



NATIONAL MIGRATION POLICY

The Gambia

2020-2030



Ministry of Interior
The Republic of The Gambia

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Foreword

For the first time in the history of this country, The Government of the Republic of The Gambia has developed and launched a National Migration Policy (NMP) 2020 – 2030 to serve as a blueprint to guide migration governance in line with both the National Development Plan (NDP) 2018 - 2021 and the guidelines provided by the African Union. In The Gambia, migration is deeply rooted in our history as we continue to be a country of origin, transit, and destination. The dynamics of migration flows in The Gambia have presented the country with challenges, highlighting the need to develop comprehensive policies that will harness the benefits of migration and contribute to national development.

The Gambia is a country of both immigration and emigration. In recent years, we have seen a surge in the number of young people leaving the country, as well as a growing trend of rural-urban migration, labour migration to and from The Gambia, and a growing number of migrants that have settled in The Gambia. In view of the above, The Gambia has immensely benefitted from remittances from the Gambian diaspora.

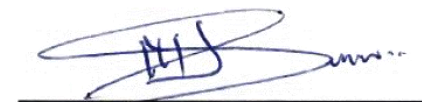
There has been a recent increase in the number of members of the Gambian diaspora returning home and

willing to engage and contribute to the socioeconomic development of the country.

While there are challenges to these sets of evolving migration dynamics, there are also opportunities. The Gambia cannot ignore migration and its impact and if migration is well managed and harnessed, it can contribute to the development of the country.

The development of the NMP 2020 – 2030 was initiated in late 2017 and has taken a collaborative approach with a wide range of stakeholders. In order to provide direction on governance of specific and overall aspects of migration policies and frameworks, this policy is guided by several principles including The Migration Policy Framework for Africa, the Global Compact for Safe, Orderly and Regular Migration (GCM), and the 2030 Agenda for Sustainable Development. While acknowledging that the primary duty to protect migrants and their rights lies with States, The Gambia is willing to promote and contribute to the protection of migrants' human, civil and economic rights, be its citizens abroad or foreign persons in the Gambian territory.

It is imperative to note that the Government of The Gambia has demonstrated commitment and a strong will towards a comprehensive approach to migration governance and this is evident in the policy formulation processes which were coordinated by the Ministry of Interior and supported by other key Government Ministries and Agencies. The Ministry of Interior on behalf of the Government of The Gambia, would like to commend all stakeholders particularly the International Organization for Migration (IOM), for their commitment and efforts in enriching this policy.



Mr. Yankuba J.N Sonko
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Introduction

An effective migration policy emphasizes the promotion of the dignity of migrants, their well-being and respect for their rights. This policy recognizes these as guiding principles and builds upon the African Union's *Migration Policy Framework for Africa*¹ with emphasis on the idea of cross-border migration in Africa as a representation of an important livelihood and coping strategy to ecological and economic downturns. The principles below aim at the socio-economic development of The Gambia, channelled towards an effective management of migration within The Gambia and by Gambians. The Gambia had included migration in its National Development Plan (NDP) 2018-2021, which has succeeded the Programme for Accelerated Growth and Employment (PAGE) 2012-2016. The NDP recognizes the challenges of migration within and outside The Gambia and focuses on its benefits for national development.

¹ Migration Policy Framework for Africa, African Union, EX.CL/276 (IX), 2006

1. PRINCIPLES AND ASSUMPTIONS

1.1 Principles

The National Migration Policy (NMP) 2020-2030 is guided by several principles, including:

- The principles and goals reflected in the 2015 United Nations Sustainable Development Goals (SDGs) and the principles and objectives set out in the 2018 Global Compact for Migration (GCM).
- The principles reflected in national, sub-regional, regional, and international standards and conventions, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the UN Convention Against Transnational Organized Crime regarding the protection of migrants' rights. The Convention is also against exploitative labour, human trafficking and smuggling, discrimination and other malpractices that could arise from migration.
- The NMP 2020-2030 also acknowledges the framework of the revised Economic Community of West African States (ECOWAS) Treaty, especially Article 59, as well as the Protocol on the Free Movement of Persons,

Residence and Establishment (Protocol A/P.1/5/79 of 1979) and subsequent Supplementary Protocols of 1985, 1986, 1989 and 1990.

- The ECOWAS Common Approach on Migration 2008, also guides the formulation of this policy, especially in terms of promotion of intra-regional mobility, supporting immigration and emigration with appropriate institutions at the departure and receiving areas within the region; optimizing regular migration to countries outside the ECOWAS region; seeking effective ways of managing migration and addressing irregular migration, as well as protecting the rights of all migrants, including refugees and asylum seekers.
- The Policy is as well guided by the African Union's Vision for Migration as enshrined in various continental policy frameworks, in particular the 2016 Revised Migration Policy Framework for Africa, Ouagadougou Plan of Action to Combat Trafficking in Human Beings Especially Children and Women, the African Common Position on Migration and Development, the Kampala Convention on Internally Displaced Persons and the Joint Labour Migration Programme (JLMP) among others. The Policy relied on the African Union Common Position on Migration and Development 2006 in covering a number of areas;

including human resources, irregular migration, brain drain, remittances, trade, migration and peace, security and stability, migration and human rights, gender, regional initiatives and access to social services.

- The IOM Migration Governance Framework (MIGOF) was used in the development of the NMP 2020-2030 particularly on the adherence to international standards and fulfilment of migrants' rights, the use of a whole-of-government approach and strong partnership to migration governance.

1.2 Assumptions

The Government of the Republic of The Gambia actively commits itself to the implementation of this National Migration Policy to maximize the development potential of migration and ensure full respect for all migrants, both in The Gambia and abroad. The Government undertakes to work in collaboration with all the relevant stakeholders including civil society; to provide for the appropriate development of legislative structures and frameworks to support the NMP 2020-2030 and ensure its implementation and enforcement.

2. RATIONALE FOR THE NATIONAL MIGRATION POLICY

In line with the guidelines provided by the African Union through its Migration Policy Framework for Africa and considerate of the different regional instruments on migration, especially the ones implemented within the framework of ECOWAS, the Government of the Republic of The Gambia hereby affirms its commitment to all existing international and national instruments, principles and standards related to migrants. The Government acknowledges that the primary duty to protect migrants and their rights lies with States and declares its full intention to promote and contribute to the protection of migrants' human, civil and economic rights, be they national citizens abroad or foreign persons in the Gambian territory.

2.1 The Need for and Purpose of a Gambian National Migration Policy

The Government of the Republic of The Gambia is committed to the full protection of its citizens' rights, both in The Gambia and abroad, as well as other citizens that live on Gambian territory. The Government reaffirms its commitments to international and national instruments, principles and

standards relating to migration. Through the full implementation of this National Migration Policy, the Government of the Republic of The Gambia will ensure that migration occurs in a safe and well managed manner and that it facilitates development in The Gambia.

The purposes of the National Migration Policy are:

1. To provide a national framework for migration management;
2. To better coordinate and define roles and responsibilities of the various stakeholders involved in migration management;
3. To provide guidance on the revision of national legislations on migration so that it effectively addresses current migration challenges;
4. To comply with evolving global norms on migration management, including ECOWAS Protocols, African Union and United Nations approach to migration and the SDGs.

2.2 Policy Objectives

The objectives of the National Migration Policy are:

- To manage migration in a manner that contributes to national development, including the promotion of diaspora engagement and the reduction of “brain drain” and its potential negative impacts;
- To promote orderly and safe migration of Gambian citizens through the provision of timely and accurate information regarding opportunities abroad and sensitization about the dangers of irregular migration;
- To reduce irregular migration through better border management as well as the promotion of alternatives to irregular migration by increasing opportunities for youth through national employment among other initiatives;
- To ensure the protection of vulnerable Gambian migrants and immigrants in The Gambia and work towards the eradication of human trafficking and smuggling;
- To identify the drivers of internal migration and reduce environmental degradation potentially linked to fast urbanization processes;
- To ensure that the human, economic, labour, and civil rights of Gambians abroad are well protected;
- To encourage the participation of Gambians abroad in economic activities at home through foreign direct

investments and social remittances;

- To ensure that the principle of gender equity is a cross-cutting principle within the wider National Migration Policy of The Gambia;
- To promote the effective coordination of migration data collection and analysis in order to create the required evidence base that will inform the correct implementation of the NMP 2020-2030 and future programming;
- To facilitate the development of a sound mechanism for the safe return and sustainable reintegration of Gambian migrants into their communities.

