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USDOS – US Department of State

2019 Trafficking in Persons Report: Gambia

THE GAMBIA: Tier 3

The Government of The Gambia does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore The Gambia was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including continuing to partner with an NGO to prevent forced begging in Quranic schools and doubling the National Agency Against Trafficking in Persons' (NAATIP) budget for 2019. However, the government did not complete any trafficking prosecutions for the second consecutive year, did not investigate cases of child sex tourism even after NGOs brought such accusations to authorities, identified and assisted the fewest number of trafficking victims in five years, failed to protect trafficking victims from intimidation, and decreased efforts to raise public awareness about human trafficking.

PRIORITIZED RECOMMENDATIONS

Direct and fund law enforcement to investigate all reported trafficking cases, including those brought forward by civil society. • Increase efforts to vigorously investigate, prosecute, and convict traffickers, including complicit government officials and allegations of child sex tourism, while following due process. • Develop and train government officials on standard procedures to proactively identify trafficking victims, including among people in prostitution and other vulnerable groups. • Increase funding and in-kind support to facilitate training for social workers to provide trafficking victims adequate social services. • Improve safety measures for victims receiving services to ensure confidentiality and privacy. • Train law enforcement, prosecutors, and judges to investigate and prosecute all forms of trafficking using the 2007 Trafficking in Persons Act. • Raise awareness of child sex trafficking among civil society, including how to report cases. • Amend the labor law to extend protections to domestic workers. • Collaborate with foreign law enforcement to investigate and prosecute foreign child sex tourists. • Facilitate coordination between Gambian and European travel agencies to discourage child sex tourism.

PROSECUTION

The government maintained weak anti-trafficking 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 (\$1,000-\$10,000). 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 one sex trafficking case that led to the prosecution of two Nigerian defendants, which remained ongoing at the end of the reporting period. The government did not convict any traffickers. This is compared with zero investigations, two prosecutions, and zero convictions in the previous reporting period. Despite NGOs referring several potential child sex trafficking cases to law enforcement, a high-level government official made statements denying the existence of child sex tourism in the country and officials did not investigate any suspects in these cases. During the reporting period, civil society organizations alleged a foreign national law enforcement advisor was involved in a potential child sex trafficking case; however, police did not further investigate the allegation. In coordination with a regional intergovernmental organization, NAATIP provided materials and trained 60 immigration and police officers on the 2007 anti-trafficking law ahead of a major transnational bridge opening in January 2019. NAATIP officials requested and participated in a training on human trafficking,—including child trafficking and forced labor—child labor, and labor migration hosted by an international organization and foreign donors in December 2018; the government did not contribute financial or in-kind resources to the training. Authorities acknowledged law enforcement and judicial personnel continued to lack adequate resources and training to investigate and prosecute trafficking offenses and indicated that more training and awareness raising is needed to increase the capacity of law enforcement and judicial personnel. Official corruption remained a problem. Despite reports of official complicity in human trafficking offenses under the previous administration, the government did not report any investigations, prosecutions, or convictions of former government employees for complicity in human trafficking offenses.

PROTECTION

The government decreased efforts to identify and protect trafficking victims. The government identified and referred four sex trafficking victims to care—the lowest number of identified victims in five years—compared with identifying and referring 91 potential trafficking victims to care the previous reporting period. NAATIP referred the four identified victims, three women and one girl, to the Department of Social Welfare (DSW) for care. In partnership with an international organization, NAATIP assisted repatriating one victim to her home country where the international organization is providing care. Law enforcement had standard operating procedures (SOPs) to proactively identify potential trafficking victims amongst vulnerable populations, including unaccompanied minors and homeless children; however, the SOPs were limited in scope and officials did not consistently use them. While law enforcement referred women and children exploited in commercial sex to DSW for care, officials did not screen adults in prostitution for sex trafficking. Some border control agents had knowledge of trafficking and screened for trafficking among adults traveling with several minors.

