



**The Inclusivity Project and
Global Forum of Communities Discriminated on Work and Descent - 2023**



Communities Discriminated on Work and Descent in Gambia and Status of Modern Slavery

Country Report

The Inclusivity Project

The Inclusivity Project (TIP) is a non-profit organization founded to advocate for the rights of communities discriminated on work and descent (CDWD) and raise awareness on their issue. TIP works towards Capacity Building, Collaboration, and Research to support CDWD communities by enhancing the Social, Economic, and Political Integration and increasing their visibility at the National, Regional and Global platforms. TIP works on the sustainable development goals (SDGs), especially on the monitoring and follow-up/review, and providing data and evidence for the nation-state for effective and inclusive programme implementation.

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Global Forum of Communities Discriminated on Work and Descent

The Global Forum of Communities Discriminated on Work and Descent (GFOD) is the global coordination and engagement mechanism for the Stakeholder Group of Communities Discriminated on Work and Descent (SG CDWD). Both were founded in 2021 and formally recognize the core motto of 'Leave No One Behind' propounded by Transforming Our World: the 2030 Agenda for Sustainable Development, which ensures Planet, Peace and Prosperity for all, especially those who are marginalized through generations and suffered social prejudices for life of dignity and peace.

<https://www.globalforumcdwd.org/>

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Contents

1	Foreword	06
	Preface	07
	Acknowledgements	08
	Glossary and Abbreviations	09
	Summary	10
	Recommendations	11

2	Introduction	12
	Communities Discriminated on Work and Descent in Gambia	15
	Modern Slavery and Discrimination of Repressed Caste Communities:	
	A Human Rights Concern	24
	▪ <i>Discrimination, Prohibitions and Restrictions on the CDWD</i>	
	▪ <i>Modern Slavery Emanating from Traditional Slavery of the CDWD</i>	
	Impact of Slavery on Development Paradigm of CDWD	31
	National Response Mechanisms to Combat Modern Slavery	
	& Discrimination	34
	International Response Mechanisms to Combat Modern Slavery	
& Discrimination	37	

3	Recommendations	40
----------	-----------------	----

	References	41
--	------------	----

The Gambia



Gambia, officially known as the Republic of Gambia, is a small country in West Africa. It is the smallest country within mainland Africa and is surrounded by Senegal on all sides, except for its western coast on the Atlantic Ocean.

Gambia has an estimated population of 2.47 million, comprising 1.26 million women (50.41%) and 1.23 million men (49.59%).

Gambia has over 948,000 persons (41.6%) living in multidimensional poverty, and over 18.8% of the population living in severe multidimensional poverty⁴.

According to the Human Development Index 2021-22, Gambia ranks 173 among 191 countries and territories and ranks 153 in the Gender Inequality Index⁵.

Gambia's population is predominantly Muslims (96.4%), with majority Sunni Muslims. English is the official language, while Mandinka and Wolof are the lingua franca languages, and the most frequently spoken languages include Pulaar, Serer, Diola and Soninke.



Foreword



PRINCE BUBACARR AMINATA SANKANU

Deputy Government Spokesperson (The Gambia)

I am pleased to present this in-depth research report on “Communities Discriminated on Work and Descent (CDWD) In The Gambia” by Alima Taal and Halimatou Ceesay, Rights Experts of the Global Forum of Communities Discriminated on Work and Descent (GFoD).

The report highlights communities discriminated on work and decent, persistence of slavery and discrimination, prohibitions and restrictions on the CDWD, modern slavery emanating from traditional slavery, the impact of slavery on the development paradigm of the CDWD, both national and international response mechanisms for tackling modern slavery, case stories and some important recommendations that will help in the eradication of discrimination based on work and descent in The Gambia.

The research shows the various ethnic groups in The Gambia still practising caste-based discrimination, reasons behind the persistence of the practice and conflicts arising from it.



Preface



N. PAUL DIVAKAR

Convenor, Global Forum of Communities Discriminated on Work and Descent

Discrimination based on work and descent continues to be a significant challenge in various societies, including The Gambia. This form of discrimination, often rooted in historical social structures, has far-reaching implications for the affected communities, impacting their access to education, employment, healthcare, and overall socio-economic development.

The Gambia, like many other countries, is characterized by a diverse population with various ethnic, cultural, and religious groups. Unfortunately, certain communities may face discrimination based on traditional notions of caste, social class, or hereditary occupation. This discrimination can manifest in limited opportunities, social exclusion, and unequal treatment.

Efforts have been made globally to address discrimination based on work and descent, and The Gambia is no exception. We, at Global Forum of Communities Discriminated on Work and Descent (GFoD) have been actively working

with various government, non-governmental organizations, and advocacy groups and undertaking initiatives to promote inclusivity, raise awareness, and challenge discriminatory practices. However, progress may vary, and challenges persist in achieving comprehensive social equality.

