

## MINIMAL ADVANCEMENT – EFFORTS MADE BUT REGRESSION IN PRACTICE THAT DELAYED ADVANCEMENT

In 2020, The Gambia made minimal advancement in efforts to eliminate the worst forms of child labor. The National Agency Against Trafficking in Persons developed a National Referral Mechanism for victims of human trafficking, and the Gambia Tourism Authority for the



Protection of Children trained hotel staff on the commercial sexual exploitation of children. However, despite these initiatives to address child labor, The Gambia is assessed as having made only minimal advancement because it implemented a practice that delays advancement to eliminate child labor. The labor inspectorate suspended inspections in March 2020 due to the COVID-19 pandemic. The government has not indicated when labor inspections will resume. Labor inspections are a key tool for identifying child labor violations, and their absence makes children more vulnerable to the worst forms of child labor. Children in The Gambia are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking, and in forced begging. Gaps in the law remain, including that children may commence an apprenticeship at the age of 12. In addition, labor inspectors lack legal authorization to inspect private homes or farms in which children may be working.

### I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in The Gambia are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking, and in forced begging. (1-6) Table I provides key indicators on children's work and education in The Gambia. Data on some of these indicators are not available from the sources used in this report.

**Table I. Statistics on Children's Work and Education**

Children	Age	Percent
Working (% and population)	5 to 14	22.6 (unavailable)
Attending School (%)	5 to 14	78.2
Combining Work and School (%)	7 to 14	21.7
Primary Completion Rate (%)		78.9

Source for primary completion rate: Data from 2019, published by UNESCO Institute for Statistics, 2021. (7)

Source for all other data: International Labor Organization's analysis of statistics from the Multiple Indicator Cluster Survey 6 (MICS), 2018. (8)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

**Table 2. Overview of Children's Work by Sector and Activity**

Sector/Industry	Activity
Agriculture	Farming, including protecting crops against animals (1,5)
Industry	Working in carpentry, masonry, sewing, plumbing, and in metal welding workshops† (1,3,5,9) Mining‡ and quarrying‡ (3)
Services	Domestic work (1-3,5) Street work, including begging and vending (1-3,5,10) Scavenging for scrap metal and jewelry at dump sites (1,11) Working as taxi and bus attendants (1) Working as auto mechanics† (1,3,5,9)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (1-4,12-15) Forced begging by Koranic teachers (1-4) Forced labor in domestic work and street vending, each sometimes as a result of human trafficking (2,12)

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

# The Gambia

## MINIMAL ADVANCEMENT – EFFORTS MADE BUT REGRESSION IN PRACTICE THAT DELAYED ADVANCEMENT




In The Gambia, children are trafficked internally and subjected to commercial sexual exploitation, forced labor, and domestic work. Girls and boys from other West African countries are allegedly trafficked for commercial sexual exploitation. (3,4,16,17) A civil society organization has alleged that some foreign nationals subject children to commercial sexual exploitation in brothels and motels in tourist areas and in private homes. (4,17-20) In The Gambia, it is a common practice to send boys to receive education from Koranic teachers who sometimes force students to beg in the streets for money and food and to conduct street vending. (16,19-22)

Article 30 of the Constitution mandates free compulsory education. However, families are sometimes required to buy books and uniforms, contribute to examination fees, and provide direct financial support to the school through a school fund, which families often cannot afford. (6,23) Absence from school due to unpaid school fees increases children’s vulnerability to child labor. (6,23) In addition, inadequate teaching facilities, low numbers of teachers in rural areas, and limited access to clean water in schools create barriers for children to access education. (3,19,22)

## II. LEGAL FRAMEWORK FOR CHILD LABOR

The Gambia has ratified all key international conventions concerning child labor (Table 3).