3. THE GAMBIA: MIGRATION DYNAMICS, TRENDS AND PATTERNS

3.1 Definition and Causes of Migration

Migration is a crucial part of human existence and history. It is the movement of a person or a group of persons, either across an international border or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes. This movement includes migration of refugees, displaced persons, economic migrants and persons moving for other purposes, including family reunification and studies.

The National Migration Policy focuses on both internal migration, which is within the country and on international migration, which entails the crossing of international borders.

3.2 Internal Migration

Internal Migration entails the movement of persons within The Gambia from their usual places of abode for either a long- or short-term stay. Various types of migration feature in the internal migration space: rural-rural, rural-urban, urban-urban, and urban-rural. The various internal movements are caused by a myriad of factors, including rapid population growth, pressure on

arable land, land tenure systems, declining agricultural productivity resulting in rural poverty, widespread underemployment and lack of access to social amenities, land and capital. In most cases, these factors stimulate migration away from rural areas to the towns.

The 2018 Labour Force Survey defines an internal migrant as a person whose usual place of residence (Local Government Areas (LGAs) at the time of the enumeration) differs from his or her LGA at the time of his or her birth. About a quarter of the population of The Gambia are internal migrants. Most Gambians migrate towards the urban areas, thus deserting rural areas and profoundly impacting the population distribution on the areas with greater concentration in the West Coast Region and Kanifing Municipality (78.7%). Only 1.1% of the population of The Gambia is registered in the Banjul Local Government Area.

As the country's 2017 Migration Profile indicates, the Mandinka, Fula and Wolof account for about 75% of the migrants, each ethnic group respectively occupying 39%, 19% and 17% of The Gambia. The women form 57% of internal migrants and the main reasons for such internal migration in The Gambia are, in order of frequency, (i) change in family status/marriage, (ii)

education and (iii) work. Most internal migrants reside in urban areas (84% versus 16% in rural areas) and respectively demonstrate the same educational background.

The Government intends to slow down the current urbanization trend to have more control over spatial and urban development following the National Assembly's enactment of the Labour Act 2007, which provides further regulations on the labour market in the country. Furthermore, according to The Gambian National Development Plan (2018 - 2021), the "rapid, uncontrolled and unplanned urban expansion has resulted in settlements in erosion and flood prone areas with no urbanization policy and strategy in place" (Page II, 2018 - 2021). Primarily, urbanization is driven by population growth rate and by rural flights. The latter is fuelled by rural youths who are the most impacted and the most frustrated by unemployment and who eventually leave the countryside in search of work in urban economies, even outside of the country.

Internal migration flows are integrated into The Gambia's development strategies. For instance, under Vision 2020, a socio-economic development strategy for 1996 - 2020, the Gambian Government, knowing that the negative effects of urbanization have serious

impacts on the country, proposed efforts to increase industrialization to curb rural-urban migration. Additionally, local authorities and Non-Governmental Organizations have targeted rural areas as benefactors of increased access to education, health, electricity, and other basic needs relating to Vision 2020.

3.3 International Migration

International Migration refers to emigration and immigration. Data relating to international migration is mainly collected by the Gambia Immigration Department (GID). The Gambia Bureau of Statistics (GBoS) under the Ministry of Finance and Economic Affairs also collects and analyses data on migration.

In mid-2015, the net international migrant stock living in The Gambia was 192,540 migrants, including refugees and 89,639 Gambians were counted as living abroad according to the Population Division of the UN Department of Economic and Social Affairs. However, this data must be considered alongside the fact that (i) only regular flows can be recorded, (ii) numerous individuals do not register in their host countries, and (iii) ECOWAS is a free movement zone and ECOWAS members are frequently not registered when they move.

3.4 Immigration into The Gambia

Immigration stands for “a process by which non-nationals move into a country for the purpose of settlement”² and the Gambia Immigration Act 1965 provides the legal framework for immigration into The Gambia, with entry and residence permits and provisions for both ECOWAS and non-ECOWAS nationals. The Government entity that deals with visa extensions, migrant's work permits, immigrant identification cards, passport issuances and residency papers for expatriates in The Gambia is the Gambian Immigration Department (GID), which is overseen by the Ministry of Interior. At the GID, the Professional Standards Unit was established to deal with complaints and disciplinary issues and address abuse towards both Gambians and non-Gambians.

3.5 Emigration from The Gambia

Emigration refers to “the act of departing or exiting from one State with a view to settle in another.” International human rights norms provide that “all persons should be free to leave any country, including their own, and that only in very limited circumstances may States impose restrictions on the individual’s right

² International Law on Migration: Glossary on Migration, International Organization for Migration, 2004

to leave its territory.”

There is very little existing or available data regarding the Gambian Diaspora since no census has ever been conducted. The Gambian Government is determined to address this issue as it has embarked on a journey to reconcile gaps in migration data.

Nonetheless, according to the UN Department of Economic and Social Affairs 2015 International Migrant Stock, 90,000 Gambians are expected to be living abroad. This would represent 5% of the resident population. Over 50% of the Gambian Diaspora are in three countries, namely the United States (23%), Spain (19%) and the United Kingdom (14%). About 23% are scattered in West African countries with Senegal, Sierra Leone and Mali being the three most popular destinations. The rest live almost exclusively in Europe.

4. POLICY GOALS, OBJECTIVES AND STRATEGIES

4.1 Internal migration and urbanization

Migration and urbanization are two phenomena that go hand in hand. In a world that is increasingly urban, addressing migration means addressing urban planning as well. Migration shapes cities by bringing in diversity, increasing productivity and the variety of goods, services and skills available in a given place.³ Whether migrants come from other countries or from rural areas, according to the IOM, migrants are agents of local development and play a very important role in bringing brighter solutions to everyday issues. By contributing to the local economy, they can help with the development of local infrastructure.

The Gambia is familiar with the phenomena, having experienced one of the fastest growing urban populations on the continent with an urbanization rate increase from 30.8 % in 1983, 37.1% in 1993 and approximately 50.4% in 2003. The 2013 Census confirmed the trend of a population concentration

³ For a broader overview on the relationship between migration and urbanization, please see *The World Migration Report 2015 – Migrants and Cities: New Partnerships to Manage Mobility*, International Organization for Migration, 2015

specifically in urban areas (57.8%), mostly due to both internal and external migration, especially in the Local Government Areas of Kanifing and Brikama.

4.2 Objective

To develop, together with the LGAs, effective urban planning strategies that consider migrants and their impact on the urban environment.

4.3 Strategies

- To improve government capacity to manage urbanization resulting from both internal and external migration;
- To include migration in the framework of urban development strategies and city programming, with the purpose of supporting the socio-economic development of Gambian urban centres and reduce environmental degradation and impact caused by unplanned urbanization;

- To closely coordinate the strategies on internal migration with a land use policy;
- To allocate adequate resources for implementing local economic development policies that are inclusive of migrants, enhance LGAs' capacities to manage migration and urbanization for development;
- To enhance agricultural productivity through value chain and youth participation in agriculture, fisheries, and related industries through the low-cost provision of agro-material, as well as through the provision of energy and irrigation systems in high migration areas.

4.4 Migration and development

Migration holds a huge potential for development in The Gambia. For this to become a reality there is a need to harness the positive impact that the Gambian Diaspora can have on development by not only supporting and incentivizing skills and knowledge transfer, but also by promoting and facilitating productive investments and maximizing benefits of remittance transfers to individuals' households. Concomitantly, it is paramount to include measures to reduce the negative impact that migration can have, including brain drain. Thus, the Government recognizes the importance of including migration into the NDP 2018 - 2021, in line with the SDGs, to ensure

that development policies account for migration challenges and contribute to reducing them.

4.5 Diaspora engagement

4.5.1 Policy statement

Gambians in the diaspora are people of Gambian nationality and/or descent who have migrated to or were born and live in other countries, who share a common identity and sense of belonging to The Gambia. The exact numbers of Gambians living abroad are unknown but according to official figures compiled by the UN Department of Economic and Social Affairs, there are almost 90,000 Gambians living abroad, or 5% of the entire Gambian population. More than half of the Gambians living abroad are in three countries; the United States, Spain, and the United Kingdom. About a quarter are scattered in West African countries including Senegal, Sierra Leone and Mali, whilst the rest almost exclusively reside in Europe. Most Gambians living in Organization for Economic Cooperation and Development (OECD) countries are men engaged in medium skilled occupations and a significant portion of them are employed in jobs lower than their educational background.

