

[Home](#) > ... > Gambia, The

2022 Trafficking in Persons Report: The Gambia

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

IN THIS SECTION / THE GAMBIA (TIER 2)

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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore The Gambia was upgraded to Tier 2. These efforts included implementing the national referral mechanism (NRM) and continuing to train officials on its procedures, increasing trafficking investigations and prosecutions, and adopting a new anti-trafficking national action plan. However, the government did not meet the minimum standards in several key areas. Government authorities identified fewer trafficking victims and victim services remained inadequate. Government agencies charged with combating trafficking continued to lack resources and training, and some officials conflated trafficking in persons and migrant smuggling.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate and prosecute trafficking crimes, separate from migrant smuggling, and sentence convicted traffickers, including fraudulent labor recruits, significant prison terms.

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.

Train law enforcement, diplomatic personnel, service providers, and civil society on the NRM.

Proactively screen vulnerable populations, including Gambian migrants, individuals in commercial sex, and foreign workers, including Cuban overseas workers, for trafficking indicators and refer trafficking victims to appropriate care.

Provide resources, including funding and in-kind support, for victim services and training of social workers.

Ensure access to a child-friendly and confidential reporting mechanism that allows victims to report abuse without fear of intimidation, stigmatization, or re-victimization.

Increase labor migrant protections and reduce risks for trafficking by consistently implementing the national migration policy and pre-departure procedures and eliminating worker-paid recruitment fees.

Regulate and monitor labor recruitment agencies and investigate entities suspected of fraudulently recruiting workers for exploitation abroad.

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.

Amend the labor law to extend protections to domestic workers and regulate labor recruiters.

PROSECUTION

The government increased 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 Tourism Offences Act additionally criminalized some child trafficking crimes and, during the reporting period, the

government increased the penalties for a tourist's commission of child trafficking to a fine of between 100,000 and 500,000 *Dalasi* (\$1,920-\$9,620) and life imprisonment.

The government initiated investigations of 14 suspects (eight for alleged forced labor and six for alleged sex trafficking) and continued investigations of 51 suspects (39 for alleged forced labor and 12 for alleged sex trafficking), compared with investigating at least 20 suspects in the previous reporting period. Courts operated at a reduced capacity due to the pandemic. Authorities initiated prosecutions of three alleged traffickers and continued prosecutions of six alleged traffickers, compared with initiating prosecutions of two alleged traffickers and continuing prosecutions of three alleged traffickers in the previous reporting period. The court convicted three defendants under the anti-trafficking law. However, the court's judgment did not include information on the intended victims' exploitation in the destination or clearly distinguish the case from migrant smuggling. The court sentenced all three defendants to 15 years' imprisonment and a fine. This compared with zero convictions during the previous reporting period. Authorities cooperated with foreign governments on law enforcement investigations and were seeking the extradition of three suspected traffickers.

Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. 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. Observers also alleged some government officials were involved in networks fraudulently recruiting Gambian workers for exploitation abroad. In December 2021, the Truth, Reconciliation, and Reparations Committee (TRRC) issued its final report, which found that 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. Although the report recommended Jammeh's prosecution for sexual violence, it did not recommend prosecuting other government officials involved, including Jammeh's relative and deputy chief of protocol who served as a principal recruiter. 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. The allegedly complicit officials were no longer in The Gambia, nor was Jammeh. The government had not yet released its official response to the TRRC's recommendations. The government did not report any criminal investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes.

The government coordinated with an international organization to train police, immigration, and airport authorities on trafficking victim identification and the NRM; it also trained the

Tourism Security Unit on identifying trafficking cases within the tourism sector and interviewing techniques. 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. General case backlogs, weak case management infrastructure, and low judicial capacity inhibited prosecutions and convictions, and training and resources for law enforcement and judicial officials remained severely inadequate. Law enforcement units were often dually assigned to enforce other security priorities. The pandemic further reduced law enforcement's capacity to conduct investigations, and some units were reassigned to enforce public health measures. Defendants accused of trafficking were eligible for bail and sometimes absconded. NGOs and international organizations attributed underreporting of sexual crimes, including sex trafficking and child sex tourism, to cultural taboos and a reliance 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 that low awareness of anti-trafficking laws, limited government capacity, and inadequate specialized victim services further impeded law enforcement efforts to combat child sex trafficking.

PROTECTION

The government maintained mixed efforts to identify and protect trafficking victims. The government identified eight victims from The Gambia, Liberia, Nigeria, and Sierra Leone, compared with 18 victims identified in the previous reporting period. An international organization reported identifying an additional 10 victims, including two sex trafficking and eight forced labor victims. The government formally launched its NRM, adopted in the previous reporting period, 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. Under NRM provisions, front-line officials referred trafficking cases to 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. In one case, law enforcement intercepted 37 vulnerable individuals en route to the Canary Islands for potential exploitation; consistent with NRM procedures, authorities referred all 37 individuals to an international organization for trafficking screening and services. The National Agency Against Trafficking in Persons (NAATIP), in collaboration with an international organization,

trained law enforcement, social and medical service providers, and media on the NRM. However, coordination among law enforcement, prosecutors, and social service providers remained limited.