Understanding the historical context and cultural dynamics that contribute to discrimination based on work and descent is crucial for developing effective strategies to address these issues. Additionally, legal frameworks and policies aimed at protecting the rights of marginalized communities need to be examined and, if necessary, strengthened to ensure their effectiveness.

This preface to the report on status of Community discriminated on Work and Descent serves as an introduction to the complex issues surrounding discrimination on work and descent in The Gambia. Further research and in-depth analysis are necessary to provide a comprehensive understanding of the current status, challenges faced by affected communities, and the effectiveness of existing interventions.



Acknowledgements

**ALIMA TAAL
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Authors

The caste system in the Gambia is as old as the people's and is a pre-colonial practice. The caste system has brought disputes including death amongst some communities in the Gambia. The rights of the communities discriminated on the basis of caste, or as the UN terminology of - Communities Discriminated on Work and Descent (CDWD), need to be urgently protected and promoted in every possible way.

It should be our responsibility to ensure that every individual is treated equally, regardless of their caste. We need to create an environment of inclusion, understanding, and respect. Our society should be one that celebrates diversity and does not put barriers to anyone's success or opportunities.

It is distressing to see that even in the 21st century, individuals with a particular caste are still denied opportunities for education and employment. It is even more concerning that they remain victims of social discrimination, such as being denied entry into Mosques, social gatherings, and religious festivals, among many more instances. To recognise someone's worth based on their caste, rather than their merit or skills, is a gross injustice.

It is high time that we recognised the seriousness of this issue and take steps to eliminate such a barbaric practice from our society. We need to create more awareness and educate our children and future generations about the evils of casteism.

In a democracy, every citizen has the right to live a life of dignity and a life free from discrimination and oppression.

We hope that as a society, we can all come together to bring the much-needed change we need. A future where discrimination doesn't exist – a society that promotes equality and encourages the growth of every individual – is not just a dream, but a necessity. It is our collective responsibility to ensure that caste discrimination is eliminated so that our country can progress into a society that respects and values all individuals.

Through this status report, we have made an attempt to give a profile of the Communities Discriminated on Work and Descent (CDWD) in Gambia. We have also attempted to add to the evidence of the CDWD trapped in various modern slavery in Gambia.

We would like to express our gratitude to the Global Forum of Communities Discriminated on Work and Descent (GFoD) for the opportunity to conduct this study on Communities Discriminated on Work and Descent (CDWD) in Gambia. The endeavour was an eye-opener for us on many fronts.

We will also like to thank Paul Divakar, Father Aloysius Irudayam, Naveen Gautam, and Reena Tete for their guidance and mentoring.

We extend our deepest appreciation to Prince Babucarr Aminata Sankanu for the insights on the Soninke caste hierarchy.

Glossary of Terms

Discrimination based on Work and Descent (DWD)

Discrimination based on Work and Descent (DWD) is the UN terminology for caste-based discrimination. The term has been used by several UN human rights bodies, including by treaty bodies and Special Rapporteurs, reaffirming that this form of discrimination is prohibited under international human rights law. DWD is a global phenomenon affecting 260 million people worldwide, including South Asia and East Asia, Africa, Latin America, Middle East and Europe.

Communities Discriminated on Work and Descent (CDWD)

Communities Discriminated on Work and Descent (CDWD) are the peoples directly affected by Discrimination based on Work and Descent. The communities discriminated on the basis of work and descent continue to face extreme forms of isolation and discrimination, which acts as an obstacle in their attainment of civil, political, economic and social rights. This form of stigma has led to their segregation and enforced endogamy, as well as socio-economic and political discrimination.

Modern Slavery

Modern Slavery covers a set of specific legal concepts including forced labour, concepts linked to forced labour (i.e., debt bondage, slavery and slavery like practices and human trafficking) and forced marriage. Although modern slavery is not defined in law, it is used as an umbrella term that focuses attention on commonalities across these legal concepts. Essentially, it refers to situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power.

ABBREVIATIONS/ ACRONYMS

CDWD: Communities Discriminated on Work and Descent

CSO: Civil Society Organisation

DWD: Discriminated based on Work and Descent

GFOD: Global Forum of Communities Discriminated on Work and Descent

ILO: International Labour Organisation.

IOM: International Organisation for Migration

NGO: Non-Government Organisation

UNFPA: United Nations Population Fund

Summary

Caste-based and descent-based discrimination in Gambia is a longstanding tradition that has persisted and evolved into what is now referred to as Modern Day Slavery. During the pre-colonial era, powerful and wealthy individuals sought to expand their wealth and influence through conquests and land acquisitions. They would conquer small villages and hamlets, capturing the residents and bringing them back as captives to serve without pay, effectively labelling them as slaves.

Some of these enslaved people were later sold to trans-Atlantic slave traders, while others remained in servitude to their masters. The offspring of these slaves were also born into slavery, and this cruel practice continued through generations up to the present day.

The caste system is predominantly practiced by the Mandinka, Fula, Wolof, Sarahulleh, and Serer ethnic communities of Gambia. The nobles occupy the top position in this social ladder, followed by the Artisans and the slaves.