Gambians in the diaspora can contribute to national development in The Gambia through the transfer of

remittances, knowledge, skills, innovation, technology and in return migration. At a 'Stake in The Nation' forum in January 2018, His Excellency President Adama Barrow referred to the Gambian diaspora 'as the Eighth Region of The Gambia'. It is, therefore, the aim of the NMP 2020-2030 that the coordinating agency, the Ministry of Interior, collaborate effectively with the Ministry of Foreign Affairs and other relevant stakeholders to promote the necessary political, social and economic conditions, as well as conducive policy environment to empower and actively engage the Gambian Diaspora population to invest at home and contribute to skills/knowledge transfer projects, thereby reducing the challenges brought about by brain drain/waste.

4.5.2 Objectives

- i. To establish accessible mechanisms and quick official channels that promote and allow for diaspora empowerment and active engagement into national development.
- ii. To create a conducive legislative and policy environment that facilitates the transfer of knowledge, skills, and resources from the diaspora.

- iii. To develop programmes that facilitate and incentivise the return of qualified Gambians and value their contribution to The Gambia.

4.5.3 Strategies

- To establish a comprehensive database on the diaspora at the National Diaspora Directorate at the Ministry of Foreign Affairs which would be a source of reliable statistics and facilitate networking and collaboration between stakeholders in the countries of origin and destination. This could be facilitated in collaboration with the Ministry of Foreign Affairs and Gambian diplomatic missions abroad and IOM;
- To conduct a mapping of highly qualified Gambians abroad supported with a reintegration programme for returned qualified Gambians;
- To operationalize the national diaspora strategy and integrate diaspora as a tool for development plans;
- To set up a national diaspora trust fund;
- To promote the participation of diaspora in national development through annual diaspora meetings, and promote incentives of return and investment in the form of tax incentives, land access and funding;
- To integrate migration and development into the

National Development Plans, sector, and regional strategies, and as tools for the achievement of the Sustainable Development Goals, and the African Union Agenda 2063;

- To establish access to facilitate internships and apprenticeships abroad for qualified Gambians in the short term, in collaboration with Gambian academia in the diaspora;
- To develop and promote strategies for the retention of resourceful human capacities and include measures concerning students and professionals, such as offering scholarships with conditions attached (the main one could be to return) and finance programmes for highly skilled Gambians;
- To promote bilateral agreements with destination countries, mainly in the health and education sectors, based on an ethical recruitment code to reinforce the ethical basis of recruitment, which will help to attract wanted skills in The Gambia and facilitate managed migration.

4.6 Remittances by Gambians Living Abroad

4.6.1 Policy Statement

The total volume of remittance transfers globally to developing countries far exceeds Overseas

Development Assistance (ODA). In 2019, the Central Bank of The Gambia reported the remittances of 2018 at 270 million USD - a 19% increase from 2017,⁴ despite the high costs associated with transferring remittances to The Gambia, and the SDGs call for remittance transfer costs to be reduced to 3%. Whilst remittances are private funding that contribute to the wellbeing of individual households through investments in education, housing and health, directing part of such funds into productive investments also hold a huge potential for development in The Gambia.

4.6.2 Objectives

- i. To assess and leverage the link between remittances and development;
- ii. To promote the flow of remittances through affordable official channels and reduce transfer costs to 3%;
- iii. To reduce transfer costs and other barriers to remittances and improve transparency;
- iv. To promote diaspora productive investments in The Gambia.

⁴ Statement made by the Governor of The Gambia Central Bank at the Stake in the Nation forum 2019.

4.6.3 Strategies

- To design and implement a data collection system for remittances and payments;
- To assess the remittances transfer in the informal sector and identify incentives to promote the use of the formal sector;
- To promote competition among Money Transfer Operators to reduce costs;
- To use new technologies, including mobile phones, for money transfer and expand their operations, especially in rural communities;
- To support infrastructure and access points such as post offices, retail, and mobile services.

4.7 Labour Migration in the Context of Development

4.7.1 Policy Statement

In The Gambia, the legal framework for labour is defined by the Immigration Act 1965, the Labour Act 2007, and the Payroll Act 2008. However, despite such an existing framework, the potential benefits of labour migration are not maximized in The Gambia due to the lack of an organized labour migration system, the lack of recruitment systems targeting foreign labour markets, the lack of provision of strong consular

support at destination and the lack of up-to-date information regarding labour market demand and supply.

A large proportion of migration from The Gambia is driven by economic reasons and motivated by the search for better jobs abroad to sustain families back home. According to the OECD statistics, 50% of Gambians living abroad are employed and most of them (69%) are men.

About 92% of the working age population 15 years and over were Gambians, whilst about 8% were non-Gambian. For Gambians, 46.1% were males and 53.3% were females. In comparison, non-Gambians comprise 47.8% male and 52.2% female. Senegalese and Guineans make up 4.7% and 2.2%, respectively. The rest of the estimated population of The Gambia comprise mainly of nationals from other West African states such as Mali, Sierra Leon, Mauritania, and Nigeria, etc.

Of the non-Gambians, 99.5% were from other West African countries, whilst 0.5 percent were Non-Africans. Non-Gambians were mainly Senegalese (55.6%) and Guinean (25.5%) nationals.

4.7.2 Objectives

- i. To provide protection and access to services to both Gambian labour migrants and foreigners living on Gambian soil;
- ii. To ensure that the country upholds its commitment to international, regional, and national instruments governing labour migration;
- iii. To promote collaboration between migrant workers, trade unions and employment organizations in The Gambia;
- iv. To promote the protection of the rights of labour migrants and their families, including combating discrimination and xenophobia.

4.7.3 Strategies

- To develop a comprehensive labour migration strategy and take into consideration the international conventions and international regulations;
- To establish national system for international deployment through the expansion of the role of the 'Personnel Management Office (PMO)' to account for international recruitment

practices;

- To determine the skills that exist and those that are lacking in the Gambian labour market through the timely collection of data and the establishment of Labour Market Information System (LMIS) to be shared with other countries;
- To set up a system for dissemination of information on available channels for regular migration.

4.8 Irregular migration and its consequences

Policy Statement

An irregular migrant is defined by IOM as ‘someone who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country.’ The term applies to migrants who infringe upon a country’s admission rules and any other person not authorized to remain in the host country.

The Gambia is a country highly affected by irregular migration with many youths taking the “*backway*”, which is the local term for the irregular migratory path taken in search of better livelihoods and employment abroad. Most Gambian irregular migrants, including “*backway*” youth, travel along the Central

Mediterranean Route from Africa to Italy. The number of Gambians using this route has steadily increased over the years. They usually start their journey by bus heading to the city of Agadez in Niger or Gao in Mali. From Niger, migrants then start crossing the Sahara either through Libya or Algeria. Migrants embarking on this journey are vulnerable to multiple types of exploitation at the hands of unscrupulous smugglers and traffickers. Agadez, for instance, is the main smuggling hub in Niger and over 70,000 people were recorded by the IOM as passing through the city in 2016.

Gambian children and youth⁵ list among the three most common nationalities of unaccompanied and separated children (UASC) arriving in the European Union through Italy.⁶ In 2016, arrivals were 41% higher compared to 2015. Lack of proper identification documents among Gambians put the population at higher risk of irregular migration and of being exploited during their migration experience. Even

⁵ According to the Children's Act 2005, children are those under the age of eighteen years old. According to the National Youth Policy of The Gambia, youth are those aged 15 - 35 years old. According to the UN, youth are those between 15 and 24 years old.

⁶ *Refugee and Migrant Children – including Separated and Unaccompanied Children - in the EU: Overview of Trends in 2016*, UNHCR, UNICEF and IOM, 2016, available at <https://data2.unhcr.org/ar/documents/download/55971>, [accessed 25 March 2019].

though ECOWAS citizens enjoy free passage through the 15-member states, many migrants report bribes at checkpoints and border points, even when they have the necessary documentation to cross.

4.8.2 Objectives

- i. To reduce irregular migration and its negative consequences;
- ii. To promote coordination with destination countries on irregular migration issues and concerns.

Strategies

- To provide adequate public awareness in collaboration with international organizations and destination countries on the dangers of irregular migration based on the reality of destination countries targeting youth;
- To promote skills development, funding opportunities and productive employment for Gambian youth;
- To create job opportunities to encourage entrepreneurship and start-ups;

- To explore agreements on BLAs for labour mobility in order to provide legal channels for labour migration;
- To provide capacity building assistance to border management agencies;
- To promote, in collaboration with destination countries, regular and formal migratory channels.