DSW operated a shelter for trafficking victims, abandoned children, and victims of domestic violence. DSW allocated only enough support to the shelter for salaries and provided food every three months; DSW allocated two million dalasi (\$40,000) to the shelter and paid the salaries of 38 staff, the same as 2017. The shelter offered basic services such as housing, medical care, and limited counseling to children and women; authorities did not allow victims to leave without a chaperone. The shelter lacked professional social workers trained to assist trafficking victims. Shelter security was weak; an international organization reported unauthorized individuals entered the shelter and intimidated four trafficking victims residing there. The victims were pressured by unknown individuals to drop their testimony against their Nigerian traffickers. The three adult victims ran away from the shelter and their whereabouts were unknown. The fourth victim, a minor, was repatriated back to her home in Nigeria with the assistance of an international organization. The shelter could assist Gambian victims exploited abroad after their repatriation, as well as both foreign and domestic victims. An international organization assisted the government to repatriate trafficking victims from Lebanon identified in previous reporting periods. During the reporting period, the government also secured funding from an international organization for trafficking victims repatriated from Lebanon in 2016; the victims received a reintegration package equivalent to 50,000 dalasi (\$1,000) to be used for vocational training. NAATIP also partnered with an NGO to secure funding from an international organization for Gambian trafficking victims identified in Lebanon, Kuwait, and Egypt in previous reporting periods for reintegration support. DSW also operated a drop-in center for street children. Shelters were concentrated around the capital, leaving some victims in rural areas without access to assistance.

The 2007 anti-trafficking law allowed foreign victims to obtain temporary residence visas for the duration of legal proceedings, but there were no other legal alternatives provided in cases in which foreign trafficking victims removed to their countries of origin may have faced hardship or retribution. Victims could obtain restitution and file civil suits against their traffickers, but there were no reports any such cases were filed during the reporting period. An international organization alleged police detained a potential trafficking victim for unlawful acts traffickers compelled them to commit and law enforcement did not screen for trafficking when detaining adults in prostitution, among other vulnerable groups, so trafficking victims could have remained unidentified in the law enforcement system.

PREVENTION

The government maintained uneven prevention efforts. The Ministry of Justice (MOJ) continued to allocate 150,000 dalasi (\$3,000) per month to NAATIP for salaries and administrative costs in 2018. The government did not provide additional funding for implementation of the 2016-2020 anti-trafficking national action plan but the MOJ doubled NAATIP's budget for the 2019 fiscal year to 300,000 dalasi (\$6,000) per month. NAATIP met with donors to request funding to implement a 2018-2019 Advocacy Action Plan but did not report receiving any assistance. NAATIP held two public awareness campaigns with a television station and municipal council in January 2019. In March 2019, the Kanifing Municipal Council and a local NGO organized a community

awareness-raising event, including religious and traditional leaders, government ministries, and the National Youth Council, to raise awareness of human trafficking. Multiple government entities including NAATIP, police, and immigration officials were involved in the event that was widely reported on in local media. The Gambia Tourism Board raised awareness in schools on child sex tourism. In partnership with an NGO, the Ministry of Education continued to encourage reputable Quranic school teachers to educate students on trafficking and not force them to beg; it incentivized these behaviors by providing monthly cash transfers and food rations to 17 schools that it regularly verified did not exploit students in forced begging. As part of the program, the ministry and NGO also provided science, math, and English teachers to broaden the schools' curricula, which has benefited an estimated 1,500 children since the program began in 2012. NGOs reported that of the 11 original DSW organized neighborhood watch groups to monitor urban areas near tourist resorts for possible cases of child abuse or child sexual exploitation, only two remained occasionally active; NGOs reported both groups were untrained and lacked the capacity to investigate or effectively report potential cases. Neither group reported identifying child sex trafficking victims or suspected child sex tourists during the reporting period. The government operated a 24-hour trafficking-specific hotline in four languages, but it did not report receiving any trafficking reports during the reporting period. Despite past reports of women exploited through fraudulent labor recruitment, the government did not have effective policies to regulate foreign labor recruiters or penalize them for fraudulent recruitment. Domestic laborers were not protected under the national labor law, rendering such workers vulnerable to exploitation. The government did not make efforts to reduce the demand for commercial sex acts, forced labor, or child sex tourism. The government trained some but not all diplomatic personnel on trafficking in persons.

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, forced labor in street vending, and domestic servitude. Women and children from West African countries are recruited for sex trafficking in The Gambia. Some families encouraged their children to endure such exploitation for financial gain. Reporting from an international organization indicates the number of boys exploited in commercial sex trafficking is growing. Child sex tourists primarily from Canada, Germany, the Netherlands, Scandinavian countries, and the United Kingdom and subject the majority of these victims to sexual exploitation. Observers believe organized sex trafficking networks use European and Gambian travel agencies to promote child sex tourism. 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 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. Traffickers have allegedly exploited Sierra Leonean children as “cultural dancers” in The Gambia. Gambian women are subjected

to forced labor and sex trafficking in the Middle East, including Lebanon and Kuwait. Authorities have identified Gambian trafficking victims in Egypt, Kuwait, UAE, Finland, Cyprus, and Algeria in previous reporting periods. Between January 2017 and October 2018, an international organization repatriated at least 3,500 Gambians from Libya, many of whom were vulnerable to trafficking.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2018 to March 2019)



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