**Table 3. Ratification of International Conventions on Child Labor**

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in The Gambia’s legal framework to adequately protect children from the worst forms of child labor, including that children may commence an apprenticeship in the informal sector at the age of 12, which is below the compulsory education age of 16.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	18	Articles 2, 41, 45, and 47 of the Children’s Act (24)
Minimum Age for Hazardous Work	Yes	18	Article 44 of the Children’s Act; Article 46 of the Labour Act (24,25)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 42,44 and 45 of the Children’s Act (24)
Prohibition of Forced Labor	Yes		Article 20 of the Constitution; Articles 41 and 47 of the Children’s Act (23,24)
Prohibition of Child Trafficking	Yes		Articles 30 and 39 of the Children’s Act; Articles 28 and 56 of the Trafficking in Persons Act; Article 13 of the Tourism Offences Act (24,26,27)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 26, 27, 29–32, and 34 of the Children’s Act; Articles 7–9 of the Tourism Offences Act (24,27)
Prohibition of Using Children in Illicit Activities	Yes		Articles 31 and 37 of the Children’s Act (24)

## MINIMAL ADVANCEMENT – EFFORTS MADE BUT REGRESSION IN PRACTICE THAT DELAYED ADVANCEMENT

**Table 4. Laws and Regulations on Child Labor (Cont.)**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Voluntary State Military Recruitment	Yes	18	Article 59 of the Children's Act (24)
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes		Article 59 of the Children's Act (24)
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Article 31(c) of the Children's Act (24)
The Compulsory Education Age	No	16‡	Article 18 of the Children's Act (24)
Free Public Education	Yes		Article 30 of the Constitution; Article 18 of the Children's Act (23,24)

\* No conscription (28)

‡ Age calculated based on available information (23,24,29)

Per Article 51 of the Children's Act of 2005, the minimum age to start an apprenticeship is 12, or after completion of basic education, in violation of ILO Convention 138. (24) Children in The Gambia are required to attend school up to age 16, but this standard makes children ages 16-18 vulnerable to child labor as they are not required to attend school, but are not legally permitted to work. (24)

### III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the authority of enforcement agencies that may hinder adequate enforcement of their child labor laws.

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Ministry of Trade, Industry, and Regional Integration and Employment	Conducts labor inspections and enforces labor laws pertaining to hazardous child labor through its Department of Labor. (3,6)
Department of Social Welfare (DSW)	Combats forced child labor, coordinates the protection of human trafficking victims, and works closely with social welfare officers in police units. (19,20) Maintains an electronic database that contains information on cases requiring child protection, including those involving labor and human trafficking violations. (12,19,28) Housed under the Ministry of Health and Social Welfare. (3)
Children's Court	Adjudicates on criminal, civil, and care and protection cases involving children, and determines guardianship of child abuse victims, including child laborers, referred to the court by DSW. (20,30)
National Agency Against Trafficking in Persons (NAATIP)	Under the purview of the Ministry of Justice, investigates suspected cases of human trafficking. Staff include investigators, police, members of the National Intelligence Agency, and five prosecutors. (17,22,31,32) Gathers evidence for the NAATIP director, who can recommend that the NAATIP prosecutor file charges for human trafficking violations. (22,31) In addition, police and immigration officials have designated child and gender welfare officers who regularly receive training on identifying TIP cases and on offering immediate assistance. (32) During the reporting period, NAATIP conducted awareness campaigns and trainings on human trafficking. (5) NAATIP developed a National Referral Mechanism (NRM) for victims of human trafficking in The Gambia, incorporating an identification form to guide officials in proactive victim identification. The NRM's screening procedures are designed to identify victims of human trafficking among vulnerable groups, including children. (32)
The Gambia Police Force Child Welfare Unit	Oversees all situations involving children's welfare. Collaborates with Child Protection Alliance (CPA), DSW, NGOs, and other agencies as the designated governmental coordinating body for all child welfare activities in The Gambia. (3,19,33)
Tourism Security Unit	Prevents unaccompanied children from entering tourist areas and patrols tourist areas for child labor and criminal violations, such as commercial sexual exploitation and human trafficking. Has a dedicated child protection division comprising immigration, intelligence, police, and drug law enforcement officers. (6,19,36)