4.9 Migrant smuggling

4.9.1 Policy Statement

Migrant smuggling refers to “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.”⁷ While smuggled migrants are left in very vulnerable conditions due to the large sums of money they have to pay to smugglers to undertake extremely dangerous trips to reach their destinations, smuggling, contrary to trafficking, does

⁷ UN General Assembly, Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime, Art. 3(a), 15 November 2000, available at: <https://www.refworld.org/docid/479dee062.html> [accessed 25 March 2019].

not require an element of exploitation, coercion or violation of human rights. The legal procedures for and prosecution of smugglers are different from those for human traffickers; and similarly, protection for victims differ depending on whether someone is a victim of trafficking or smuggling. To ensure appropriate protection for all categories of vulnerable migrants, including smuggled migrants, it is essential that The Gambia ascertain that the following objectives are in place:

4.9.2 Objectives

- i. To establish a regulatory framework for the reduction and eradication of smuggling of migrants and build capacities of institutions with a mandate to address irregular migration;
- ii. To identify drivers and pull factors of irregular migration from The Gambia and the link with smuggling in order to design appropriate measures to address the challenge.

4.9.3 Strategies

- To develop a legal framework that will seek to interdict migrant smugglers and protect migrants;
- To improve border management capacities through appropriate capacity building

programmes geared towards border officials and stakeholders to enhance better response to migrant smuggling;

- The Government, in collaboration with security authorities, to create an effective system of communication and information sharing through appropriate capacity building programmes;
- To enhance regional and international cooperation on information, intelligence, and data exchange to counter migrant smuggling;
- To equip and empower law enforcement officers to be well prepared to address and respond to the needs of mixed migration flows and appropriately coordinate with all relevant agencies.

4.10 Human Trafficking

4.10.1 Policy Statement

The Gambia is a signatory to the UN Convention against Transnational Organized Crime and its Protocols. Trafficking in persons, like smuggling, is prescribed by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Similarly, The Gambia Trafficking in Persons Act 2007 has been an existing legislation that prohibits and condemns such an act in the country.

Human trafficking, different from smuggling, can take place within the borders of one State or may have a transnational character. The Gambia is a source, transit and destination country for women and children subjected to forced labour and sex trafficking. Women, girls, and boys are being trafficked to The Gambia for sexual exploitation in the tourism industry and children and women are being trafficked internally for commercial sexual exploitation. In addition, trafficking of girls for domestic servitude, from rural to urban areas, is also a problem, which is often hidden. To a lesser extent, Gambian boys are also being trafficked to Senegal and Guinea Bissau to attend Quranic schools and be forced into begging or street vending. Trafficking outside of The Gambia involves primarily women and children, where they are subjected to domestic servitude and sexual exploitation. Some Gambian children have also been identified in other West African countries where they are forced into labour.

4.10.2 Objectives

- i. To promote and sustain a holistic and well-coordinated referral mechanism for trafficking in persons, including children, among law enforcement agencies (LEAs), CSOs and NGOs;

- ii. To identify the origins and address the causes and consequences of human trafficking affecting The Gambia;
- iii. To establish mechanisms for detecting and punishing perpetrators and accomplices of human trafficking, including children and creating appropriate punitive and deterrent measures;
- iv. To provide access to judicial remedies for victims of trafficking;
- v. To revise the Trafficking in Persons Act 2007 to give the National Agency Against Trafficking in Persons (NAATIP) powers to prosecute and arrest.

4.10.3 Strategies

- To incorporate the '4Ps' strategy – prevention, protection, prosecution, and partnership – in the fight against trafficking in persons adopted by NAATIP;
- To equip and build the capacities of law enforcement agencies, including border security agencies, through joint law enforcement training to ensure effective border controls and re-establish the task force on trafficking in persons in order to

respond to the influx of migrants at the borders;

- To provide adequate protection and assistance to victims of trafficking through the establishment of safe houses, as well as through return and reintegration assistance, such as resettlement grants, skills acquisition programmes, employment counselling and by enhancing the capacities of relevant stakeholders in running the shelters, making them user-friendly and compliant with international standards;
- To undertake awareness raising campaigns for the prevention of human trafficking;
- To collaborate with the authorities of destination countries through Gambian missions abroad and other partners to monitor the conditions of trafficked persons and to ensure their welfare and the respect of their human rights.

4.11 Return, Re-admission and Reintegration of Gambian Migrants

4.11.1 Policy Statement

All States are independent to decide on entry into their own territory and to return, voluntarily or forcibly, irregular, or inadmissible individuals. However, States should ensure that all returns are carried out in

full respect of human rights and that all returnees are treated humanely and with dignity. Although The Gambia is part of the ECOWAS Free Movement space, this does not provide unlimited or unrestricted freedom of entry to all citizens of other ECOWAS states, hence The Gambia reserves its right to decide if/when some migrants have to be returned. Similarly, countries of destination for Gambians, have the right to return Gambian nationals whenever they do not possess the right to stay and reside in the destination countries. The Gambia, in these cases, has the obligation to readmit its own nationals under international customary law and be committed to effectively reintegrate these individuals into the society. All such actions must respect the human rights of the affected persons and for it to be sustainable, it must also involve the cooperation and agreement between origin, transit, and destination countries.

4.11.2 Objectives

- i. To facilitate the return, readmission, and reintegration of Gambian nationals, including children and youth;
- ii. To build the Government's capacity to effectively manage returning migrants and their reintegration into the society, particularly children

and youth;

- iii. To develop bilateral and multilateral agreements with the main destination countries of Gambian nationals and ensure full application of existing agreements;
- iv. To promote a positive perception of returning migrants among the general population;
- v. To establish a national referral mechanism to promote migrant's reintegration.

4.11.3 Strategies

- To draft and implement government framework for the return, re-admission, and reintegration of returnees, where their rights are protected, and they are provided with adequate and accessible medical care services in line with relevant international legal instruments;
- To ensure that return is done through effective bilateral agreements, with dignity and honour of migrants intact so that the human rights of migrants are respected, both in the processes leading to return and during the actual processes of return itself, in particular, for children and

youth;

- To extend legal aid and legal representation for vulnerable returnees such as people who were forcibly returned, particularly, children and youth.

4.12 Border Management

4.12.1 Policy Statement

Comprehensive and well-functioning border management structures encompass both security and facilitation of legitimate cross-border flows of people and goods. Within the West and Central Africa regions and even more specifically in The Gambia, the problem of ‘mixed migration flows’ and ‘irregular flows’ of persons across national borders have raised new challenges that require the strengthening of the capacity of border management personnel.

Efficient border and immigration management policies and structures, supported by professional immigration and border officers, foster smooth movement management at borders and prevent transnational organized crimes, which include trafficking, smuggling (of persons as well as goods), terrorism and illicit movement via the use of fraudulent documents. Such policies and structures

also enable border authorities to detect smuggled migrants and trafficked persons with the ultimate objective of dismantling organized criminal networks and protecting the rights of vulnerable persons.

In the case of The Gambia, technology, infrastructure, regional cooperation, human resources and border management processes would benefit from reinforcement and strengthening, which would make it possible for Gambian authorities to fight crimes, secure its territory and protect its population more effectively.

4.12.2 Objectives

- i. To ensure that migrants and their belongings are adequately protected at the borders and their rights respected;
- ii. To prevent irregular migration, trafficking in persons, smuggling of migrants and other illicit activities through effective border management;
- iii. To focus on effective integrated border management and provide quality training, basic logistical and other critical support mechanisms and focus mainly on facilitating smooth and regular migration and reduce irregular migrant movements, including trafficking and smuggling;

- iv. To operationalize a modern automated border management information system for The Gambia.

4.12.3 Strategies

- To prioritize upgrading the capacities of border officials through continuous retraining of border control personnel and improving their administrative effectiveness to meet the emerging challenges of modern border control;
- To seek appropriate and customized border management information systems, including Migration Information and Data Analysis System (MIDAS),⁸ for implementation in The Gambia given its migratory context;
- To strengthen existing laws on migration management, especially in areas of irregular migration, in order to effectively meet new challenges in border control, including human trafficking, migrant smuggling, child labour and terrorism;

⁸ Developed by IOM in 2009, MIDAS is a Border Management Information System (BMIS) that allows States to process and record traveller information upon entering and exiting border crossing points for the purpose of identifying travellers, verifying biometrics, inspecting and authenticating travel documents, and collecting and analysing data.

- To strengthen cross border collaboration with Senegal to maximize border control and information exchange.

4.13 Visas and Residence Permits

4.13.1 Policy Statement

The current visa policy of The Gambia allows foreign nationals requiring a visa to either apply at the nearest Gambian Embassy or, in certain cases, obtain entry authorization with the condition of reporting to the Gambia Immigration Department within 48hrs of arrival for regularization.

Simplified visa and residence permit issuance procedures create a favourable investment environment. Visa procedures should be clear, straightforward, and transparent and should create an enabling environment for circular migration, brain circulation and business exchanges. However, in order to establish the said procedures, adequate technology and infrastructure, as well as solid information sharing mechanisms between authorities need to be put in place.

