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2023 Trafficking in Persons Report: The Gambia

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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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, if any, on its anti-trafficking capacity; therefore The Gambia remained on Tier 2. These efforts included identifying significantly more victims and training officials on the NRM and standard victim identification procedures. The government convicted a sex trafficker for the first time in six years. However, the government did not meet the minimum standards in several key areas. Government shelter staff lacked trauma-informed training and restricted adult victims' movement outside of the shelter. Despite continued reports of fraudulent labor recruiters exploiting Gambian victims abroad, the government did not take steps to regulate international labor recruitment, including by imposing licensing requirements for recruitment agencies, and it did not hold any fraudulent recruiters accountable for fraudulent recruiting. Government agencies charged with combating trafficking continued to lack resources and training.

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 include significant prison terms.
- Ensure human trafficking cases are resolved through the judicial system rather than extra-judicial or administrative means.
- Train shelter staff on victim-centered, trauma-informed care approaches, and ensure freedom of movement outside of the shelter for adult victims; increase the quantity and quality of shelter services.
- Proactively screen vulnerable populations, including Gambian migrants, individuals in commercial sex, and foreign workers, for trafficking indicators and refer trafficking victims to appropriate services.
- Train law enforcement, diplomatic personnel, service providers, and civil society on the NRM and victim identification SOPs and implement the procedures throughout the country.
- Increase protections for labor migrants and reduce risks for trafficking by consistently implementing the national migration policy and pre-departure procedures and eliminating worker-paid recruitment fees.
- Amend the labor law to extend protections to domestic workers and regulate labor recruiters; 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 – including child sex tourism – using the 2007 Trafficking in Persons Act.
- Empower the National Agency Against Trafficking in Persons (NAATIP)'s ability to coordinate the government's anti-trafficking efforts, including increasing coordination between law enforcement, prosecutors, and social service providers.

PROSECUTION

The government modestly 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 (\$820-\$8,200). 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 child trafficking crimes committed by tourists,

prescribing penalties of life imprisonment and a fine of between 100,000 and 500,000 dalasi (\$1,640-\$8,200).

The government initiated investigations of eight suspects, compared with initiating investigations of 14 suspects during the previous reporting period. Authorities prosecuted at least six alleged traffickers, compared with three prosecutions initiated and six prosecutions continued during the previous reporting period. The court convicted one sex trafficker, the first such conviction in six years, and sentenced the trafficker to 15 years' imprisonment and a fine; one defendant was acquitted. In the previous reporting period, the courts convicted three defendants under the anti-trafficking law; however, the court overturned the convictions on appeal. Authorities cooperated with the Nigerian government on law enforcement investigations.

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.

Front-line officials referred trafficking cases to NAATIP's specialized law enforcement unit for investigation. The police force and immigration department had designated, specially-trained child welfare and gender units; however, the units did not have a clear mandate and they did not function effectively. The government, in coordination with international organizations, provided anti-trafficking training to police, border control, tourism security officers, and judicial officials. However, 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. Law enforcement units were often dually assigned to enforce other security priorities. Defendants accused of trafficking were eligible for bail; defendants released on bail 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 protection also led to underreporting of child

trafficking. Law enforcement lacked training to identify and proactively investigate child sex trafficking cases, including in the tourism sector, and some officials conflated human trafficking and migrant smuggling.

PROTECTION

The government increased efforts to identify and protect trafficking victims. The government reported identifying 39 victims (including 20 forced labor and 19 sex trafficking victims from The Gambia, Nigeria, and Sierra Leone); however, this likely included multiple years of data. This compared with eight victims identified in the previous reporting period. The government referred 18 victims to shelter services; it did not report what services, if any, it provided to the remaining 21 victims. An international organization reported identifying an additional four victims, including one labor trafficking and three sex trafficking victims.

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 trained law enforcement, social workers, transportation personnel, and civil society on the NRM and SOPs. However, observers reported there was limited coordination on victim identification and referral among law enforcement, prosecutors, and social service providers.

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 limited counseling. Although the government reported adult victims could enter and leave the shelter freely, in practice, officials restricted victims' movement outside of the shelter, and shelter conditions may have resulted in victims feeling as though they were detained. Observers reported shelter staff lacked training on trauma-informed care and the shelter lacked key services, including vocational training, extra-curricular activities, and onsite psychologists. The government allocated 509,000 dalasi (\$8,345) to victim protection and assistance in 2022, compared with allocating 600,000 dalasi (\$9,835) in 2021. The 2007 anti-trafficking law called for creation of a victim assistance fund; however, the fund was not operational and observers reported victim protection funding was insufficient. 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, and some victims in rural areas lacked access to assistance. 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. The government provided some assistance to NGOs to repatriate Gambians exploited abroad and foreign victims exploited in The Gambia.

Authorities did not condition access to victim services on cooperation with law enforcement proceedings. The government offered some victim-witness assistance to support participation in investigations and prosecutions, including legal aid, psychological services, transportation, and the option to provide testimony via video or written statements. The government did not report how many victims, if any, it provided such assistance to, and some victims were reluctant to cooperate in investigations due to fear of retaliation by traffickers. The law allowed victims to obtain restitution, but courts did not award restitution to any victims. Victims could file civil suits against traffickers; however, no victims reportedly did and many victims were not aware of this option. 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 maintained prevention efforts. NAATIP, a unit within the Ministry of Justice, coordinated the government's anti-trafficking response and convened quarterly. The government continued implementing the 2021-2025 anti-trafficking NAP, which had a four-year budget of 3.6 million dalasi (\$59,000). NAATIP also had an annual budget of 10.1 million dalasi (\$165,575) for anti-trafficking activities. 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. The government did not continue its outreach program with Quranic school teachers to increase awareness of trafficking and prevent child 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 international labor recruitment or

requirements for recruitment agencies to be licensed. The government's national migration policy included standard procedures for investigating potential trafficking cases. However, the government did not report investigating any labor recruiters for fraudulent recruitment. In collaboration with civil society, the Ministry of Trade, Regional Integration, and Employment began training officials on 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.

NAATIP operated an anti-trafficking hotline; the government did not report if it identified any victims through the hotline, compared with identifying five victims during the previous reporting period. The government made some efforts to reduce the demand for commercial sex acts by conducting awareness-raising billboard campaigns and training tourism security unit officers on identifying and combating child sex tourism; however, some law enforcement officers were reluctant to investigate tourists and lacked training on how to identify cases. 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. 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, Guinea-Bissau, and Senegal, and exploit boys from Guinea, Guinea-Bissau, Mali, and Senegal in The Gambia. Traffickers fraudulently recruit women from West African countries, especially Nigeria and Sierra Leone, 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 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. Cuban nationals working in The Gambia 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 Europe or the Gulf, and subsequently exploit them in domestic servitude or 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; due to the lack of regulations, agents charge migrant workers en route to the Gulf recruitment fees between 5,000 and 40,000 dalasi (\$82-\$655). 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. The government has not reported accountability measures to address the honorary consul's actions.

An international organization reported climate change and the pandemic's economic impacts have increased irregular migration; this has exacerbated vulnerability 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. Since 2017, an international organization has voluntarily repatriated more than 3,300 Gambian migrants stranded in Libya, where there are widespread reports of officials subjecting detained migrants to violence and abuse, including trafficking. A 2021 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. 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 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. 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.

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