# The Gambia

## MINIMAL ADVANCEMENT – EFFORTS MADE BUT REGRESSION IN PRACTICE THAT DELAYED ADVANCEMENT

**Table 5. Agencies Responsible for Child Labor Law Enforcement (Cont.)**

Organization/Agency	Role
Local Enforcement Agencies	Monitor neighborhoods for child exploitation with support from DSW. Maintain six Neighborhood Watch Groups established by DSW in urban areas near tourist resorts. (18-20,22) Serve as volunteer arbiters and mediators for community disputes involving children and other matters through Village Development Committees. (3) Raise awareness and report cases of labor issues, including child labor, to the authorities through 15 Community Child Protection Committees in operation throughout the country. (22,28)
The Gambia Tourism Board	Combats commercial sexual exploitation of children in tourist areas. (19) Educates the public about child sex tourism and the consequences for violating the Code of Conduct of The Gambia Tourism Authority for the Protection of Children. In collaboration with DSW, maintains a database of individuals suspected of pedophilia or child trafficking. (19,22,37)

Reports indicate that the Neighborhood Watch Groups remain largely inadequate, as they are not empowered to monitor or report cases, are untrained, and only some groups are occasionally active. (19,21)

In spite of an increase in the National Agency Against Trafficking in Persons' budget, reporting indicates that funding, reflecting widespread budgetary constraints, is still insufficient for training of officials, thus hindering the agency's ability to conduct investigations on trafficking in persons. (3,4,14,18,22,38)

### Labor Law Enforcement

In 2020, labor law enforcement agencies in The Gambia took actions to combat child labor (Table 6). However, gaps exist within the authority of enforcement agencies that may hinder adequate enforcement of their child labor laws.

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2019	2020
Labor Inspectorate Funding	Unknown (19)	\$15,576 (5)
Number of Labor Inspectors	7 (19)	4‡ (5)
Inspectorate Authorized to Assess Penalties	Yes (19,25)	Yes (5,25)
Initial Training for New Labor Inspectors	Yes (19)	Yes (5)
Training on New Laws Related to Child Labor	N/A (19)	N/A (5)
Refresher Courses Provided	Yes (19)	Yes (5)
Number of Labor Inspections Conducted	Unknown (19)	5 (5)
Number Conducted at Worksite	Unknown (19)	5 (5)
Number of Child Labor Violations Found	1 (19)	0 (5)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (19)	N/A (5)
Number of Child Labor Penalties Imposed that Were Collected	N/A (19)	N/A (5)
Routine Inspections Conducted	Yes (19)	Yes (5)
Routine Inspections Targeted	Yes (38)	Yes (5)
Unannounced Inspections Permitted	Yes (25)	Yes (25)
Unannounced Inspections Conducted	Yes (19)	Yes (5)
Complaint Mechanism Exists	Yes (19)	Yes (5)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (19)	Yes (5)

‡ Data are from January 1 to March 30, 2020. (5)

During the reporting period, labor inspectors received initial training and monthly trainings on laws and enforcement of laws related to child labor and hazardous child labor. (5) The Gambian Government ceased labor inspections in March 2020, citing challenges related to the COVID-19 pandemic; as a result, no labor inspections occurred in sectors in which most child labor reportedly occurs. (5) The number of labor inspectors is likely insufficient for the size of The Gambia's workforce, which includes more than 700,000 workers. According to the ILO's technical advice of a ratio approaching 1 inspector for every 40,000 workers in less-developed economies, The Gambia would employ about 19 labor inspectors. (39,40) Per the law, inspectors are not authorized to inspect private homes or farms in which children may be working. (3,22)

## MINIMAL ADVANCEMENT – EFFORTS MADE BUT REGRESSION IN PRACTICE THAT DELAYED ADVANCEMENT

### Criminal Law Enforcement

In 2020, criminal law enforcement agencies in The Gambia took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including enforcement of penalties.