As a member of ECOWAS and signatory of its Protocol on Free Movement of Persons, Goods and Services, The Gambia seeks safe and secure regional integration.

ECOWAS nationals and their family members have the right to enter and exit without a visa.

4.13.2 Objectives

- i. To establish a comprehensive visa categories system, preventing abuse of visas and segregating visas from residence permits. A policy will be adopted to define the various categories (such as Business, Tourist, Student, etc.);
- ii. To review and modernize existing visa application procedures, facilitate control by the relevant authorities, as well as easy issuance to foreign citizens looking to access the territory legally;
- iii. A residence permit policy will consider harmonization by ECOWAS member states of rules appertaining to the issuance of residence cards/permits.

4.13.3 Strategies

- To work with the relevant national authorities in establishing an effective and transparent visa category policy;
- To modernize the visa issuance system by, for

instance, implementing an electronic visa system when possible or reviewing the issuance of visa-upon-arrival to citizens of countries in which no Gambian diplomatic representation is present;

- To modernize IT equipment at border control posts in order to better identify documents and other forms of fraud and to speed up the process of verification of identity, etc.;
- To train border control officials in identifying documents fraud and in handling them;
- To seek harmonization with the different ECOWAS protocols pertaining to free circulation and review visa agreements with third countries to the benefit of The Gambia;
- To enhance cooperation and information sharing with African and European intelligence authorities in order to know the types of people who are coming into the country and take adequate and appropriate actions when necessary.

4.14 Issuance of Identity Documents

A secure and efficient identity management system allows for better border management, increased national/international security as well as increased security for every individual. It helps the Government

fight crimes such as trafficking in persons and smuggling of migrants, among others. This includes registration of people as well as production and verification of high-integrity identity documents (including passports) and the proper capacity building of immigration professionals and border officers in identifying fraud and in safely handling the said documents.

The ability of the Gambian authorities to detect fraudulent travel documents and the general usefulness of these documents would be enhanced through well-structured registration, properly documented issuance, and modernized equipment. By increasing its capacity, the Government can also start issuing more secure documents that are protected against forgery and are more easily handled by foreign authorities.

4.14.1 Objectives

- i. To ensure that border management personnel are properly trained in migration issues, border control mechanisms and the security of cross-border movement, thereby improving their administrative efficiency;
- ii. To ensure that Gambian travel and identification documents meet international standards;

- iii. To make sure that the country is adequately and technologically well equipped to prevent fraud at the border;
- iv. To make civil registration accessible and affordable for all.

4.14.2 Strategies

- To improve the border management system, including training for border personnel on the proper handling of travel documents, computerization of systems in conformity with international norms and upgrade of inspection, data collection and communication systems;
- To centralize the gathering of identification and personal data for processing and storage and facilitate quick accessibility and manage such information for the benefit of an integrated border management system;
- To conduct regular training programmes for border control personnel and public authorities issuing official documents to improve their administrative effectiveness and meet the emerging challenges of modern control;
- To promote awareness raising campaigns on the importance of national identity documents.

4.15 Forced Displacement

Forced displacement concerns migrants who have been forcefully pushed to move beyond the borders of a given country for a different number of factors, including but not limited to, natural disasters, political unrest and/or persecution, conflict and economic collapse. Such persons can become asylum seekers or refugees, as defined in the Geneva Convention of 1951 relating to the Status of Refugees and its Protocol of 1967.

In this context, integration in the host society is key. The granting of residence status and work permits to an alien or a refugee should be the first phase of integration as this is fundamental in ensuring that a foreigner lives productively in society. Until citizenship is granted through naturalization, the Government should ensure the issuance of residence and working permits to non-Gambians.

4.15.1 Objectives

- i. To ensure that forcibly displaced persons are treated with dignity in The Gambia and can procure a job and be otherwise integrated in society due to the ease of access to proper documents and permits;
- ii. To ensure that refugees and Internally Displaced

- Persons (IDPs) have access to education and skills training and facilitate their eventual integration or reintegration into host and/or home communities;
- iii. To address protracted displacement situations through a comprehensive and integrated approach based on international solidarity and burden sharing. Voluntary repatriation (through reintegration, rehabilitation, and reconstruction mechanisms), local integration (through development by local integration mechanisms) and resettlement are such options;
 - iv. To coordinate the work of international and national institutions involved in promoting the welfare of refugees and asylum seekers to facilitate their resettlement.

4.15.2 Strategies

- To facilitate the voluntary return of refugees and migrants to their countries of origin;
- To work with state authorities, large employers of labour, educational institutions, and other stakeholders in ensuring that refugees have access to both the labour market and the education system;
- To encourage the participation of civil society in

awareness raising campaigns in the provision of legal and social counselling to refugees and in the attainment of their human right needs;

- To work closely with international and national organizations in ensuring the protection of migrant and refugee rights and their integration in society.

4.16 Refugees and Asylum Seekers

The Gambia Refugee Act 2008 was enacted by the National Assembly on 23rd October 2008 and assented by the President on 17th November 2008. It establishes a national body to manage refugee matters, defined legal framework for Refugees' Status Determination (RSD) and allowing forcibly displaced people to seek protection in The Gambia. The promotion of social and workforce integration is essential. In addition, the economic, social, and legal integration of refugees in The Gambia ultimately contributes to the existing peace and stability.

4.16.1 Objectives

- i. To facilitate registration of refugees and asylum seekers in The Gambia;
- ii. To ensure compliance with international standards;
- iii. To ensure that refugees are not penalized on

- account of their entry or presence and that their rights are respected;
- iv. To identify and establish refugee welcome centres/settlements for ease of screening, whilst ensuring freedom of mobility and establishment, as well as integration programmes to facilitate their local integration;
 - v. To ensure that asylum seekers and refugees are legally represented.

4.16.2 Strategies

- To allocate adequate resources for refugee protection and support;
- To enhance the capacity of the Government by revising the framework for the management of refugees and asylum seekers, including infrastructure;
- To increase the capacity of the Government and boost effectiveness of the screening systems at the border;
- To conduct regular training programmes for law enforcement agencies that operate at the nation's borders and have first contact with refugees, to inform them about their obligations as

set forth in relevant international instruments, national laws and policies and establish humane screening systems at the borders;

- To ensure adequate provision in annual budget allocation for the needs of refugees, especially women, children, and the elderly, and reach out to the private sector, charitable, religious organizations, and individuals for additional resources.

4.17 Principles of Non-Discrimination

All over the world, migrants usually constitute a vulnerable group in need of special protection. Discrimination is not uncommon, and it might generate social tensions that can easily escalate into larger conflicts. These can hinder the integration of migrants, as well as impact on the economy of the host society.

The protection of the human rights of migrants is deemed an essential part of migration management. Many destination countries are experiencing rising racism, discrimination, xenophobia, and intolerant behaviour towards migrants. Reducing stigmatization and discrimination against migrants and the

promotion of their right to be treated equally are considered of paramount importance. Human rights protection during the entire migration process and integration into host societies should be facilitated.

4.17.1 Objectives

- i. To ensure the institutionalization and observance of non-discrimination principles for all types of migrants in all spheres of the Government of the Republic of The Gambia, especially in institutions directly dealing with migrants and forcibly displaced persons;
- ii. To put in place and observe mechanisms for the protection and implementation of migrant rights;
- iii. To ensure that both the Gambian society and public officials are well informed about migrants, their rights, and contributions to society.

4.17.2 Strategies

- To build the capacity of public officials through training programmes and sensitization in order to deal with migrants, forcibly displaced persons, and vulnerable groups in a non-discriminatory manner;
- To develop awareness raising campaigns targeted at the Gambian society, showcasing the

contribution of migrants and highlighting their rights;

- To allow migrants to access Gambian social services;
- To ensure that the Declaration of the World Conference Against Racism, Programme of Action, African Charter on the Rights and Welfare of the Child, the UN Convention on the Rights of the Child, the International Convention on the Elimination of all forms of Discrimination against Women, Racial Discrimination and Xenophobia held in Durban, South Africa in 2001 are adopted in the national legislative and policy framework of The Gambia, including the prevention of acts of discrimination against women and measures to ensure the fair and non-discriminatory treatment of migrants, regardless of status.

4.18 Stateless People

The right to a nationality is a right recognized under international law. However, displaced persons are often impacted by statelessness for various reasons including conflicts between states, change in boundaries between states, by reason of extended stays abroad or due to changes in their civil status whilst abroad. As a result, stateless persons are often

not accorded the protection derived from being the citizenship of a nation and thus find themselves deprived of their human rights.

