for employment in the Gulf, Europe, and Middle East, and subsequently exploit them in domestic servitude and – to a lesser extent – sex trafficking. Informal agents recruit workers through social and family networks, sometimes in coordination with agents in destination countries. An international organization reported informal agencies use fraudulent or predatory contracts; agents charge migrant workers en route to the Gulf recruitment fees between 5,000 and 40,000 dalasi (\$80-\$625). The Gambian Honorary Consul in Lebanon reportedly denied assistance to and returned 38 Gambian trafficking victims exploited in domestic servitude to their traffickers

in 2020; fraudulent recruitment agents provided the women with false contracts, facilitated their travel to Lebanon, and seized their documents upon their arrival.

Climate change, the pandemic's economic impacts, and foreign vessels' decimation of The Gambia's fishing stock have reportedly increased irregular migration; this has exacerbated vulnerabilities to trafficking. 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. Gambian migrants in Libya are vulnerable to exploitation, where there are widespread reports of officials subjecting detained migrants to violence and abuse, including trafficking. Female migrants, especially Sierra Leoneans, transit The Gambia en route to the Middle East, where traffickers exploit them in domestic servitude. Organized criminal networks fraudulently recruit Gambian boys to play professional soccer in North Africa or Europe; once they arrive, they are vulnerable to forced labor.

In December 2021, the Truth, Reconciliation, and Reparations Committee (TRRC) issued its final report, which found former government officials had procured women through fraud and coercion to engage in sex acts with former President Jammeh while he was in office from 1997 until 2017. The report also concluded Jammeh exploited government employees and citizens in forced labor on his farm, and high-ranking officials coerced some of the victims to engage in sex acts.