**Table 7. Criminal Law Enforcement Efforts Related to Child Labor**

Overview of Criminal Law Enforcement	2019	2020
Initial Training for New Criminal Investigators	Yes (19)	Unknown (5)
Training on New Laws Related to the Worst Forms of Child Labor	N/A (19)	N/A (5)
Refresher Courses Provided	Yes (19)	Unknown (5)
Number of Investigations	0 (19)	Unknown (5)
Number of Violations Found	0 (19)	Unknown (5)
Number of Prosecutions Initiated	1 (19)	Unknown (5)
Number of Convictions	0 (19)	Unknown (5)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	N/A (19)	Yes (5)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (19)	Yes (5)

Although Articles 39 and 40 of the Children’s Act prohibit human trafficking and slave dealing of children, and although these crimes carry a penalty of life imprisonment, research indicates that penalties are not fully applied, possibly hindering enforcement and emboldening violators. (28,33) The government adopted a national referral mechanism with standard operating procedures to screen vulnerable populations, including child migrants and individuals in commercial sex, for trafficking indicators and to refer them for care; however, the government’s ability to proactively identify and aid trafficking victims, including child victims, is limited and additional training on the new procedures is needed for it to be fully implemented. (6,19,20)

## IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including the inactivity of some coordinating bodies during the reporting period.

**Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
National Coordination Committee on Child Labor	Coordinates child labor enforcement processes, including prosecutions of the worst forms of child labor. Led by DSW, comprises representatives from UNICEF, Department of Labor, NAATIP, Action Aid, Ministry of Basic and Secondary Education, Gambia Teachers Union, Young People in the Media, and the Inspector General of Police. (3) Research was unable to determine whether the coordinating body was active in 2020.
National Trafficking in Persons Task Force	Coordinates, administers, and monitors the implementation of the Trafficking in Persons Action Plan and shares information among law enforcement agencies. (19,41) Includes NAATIP, Ministry of Justice, Department of Immigration, DSW, Ministry of Foreign Affairs, Women’s Bureau, Gambia Radio and Television Services, Center for Street Children, and The Gambia Police Force. (42) During the reporting period, the task force met regularly. (5,32)
Child Protection Alliance (CPA)	Promotes children’s rights and child protection services. Raises awareness about child exploitation. (19) Members include government departments, civil society organizations, UN agencies, NGOs, child and youth organizations, and bilateral institutions. (19) Trains journalists about child sex tourism and government officials on the UN Convention on the Rights of the Child. (34,35) Maintains 15 child protection centers across the country to monitor, identify, and report potential cases of child abuse and trafficking in persons. (19,22)

## V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including the lack of a national child labor policy.

# The Gambia

## MINIMAL ADVANCEMENT – EFFORTS MADE BUT REGRESSION IN PRACTICE THAT DELAYED ADVANCEMENT

**Table 9. Key Policies Related to Child Labor**

Policy	Description
National Child Protection Strategy (2016–2020)	Outlined strategies to improve child protection, including addressing the worst forms of child labor, by increasing awareness and strengthening coordination among government agencies. (43) Research was unable to determine whether any activities took place in relation to this policy during the reporting period.
National Trafficking in Persons Action Plan (2016–2020)	Directs governmental efforts to combat human trafficking. (4,22,28,44) In December 2020, NAATIP gathered stakeholders to review and update the document. (32)
The Gambia and Senegal Trafficking Memorandum of Understanding	Coordinates the two countries' efforts to address human trafficking through meetings, information sharing, improved laws, and prevention, protection, and assistance activities. (22) Research indicates the government continued to support this policy during the reporting period. (5)
Code of Conduct of The Gambia Tourism Authority for the Protection of Children	Raises awareness of commercial sexual exploitation of children in the tourism industry and among tourists. (19,45) During the reporting period, at the beginning of the peak tourism season, new hotel staff were trained on the Code of Conduct of the Gambia Tourism Authority for the Protection of Children. (5)

‡ The government had other policies that may have addressed child labor issues or had an impact on child labor. (22)

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2020, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the adequacy of programs to address the full scope of the problem.