4.18.1 Objectives

- i. To eradicate statelessness by 2024;
- ii. To provide support to stateless persons in The Gambia as well as stateless Gambians abroad;
- iii. To adopt appropriate legislation to curtail the issue of statelessness in The Gambia.

4.18.2 Strategies

- To comply with the provisions of the 1954 and 1961 Statelessness Conventions as well as the Banjul Plan of Action on Statelessness;
- To revise and harmonize The Gambia's nationality and citizenship laws to ensure that they appropriately address the statelessness challenge;
- To reform the procedures and processes leading to the granting of citizenship for stateless persons within The Gambia, so that they may enjoy rights equal to those enjoyed by lawfully present foreigners.

4.19 Migrants’ Rights: Legislation and Non-Criminalization

A human rights-based approach⁹ to migration places the migrant at the centre of migration policies and governance and pays attention to the situation of marginalized and disadvantaged groups of migrants. By permeating different policies and legislation, such an approach also ensures that migrants are included in relevant national action plans and strategies.

The protection of the human rights of migrants, including children, is deemed an essential part of migration management, with the reduction of stigmatization and discrimination against migrants and the promotion of their rights to be treated equally being of paramount importance.

4.19.1 Objectives

- i. To ensure that both the Gambian society and public officials are well informed about migrants, their rights, and contributions to society;
- ii. To ensure that the rights of Gambians abroad are

⁹ The Vienna Declaration and Programme of Action, 1993, states that “(a)All human rights are universal, indivisible, interdependent and interrelated.” Additionally, respect for the human rights of migrants should include not just their civil and political rights, but also their social, economic, and cultural rights.

- guaranteed and protected;
- iii. To ensure that migrants within The Gambia, as well as Gambians detained abroad by the authorities of a host government, are granted access to the judicial system and where necessary, to counsel and are given among other rights the opportunity to contest repatriation and involuntary return/expulsion orders;
 - iv. To take steps, at an institutional level, to promote the integration of foreign citizens as a means of fostering mutual respect.

4.19.2 Strategies

- To encourage strict adherence to the Universal Declaration of Human Rights and migrant rights as stipulated in various instruments such as the African Charter on Human and People’s Rights, among others;
- To take steps, at institutional/governmental levels, to domesticate, fully implement, protect, and respect the rights of migrants and the rights of members of their families;
- To internalize and fully implement international treaties and conventions on human rights;

- To safeguard through bilateral and multilateral agreements that all migrants are returned humanely and that the Government, both the Gambian and the hosting Government, ensure their effective reintegration on return and the respect of their rights;
- To provide legal aid to migrants within the country and abroad.

4.20 Legislation

The Gambia has legal instruments that tackle a range of migration issues; however, a review of migration legislation would further ensure the safeguarding of the human rights of migrants and the domestication of ratified international human rights instruments.

Objectives

- i. To review and implement legislation on the principle of non-discrimination and non-criminalization of migrants;
- ii. To take steps to protect the rights of migrants, including victims of trafficking and/or smuggling, through the development of comprehensive specialized legislation;
- iii. To have specialized legislation addressing the rights

and duties of migrants, including Gambian nationals who decide to emigrate and foreign nationals in The Gambian territory.

Strategy

- To establish a working group under the National Coordination Mechanism on Migration to regularly review and deliberate on specialized legislation on migration.

5. CROSS-CUTTING THEMES AND ISSUES

5.1 Migration and Health

The protection of the human rights of internal and international migrants, including the right to health, has been increasingly recognized in the international agenda in recent years. Mobility is a social determinant of health that not only impacts on physical vulnerability but also on social and mental well-being. Gambian returnees, including children and youth from the *backway*, have often endured very distressful journeys and in certain cases, remain traumatized by the exploitative situations they had found themselves in whilst on the migration journey. There is a need to be able to provide them with the appropriate care and support when they return home. Similarly, migrants in The Gambia might be confronted with health challenges that can exacerbate if precluded from access to health care.

The Gambia recognizes the need for a comprehensive multi-sector approach to migration and health that goes beyond infectious diseases and border control and that also accounts for all issues related to disabled people. However, the loss of health care professionals through migration can challenge the overall health care system.

The Gambia is committed to developing migrant-inclusive health policies that address migration-related health vulnerabilities, non-communicable diseases, mental health, occupational health and environmental health in full collaboration and consistency with the Health Sector Emergency and Response Plan, the National Contingency Plan and the Emergency Operation Centre. Access to migrant-sensitive health care services must be promoted in order to achieve the Sustainable Development Goals and Universal Health Coverage.

5.1.1 Objectives

- i. To ensure that returned migrants, particularly children, receive adequate health support to properly reintegrate into communities;
- ii. To be sensitive to and facilitate migrants' access, including in the events of natural disasters, to health care services in the same way as that of nationals and ensure that immigrants meet the requisite national standards of health as a precondition for their admission into the country;
- iii. To ensure that health and migration links are well understood and integrated into any migration programme implemented by the Government and international organizations.

5.1.2 Strategies

- To ensure the provision of tailored health care for Gambian returnees, especially in vulnerable cases, including unaccompanied children, victims of trafficking, migrants who endured abuse abroad, etc.;
- To strengthen the healthcare system and improve access to healthcare services in accordance with the Sustainable Development Goals 1, 3, 5, 8, 10, 11, 16 and 17;
- In collaboration with other stakeholders, to conduct sensitization campaigns in order to ensure that cultural, linguistic, and other barriers do not prevent the access of migrants to healthcare.

5.2 Migration and Education

The constitution of the Republic of The Gambia mandates free and compulsory primary education across the country. At the level of higher education, however, a shortage of institutions pushes many of Gambia's youth to foreign countries in search of degrees.

Ensuring access to education for migrants in The Gambia, as well as providing quality services at a domestic level will contribute to easing the pressure

of push factors for migration and will prevent brain drain. The renewed global competition for skilled migrants could also further heighten the challenge of brain drain through student mobility, considering that the quality of human resources available in a country is to a very large extent determined by the quality of education, from elementary to university level and in turn is a strong determinant of the economic development attainable by a country. Concomitantly, The Gambia hosts many child migrants and refugees who face challenges in accessing continuous and quality education in The Gambia.

5.2.1 Objectives

- i. To address the challenges of Gambians seeking higher education abroad through improving educational standards at home, in order to reduce emigration and brain drain;
- ii. To document and update Gambian emigrants' reasons for leaving the country;
- iii. To ascertain skills lost from and gained by the country and to determine these implications for The Gambia;
- iv. To optimize student mobility for national development;

- v. To ensure that all migrant children and child refugees have continuous access to basic education.

5.2.2 Strategies

- To gather data in the population census and among the diaspora on the frequency of citing education as a reason for Gambians leaving the country;
- To map the places and fields of study of Gambians in the diaspora;
- To address the internal challenges of secondary and higher education and guarantee that migrants in The Gambia have the same rights of access as any national;
- To design and adopt a scheme for the Gambian Diaspora to return periodically to the country for project-tied tasks, the improvement in education and training among the youth and the strengthening of capacity for greater participation in development activities;
- To increase bilateral agreements and inter-State cooperation on student mobility to guarantee circularity of the movement of students and ensure their return to The Gambia;

- To map migrant and refugee children’s access to education and promote the establishment of schools in needed areas.

5.3 **Migration, Environment, and Climate Change**

Given the already referenced rapid urbanization in The Gambia, significant pressure was put on the environment due to a rapidly growing population on limited territory and an agricultural system that relies heavily on weather conditions.

Consequently, one of the main environmental issues facing The Gambia is waste management, especially in urban areas. This is exacerbated by indiscriminate disposal of waste from households and small industries, poor collection and inappropriate disposal practices.¹⁰ Waste management, the safe disposal of excreta, the management of landfills and monitoring of surface and ground water are the most major challenges in terms of sanitation. Other major concerns include deforestation, desertification, and water pollution.

However, deforestation is considered the most

¹⁰WHO Country Cooperation Strategy 2008-2013: *Gambia*. World Health Organization, Regional Office for Africa (2009), available at: <http://www.who.int/iris/handle/10665/136004>[accessed 25 March 2019].

serious environmental problem in The Gambia, with slash-and-burn agriculture being the principal cause of this. Only 9% of the forests in The Gambia have survived the expansion of agricultural land and the use of trees for fuel. A 30% decrease in rainfall over the last 30 years has also increased the rate of desertification on The Gambia's agricultural lands.