The government operated one short-term shelter for vulnerable persons, including both Gambian and foreign national trafficking victims, vulnerable children, the elderly, and victims of domestic violence. The shelter generally 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. The pandemic reduced the shelter's capacity to allow for social distancing, and observers reported the pandemic's strain on the healthcare system reduced victims' access to medical care. The government allocated 600,000 *Dalasi* (\$11,540) to the shelter in 2021, the same amount provided in 2020. NAATIP referred at least two victims to the shelter and three victims to an international organization for care; the government did not report what services, if any, it provided to the remaining three victims. 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. NAATIP operated an anti-trafficking hotline, and caseworkers identified five trafficking victims; authorities referred all five victims to services. The government continued collaborating with an international organization to repatriate and provide care for Gambian trafficking victims identified abroad, including victims identified in Lebanon and the United Arab Emirates (UAE). A committee led by the National Human Rights Commission and NAATIP investigated a case in which the Gambian Honorary Consul in Lebanon denied assistance to 38 Gambian trafficking victims exploited in domestic servitude. The commission released its final report and found fraudulent recruitment agents provided the women with false contracts in a different language and facilitated their travel to Lebanon. Upon arrival in Lebanon, traffickers seized their documents, exploited them in domestic servitude, and physically abused them, resulting in one victim's death. The Gambian Honorary Consul reportedly returned the women to their traffickers repeatedly when they sought the government's assistance. Gambian authorities provided some assistance to the victims in collaboration with an NGO that facilitated their repatriation to The Gambia in September 2020. NAATIP subsequently released its own report responding to the commission's findings and recommendations. The government did not report taking further action on the committee's recommendations or instituting accountability measures to address the honorary consul's actions.

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, and at least two victims reportedly did so. The government offered some protection to victims participating in proceedings against their alleged traffickers, including psychological support; however, officials did not always keep victims' identities confidential during law enforcement proceedings, and 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 but did not report any victims doing so. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution; however, the 2007 anti-trafficking law allowed foreign victims to obtain temporary residence visas during legal proceedings. Courts could grant restitution to victims, and victims could file civil suits against their traffickers; however, neither reportedly occurred, in part due to lack of awareness. Due to inconsistent application of victim identification procedures, some victims may have remained unidentified in the law enforcement system. Authorities used provisions in the NRM to screen vulnerable populations, including individuals in commercial sex, for trafficking indicators. 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 increased prevention efforts. NAATIP, a unit with the Ministry of Justice, coordinated the government's anti-trafficking response; NAATIP convened quarterly task force meetings with support from an international organization. The government adopted a new 2021-2025 anti-trafficking national action plan and allocated 3.6 million *Dalasi* (\$69,230) for its implementation. The government allocated the same amount in 2020 to support NAATIP efforts. NAATIP, in coordination with civil society, organized awareness-raising and community outreach campaigns. NAATIP continued its 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 increase awareness of trafficking and prevent forced begging.

Despite reports of fraudulent labor recruiters exploiting women in domestic servitude, 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. 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). The government implemented its national migration policy to protect Gambian labor migrants and reduce vulnerability to trafficking; the policy acted in conjunction with the NRM and set standard procedures for investigating potential trafficking cases. In collaboration with civil society, the Ministry of Trade, Regional Integration, and Employment's migration working group validated its new pre-departure training manuals, ethical recruitment materials, and other resources for Gambian migrant workers. Domestic workers were not protected under the national labor law, rendering them vulnerable to exploitation. Although tourism was largely absent due to the pandemic, the government made efforts to reduce the demand for commercial sex acts and child sex tourism by providing anti-trafficking training to hospitality sector employees and posting Tourism Security Unit officers in the Tourism Development Area. As a small country with few overseas diplomatic missions, 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, especially among honorary consuls, remained limited. The government provided anti-trafficking training to its troops prior to their deployment as peacekeepers. However, although not explicitly reported as human trafficking, there was one open case (submitted in 2018) of alleged sexual exploitation with trafficking indicators by Gambian peacekeepers 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.

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, traffickers subject women, girls, and boys to sex trafficking and forced labor in street vending and domestic work. Although the pandemic drastically reduced tourism activity during the last two years, there have been anecdotal reports of European tourists, primarily from the United Kingdom, traveling to The Gambia for the purpose of exploiting children in sex trafficking. An international organization reported organized sex trafficking networks use European and Gambian travel agencies to promote child sex tourism. Some families encourage their children to enter the tourism industry or seek relationships with tourists for financial gain.

Observers have reported sex traffickers 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 exploit students in forced 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 recruit women and girls from West African countries, especially Nigeria, and exploit them in sex trafficking in The Gambia. Cuban nationals working in The Gambia may have been forced to work by the Cuban government.

Traffickers exploit Gambians in forced labor abroad; 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. Private, and often informal, recruitment agencies place many Gambian workers abroad, including in the Gulf and sometimes in coordination with agents in the destination countries. Informal agents recruit workers through social and family networks, or they pose as tourism or human resource agencies. Traffickers posing as labor recruiters fraudulently recruit Gambian workers for employment in Europe or the Gulf, and subsequently exploit them in domestic servitude or sex trafficking. Traffickers are increasingly recruiting victims using social media and messaging platforms for domestic servitude in the Middle East. Gambian authorities have identified Sierra Leonean victims en route to exploitation in the Middle East. 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. One study of more than 500 returning Gambian migrants found that female migrants and migrants who were forcibly returned experienced lower economic, social, and psychosocial reintegration outcomes compared with male migrants and voluntarily returning migrants. Authorities have identified potential Gambian trafficking victims in Algeria, Cyprus, Finland, and Italy.

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