**Table 10. Key Social Programs to Address Child Labor**

Program	Description
Combating Child Sex Tourism Project	CPA project, funded by End Child Prostitution and Trafficking Netherlands, that raises awareness about commercial sexual exploitation of children, the Tourism Offences Act, and the Code of Conduct among Tourism Security Unit personnel, hoteliers, travel agencies, and other tourism stakeholders. (1) Research indicated that the project was active during the reporting year, but research did not determine whether specific activities were undertaken relative to the project. (38)
Street Children Center†	Drop-in centers run by DSW with support from international organizations, foreign NGOs, and local businesses. Provides medical care, food, and counseling to street children, including human trafficking victims and children of Koranic schools exploited for forced begging. (19) Drop in centers were in operation during the reporting period. (46)
Conditional Cash Transfers to Islamic Religious Schools (Majaalis)†	Ministry of Education program in partnership with the Institute for Social Reformation, an Islamic NGO based in The Gambia, that gives Koranic teachers food rations and approximately \$2 monthly for each student if the Koranic teachers do not force students to beg. (18,22) Provides teachers for English, mathematics, and science subjects to Koranic schools. (1) Every month, a joint team of ministry officials and Institute for Social Reformation and Action representatives travel to each Koranic school participating in the program. (5) In 2020, support for the program continued at existing levels. 17 schools participated in the program throughout all regions and the program reached about 1,500 children during the reporting period. (5)

† Program is funded by the Government of The Gambia.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (47)

Child trafficking victims may choose to receive care from the government-run shelter, privately operated institutions, or in their own residence, and still receive government-provided resources regardless of chosen option. (32) Although The Gambia has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem. Programs do not reach all children working in agriculture and domestic work or those vulnerable to human trafficking, commercial sexual exploitation, forced begging, and street work. (22,48)

## VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in The Gambia (Table 11).

## MINIMAL ADVANCEMENT – EFFORTS MADE BUT REGRESSION IN PRACTICE THAT DELAYED ADVANCEMENT

**Table 11. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Raise the minimal age for workplace apprenticeships to age 14.	2017 – 2020
	Ensure that the age up to which education is compulsory is the same as the minimum age for work.	2020
Enforcement	Ensure that Neighborhood Watch Groups are empowered and properly trained to monitor and report cases of child labor.	2018 – 2020
	Increase the number of labor inspectors responsible for enforcing labor laws, including laws related to child labor, to meet the ILO's technical advice.	2016 – 2020
	Ensure that the labor inspectorate has authority to conduct inspections on farms and in homes.	2017 – 2020
	Continue conducting labor inspections and ensure labor inspections occur where child labor is known to occur.	2020
	Ensure that the National Agency Against Trafficking in Persons' budget is sufficient for training officials.	2020
	Implement standard operating procedures to provide for proactive child sex trafficking victim identification and access to remedy, including providing additional training.	2019 – 2020
	Publish information on criminal law enforcement investigation, violations, prosecutions, and convictions.	2020
	Ensure that penalties for child trafficking are comprehensively applied to deter violations and government officials are trained in the application of those penalties.	2016 – 2020
Coordination	Ensure that the National Coordination Committee on Child Labor meets regularly and carries out activities to support its mandate.	2018 – 2020
Government Policies	Undertake activities in support of the National Child Protection Strategy.	2017 – 2020
Social Programs	Report activities in support of the Combating Child Sex Tourism Project.	2017 – 2020
	Expand existing programs to address the full scope of the child labor problem.	2010 – 2020
	Ensure that children can complete compulsory schooling by subsidizing or defraying the cost of books, uniforms, and other fees.	2010 – 2020
	Enhance opportunities for children to access education by providing adequate teaching facilities and clean water, and increasing the number of teachers in rural areas.	2017 – 2020

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# The Gambia

## MINIMAL ADVANCEMENT – EFFORTS MADE BUT REGRESSION IN PRACTICE THAT DELAYED ADVANCEMENT

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