Climate change effects have also been felt in The Gambia, particularly in the form of flooding during the rainy season. Floods have resulted in the displacement of persons and destruction of dwellings whilst droughts have resulted in crop failure and water shortage.¹¹

5.3.1 Objectives

- i. To increase the capacity of the Government in addressing migration, environmental challenges, and climate change;
- ii. To include environmental and migration issues in urban planning policies;
- iii. To assess the migration, environmental and

¹¹ UN Department of Economics and Social Affairs, Statistics Division, *State of Environmental Statistics in The Gambia*, available at: <https://unstats.un.org/unsd/environment/gambia.pdf> [accessed 25 March 2019].

- climate change nexus in The Gambia, observing its impacts and main challenges;
- iv. To prevent and mitigate the negative impact of migration on the environment;
 - v. To strengthen capacities of national institutions involved in environmental management and climate change, cognizant of migration as both a cause and a consequence of environmental change;
 - vi. To address deforestation and flooding and ensure contingency plans are in place.

5.3.2 Strategies

- To enhance the capacity of all public institutions in dealing with the effects of environmental issues using a multi-perspective approach for migrants and non-migrants alike;
- To include concrete environmental actions in urban planning strategies of The Gambia and involve LGAs in urban planning processes to ensure proper actions against climate change and proper disposal of waste;
- To conduct studies on the impact of migratory movements on the environment and the relationship between the environment and

migration in The Gambia specifically.

5.4 Migration and Trade

For a small country with limited local markets such as The Gambia, trade provides a powerful engine for socio-economic development and job creation, which, in turn, can indirectly contribute to a reduction of irregular migration pressures among youth. Providing young entrepreneurs with facilitated access to trade and foreign markets offers them a viable future and provides jobs to many other young unemployed Gambians. The large Gambian Diaspora also represents a strong force in bridging foreign market access for young Gambians. If the Diaspora is given facilitated market access into The Gambia, it can further boost investments into the country and foster development. Nonetheless, the Government of the Republic of The Gambia is cognizant that there is a need to properly understand the links between migration and trade and how this can contribute to offer alternative livelihoods to youth vulnerable to irregular migration.

5.4.1 Objectives

- i. To understand the nature and dimensions of the migration-trade nexus at national, regional, and international levels;

- ii. To facilitate diaspora's access to The Gambia's market through incentives and the development of an appropriate regulatory framework;
- iii. To establish strong links between Gambian Diaspora and young Gambian entrepreneurs to facilitate trade of Gambian products abroad.

5.4.2 Strategies

- To undertake analysis and research on the links between migration and trade in The Gambia;
- To develop incentives to promote diaspora's access to The Gambia's internal market with the goal of boosting the local economy and job creation among vulnerable youth;
- To establish a programme to facilitate contacts between young Gambian entrepreneurs and Diaspora in key destination countries in order to promote exports of Gambian products and maximize the positive impact of the Economic Partnership Agreement (EPA) lately signed between The Gambia and the European Union and the Continental Free Trade Agreement (CFTA).

5.5 Migration and Gender

The impact and benefits of migration can be gender

specific, and hence requires a nuanced approach to any response mechanism. All these groups might have different reasons for migrating, experience different types of challenges, including but not limited to harassment and exploitation. Laws and policies addressing migration have also engendered outcomes, costs, and benefits. Migrant women's vulnerabilities to exploitation were highlighted by the frequently abusive conditions under which they work, especially in the context of domestic service and sex industries in which migrant trafficking is heavily implicated.

Over the years, feminization of migration has become a very critical issue that should be included in any national migration policy, especially since women now account for about half of all international migrants. It is, therefore, important to give particular attention to safeguarding the rights of migrant women and girls in the context of migration management and to take effective steps to counter trafficking and smuggling and other illegal practices that specifically target and victimize women and girls. Gender is, today, one of the most important factors shaping modern day migration and national development and needs to be mainstreamed as part of an effective migration management policy.

5.5.1 Objectives

- i. To mainstream gender in The Gambian National Migration Policy;
- ii. To respond to the specific needs of girls and women as well as boys and men, considering different aspects of migration;
- iii. To strengthen measures against sexual exploitation and abuse of women engaged in cross-border trade;
- iv. To enhance and promote the participation of women in small scale, medium and large-scale enterprise, development, and cross-border trade, in adherence to sub-regional, regional, and international protocols and treaties;
- v. To explore migration-gender relationships in different socio-cultural settings in The Gambia, with a special focus on women's empowerment;
- vi. To establish gender equity as a core value in key Governmental activities and policy development.

5.5.2 Strategies

- To promote gender information campaigns aimed at raising awareness about the gender dimension of migration, in conjunction with policy makers;

- To address the special needs of women and girls by mainstreaming gender into the migration and development agenda of The Gambia;
- To improve nationwide protection services for vulnerable groups with specific training on gender issues for officials running and implementing such services;
- To establish measures to be taken against sexual exploitation and abuse of women engaged in cross-border trade;
- To conduct gender analysis to establish facts and figures as a baseline for improving the working condition of migrant female workers.

5.6 Migration of Children, Adolescents, and Youth

Children remain one of the most vulnerable migrant groups, especially orphaned and disabled, unaccompanied and separated children, child victims of trafficking and sexual exploitation, children who are forcibly displaced or children in IDP settings who are exposed to risks that result in a general decline in health. Similar issues affect adolescents as well, who in many cases are encouraged or even forced by family members to migrate in order to improve the conditions of their homes. Children are also

sometimes left behind by one or both migrated parents to be raised by other family members.

Furthermore, the transition from school to work is particularly difficult for the youth in The Gambia as they seek to enter the labour market facing two critical challenges – inadequate skills and a scarcity of jobs. Consequently, unemployment rates are high. The Government has long recognized these challenges and has taken steps to address the shortage of jobs and the skills deficit among the youth. However, these efforts, particularly at creating jobs, have not been as effective as hoped. An investment incentive programme set up to attract investments in the private sector and create jobs for the working age population did not yield the desired results as some constraints still affect the development and growth of the private sector. Consequently, migration for the purpose of education may serve as a door-opening for the Gambian youth and managing circular movement could ensure that the youth that study abroad find it interesting to return home after their studies in order to invest and contribute to local and national development.

Today, an increasing number of children, adolescents and youth are migrating independently, whilst some migrate with the consent of their parents or

guardians. Be it for studies, employment or the search for better living conditions, more efforts are to be made to educate youth about the dangers and risks involved in irregular external migration and internal migration to urban areas, where living conditions are often worse than in the rural areas they leave behind. In addition, sustainable opportunities for education and employment must be provided for the youth to deter them from embarking on journeys to the unknown and to ensure the stable development of The Gambia.

5.6.1 Objectives

- i. To understand comprehensively the migration drivers, trends, and patterns the Gambian youth in order to develop policies that adequately tackle their needs;
- ii. To strictly address trafficked and smuggled, unaccompanied, and separated, abused, abandoned, violated, or neglected immigrant children through proper specific legislation, enabling the provision of the right to asylum, if requested;
- iii. To address the push factors of Gambian youth to emigrate by creating a domestic attractive

employment system;

- iv. To manage the effects of migration on children, adolescents, and youth, with a view to preparing those in these transitional categories for roles as responsible adults in the Gambian society.

5.6.2 Strategies

- To target law enforcement officials, particularly judges, in education and awareness raising initiatives to eliminate the complicity of government personnel in child trafficking;
- To protect the rights of migrant children through national laws and relevant international instruments, particularly the UN Convention on the Rights of the Child, the UN Convention Against Transnational Organized Crime and its two Protocols, the Palermo Protocol and International Labour Organization (ILO) Convention 182 on the Worst Forms of Child Labour;
- To increase bilateral agreements with destination countries for studies to ensure brain is diminished and the Gambian youth return to the country to apply the knowledge and skills gained abroad;
- To sensitize youth and their families on the dangers of irregular migration and work in close

collaboration with airlines, ocean-going passenger vessels and major companies involved in land transportation, to sensitize them on the best means of identifying children and youth who are being trafficked or smuggled out of the country.

5.7 Migration, Sensitization, and Advocacy

As highlighted in the different points and sections of the NMP 2020-2030 document, migration is deeply linked with sensitization and in order to achieve most of the objectives proposed in the NMP 2020- 2030 it would be important to carry out awareness raising campaigns. Intensive public education and sensitization is required to appropriately educate all spectrums of society – policy makers, government officials, parents, youth and indeed all stakeholders – on the rules and regulations governing entry, residence and work, as well as the rights and obligations of migrants abroad. Such advocacy supports the development and implementation of a non-discriminatory and non-criminalized approach to migration and facilitates both migrants and host communities in mutually understanding each other.

In particular, continuous advocacy is required to ensure that the content of the NMP 2020-2030 on the opportunities and challenges facing the country in

respect of irregular migration, brain drain, remittances, female and child migration, diaspora engagement, reintegration of returnees and so on, are well articulated and understood by all stakeholders. in order to facilitate a smooth and timely implementation of the Policy.

5.7.1 Objectives

- i. To ensure quality and widespread data collection on migration by Gambian public authorities, and its consequential analysis for a better understanding of the current migration dynamics in the country and dissemination;
- ii. To provide a basis for the adoption and implementation of this Policy.

5.7.2 Strategies

- To review the methodology of the Gambian Population and Housing Census to include more research and specific data on migration segregated by sex and age;
- To establish mechanisms for mobilizing resources for social and migration advocacy at public level on cross-cutting issues of migration;
- To ensure that public officers, public personnel,

media, and community leaders are aware of the different cross-cutting issues of migration and of the rights and duties of migrants;

- To keep in close contact with the Gambian Diaspora through the diplomatic missions abroad and ensure that they can easily communicate and reach out to the Government of The Republic of The Gambia.

6. MIGRATION AND INTERNATIONAL COOPERATION

6.1 Policy Statement

The complexity, challenges and opportunities presented by international migration, including questions of socio-economic development and international security, necessitate the development of cooperative approaches for effective migration management. The Gambia is host to many immigrants coming from neighbouring countries, but it is also the homeland of many members of the Gambian Diaspora living abroad. The increasing outflows of migrants and the complexity of migratory waves within and across regions highlight the essence to develop cooperative inter-state and inter-regional approaches to managing migration in the West African sub-region and beyond; to foster development of clear objectives, provide opportunities for exchange of experiences, views and best practices and work towards coordinated implementation of policies and programmes. This can be reflected in Data Management (see Section 7) or in coordination to fight transnational crimes such as trafficking in persons and smuggling of migrants.

Regional and international instruments to effectively manage migration also contribute to national

development.

6.1.1 Objectives

- i. To promote compliance and harmonization of The Gambia's national migration frameworks with bilateral, regional, and international commitments, ensuring that this National Migration Policy is in line with ECOWAS and other African and international agreements;
- ii. To promote bilateral, regional, and inter-regional consultative processes for the sharing of best practices in migration management that may be adapted to/replicated in a national context and participate actively in the said processes;
- iii. To provide a framework for developing a record of all The Gambia's international commitments that relate to migration and a system of reporting progress to regional and international bodies;
- iv. To ensure adherence to international agreements and instruments on migration and reciprocity by destination countries.

6.1.2 Strategies

- To review and compile all existing bilateral and multilateral agreements on migration signed by

The Gambia;

- To foster inter-state dialogue and intra-regional cooperation on migration and increase Gambia's active participation in such processes;
- To follow the recommendations of the AU Migration Policy Framework and the African Common Position on Migration and Development;¹²
- To set up monitoring units at border points in order to sensitize the population on the provisions of the ECOWAS Protocol on Free Movement of People and Goods and to facilitate the movement of people and goods.

7. MIGRATION DATA AND INFORMATION MANAGEMENT

7.1 Collection, Collation, Analysis, and Dissemination of National Migration Data

Since 2013, the Government of the Republic of The Gambia has included disaggregated data on migration (internal and external) in its census. Although focused only on immigrants (there is little data known on the

¹² Both adopted by the Heads of State and Governments during the AU Executive Council Ninth Ordinary Council in 2006.

outgoing flows and Gambian Diaspora population), the Census reports give a good panorama of the current state of migration of Gambians. However, an effective data management system can result in more efficient migration management and up-to-date data can provide the basis for good public planning.

The Government of The Gambia, in recognition of the importance of having an in-depth understanding of its migration flows, both of emigrants and immigrants, as well of IDPs, wishes to improve its data collection and facilitate access through enhanced coordination among the different national institutions and international organizations. It also recognizes the relevance of exchanging data on migration regionally, within the framework of the ECOWAS Protocol on Free Movement of People.

7.1.1 Objectives

- i. To collect reliable migration data, disaggregated by gender and age and protect the privacy of data subjects and the confidentiality of personal data;
- ii. To collate, analyse and publish the results of data gathered on different types of internal and international migration including research on Gambian emigrants and the Gambian Diaspora for a greater overview of all migration flows;

- iii. To use all data collected on migration to direct policies and laws at the national level to increase the Government's responsiveness to migration;
- iv. To enhance the capacity of the Gambia Bureau of Statistics (GBoS) to collect and handle data on migration and publish, at least concurrently with each census and ideally more frequently, the gathered statistics;
- v. To have a viable national migration database which allows access to, utilization of and sharing of generated migration data among all keyholders.

7.1.2 Strategies

- To promote the use of migration data in migration management and national strategic planning in all relevant public institutions by making data easily accessible and readable;
- To increase coordination among different Ministries and relevant public authorities in order to centralize data collection on migration and provide a unified database for it;
- To establish within GBoS, a department charged with the responsibility of regularly updating migration statistics in collaboration with other stakeholders. These statistics will include data

derived from immigration cards of entry and exit, data derived from registers of Gambians at respective missions abroad and from Gambians in diaspora organizations, remittances, labour migrants, cases of human trafficking, refugee stocks, voluntary and involuntary repatriations, etc. that is, capture all relevant migration indicators;

- To ensure that migration data gathered are appropriately disaggregated to reflect gender, education, age, reason for departure or entry, nationality, occupation, length of stay or absence, address of migrant, primary country of residence and other relevant information;
- To conduct periodic national migration surveys and intensify data collection to have updated, consistent data.

7.2 Regional Migration Data Exchange

As an ECOWAS member state, The Gambia is committed to implementing its regional protocols and agreements. In the interest of greater regional integration, the Government of the Republic of The Gambia understands the need for increased exchange on migration data in order to better understand regional flows and ensure appropriate policies are

developed.

7.2.1 Objectives

- i. To promote regional migration data exchange among ECOWAS States to foster greater understanding of migration trends and realities within regions and to serve as a basis for the development of effective regional migration management policies;
- ii. To enhance the capacity of the GBoS to collect and disseminate data and increase its cooperation with other ECOWAS member states' Statistic Bureaus, to exchange information periodically.

7.2.2 Strategies

- To improve migration data collection, storage and management, including training of related personnel on applying adequate data protection, safeguards on the confidentiality, integrity and security of personal data; and to implement appropriate access controls to prevent unauthorized access to databases and storage areas;
- To promote regional migration data sharing with a view to studying trends and making the necessary

policy adjustments, especially within the framework of the ECOWAS integration;

- To institutionalize electronic migration data collection systems, storage, management and dissemination with appropriate backups, whilst ensuring that they are in line with the system used by other countries in the ECOWAS region;
- To harmonize data collection methods and tools with those used within the region, in line with the objectives and targets outlined in the Global Compact for Migration and SDGs and to promote regional migration data with the view of informing policy.

8. RESOURCE MOBILIZATION FOR MIGRATION MANAGEMENT

In order to fully implement the National Migration Policy, the Government of the Republic of The Gambia needs to affirm its responsibilities and provide adequate and sufficient resources whenever necessary. Whenever resources are unavailable to the Government, the Government will seek partnerships with various stakeholders, cognizant of their respective mandates, missions and expertise, mainly referring here to intergovernmental organizations such as the UN agencies and other NGOs, CSOs and Private

Sector Organizations (PSOs).

8.1 Funding

Considering the limited financial resources of the country, resource mobilization will be two-pronged. Firstly, the Government will ensure the provision of funds from public finance and domestic resources to support the implementation of this Policy. This is particularly relevant for the implementation of long-term activities, which will be mainstreamed into the annual budgets of relevant government Ministries. Secondly, to fill gaps that cannot be covered by domestic resources, the Government will request donors and partners to fund the implementation of activities that are planned for the short and medium terms. Additional donor funding may be sought where necessary and available. Other key stakeholders, such as the Gambian Diaspora, can be involved as well to facilitate not only resource mobilization but buy-in and implementation as well.

9. INSTITUTIONAL FRAMEWORKS FOR POLICY IMPLEMENTATION

Effective implementation of the National Migration Policy 2020 - 2030 requires the active involvement of all relevant migration and development stakeholders, namely, the various Ministries of The Government of The Republic of The Gambia, other governmental and non-governmental institutions, the National Assembly of The Gambia, international organizations, the Gambian Diaspora, civil society organizations and the public, including migrants and non-migrants. This National Migration Policy is a comprehensive and integrated reference document in nature, scope and content and it serves to provide the necessary guidelines and principles to assist the Government of The Republic of The Gambia and all local authorities in effectively addressing migration matters.