Slaves are expected to perform menial tasks during ceremonies and events in the villages. Their children are forbidden from socialising with those of higher caste, and they may not attend the same Arabic schools in certain regions of the Upper River Region. In some areas, the nobles and the slaves

have separate cemeteries and mosques, further emphasising the division.

Members of the anti-slavery movement known as 'Gambaana' face persecution in some parts of the Upper River Region when they refuse to be referred to as slaves. They have been excluded from village activities, and some have even been physically assaulted, with reported cases sometimes being withdrawn in an attempt to maintain peace.

Marriage between the noble caste and the slave caste is strictly forbidden, reinforcing the social divisions and discriminatory practices.

The 1997 Constitution of The Gambia recognises the inherent human dignity of all individuals, ensuring equality before the law and safeguarding fundamental human rights and freedoms without any form of discrimination. Article 20 of the Constitution specifically prohibits slavery, servitude, and forced labour. Additionally, Article 33 protects citizens from all forms of discrimination in legal treatment, public office, and authority.

Despite these constitutional provisions, the discriminatory caste system and practices continue to persist, demanding further attention and efforts to combat such injustices. Gambia is also a party to the Convention on the Elimination of Racial Discrimination and other international and regional human rights instruments which prohibit all forms of discrimination.

Recommendations

Enact laws protecting and promoting the rights of Communities Discriminated on Work and Descent (CDWD).

1

Initiate mass awareness programs on slavery and its impact, including Human Rights Education for school children and beyond to address stereotypes and discrimination.

2

Design social welfare programs prioritising the advancement of the Communities Discriminated on Work and Descent (CDWD).

3

Implement special measures for CDWD in education, employment, social benefits, and political representation for their inclusion.

6

Allocate resources in central and state budgets for CDWD welfare and special measures.

5

Undertake storytelling projects to reveal the true experiences of communities facing work and descent-based discrimination.

4

Establish a dedicated commission to eradicate discrimination based on work and descent, comprising representatives from various sectors, including women and youth.

7

Form commissions to study the magnitude and nature of modern slavery and discrimination in Gambia.

8

Include ethnicity, caste, and other intersectional data in the Census to inform inclusive policymaking.

9

Chapter 1

Introduction

Discrimination based on Work and Descent, is deeply rooted in Gambia's history and social fabric, and persists in contemporary times despite its abolition in 1906 under the British Empire, and criminalisation after Gambia's independence in 1965. Traditional forms of descent-based slavery in Gambia though ceased now, has left in its wake persistent discrimination and exclusion of the affected communities. Their resultant marginalisation is proving to be a key driver for modern forms of slavery and slavery-like practices, among these communities in Gambia.

Context

Indigenous slavery existed in Gambia, as it did in Sub-Saharan Africa, much before the European colonisation and emergence of the trans-Atlantic slave trade. The ethnic groups of Gambia have a long history of keeping indentured domestic slaves and captured war slaves.

Over one-third of the traditional Senegambian society comprised enslaved people. Among all the ethnic groups of Sub-Saharan Africa, the enslaved-caste people were at the bottom of the social hierarchy. Such people could find themselves in servitude as a result of being a prisoner of war, by birth, convicted as a criminal or a debtor. Generations

of enslaved-caste people were victims of descent-based slavery in Gambia.

As slavery was abolished in Gambia, descent-based slavery gradually ceased to exist. However, in present-day Gambia, the formerly enslaved-caste people continue to experience persistent discrimination and exclusion.

In addition to the enslaved-caste groups across all ethnic groups, the artisan-caste groups were also subjected to discrimination and exclusion owing to their occupation, which in turn was descent-based. Though considered “free-born” unlike the enslaved-caste people, the artisan-caste group was also considered as so-called “low-caste”.

There are no estimates on the numbers of people affected by traditional slavery, and descent and work-based discrimination within Gambia.

The most recent Global Slavery Index conducted by Walkfree, ILO and IOM in 2023, ranks Gambia as the 12th country in Africa with prevalence of modern slavery. Over 16,000 people out of the 2.4 million population are victims of modern slavery. This means that 6.5 persons out of every 1000 are living in slavery or slavery-like practices¹.

¹<https://www.walkfree.org/global-slavery-index/findings/regional-findings/africa/>

The communities formerly known as “slave-caste” and “artisan-caste” among the ethnic groups in Gambia constitute the “Communities Discriminated by Work and Descent” (CDWD).

CONTEXUALING CASTE AND CASTE-LIKE SYSTEMS IN SLAVERY PRACTICES

The assignment of "occupation" or "work" to particular communities and the passing down of such work through "descent" essentially characterises the descent-based slavery in Gambia as a caste-based or caste-like slavery system. Essentially, "caste" is an endogamous system of social stratification that divides people based on their occupation/work and birth/descent. It is deeply rooted in the Hindu caste system of India, spilling over to neighbouring countries in South Asia and worldwide through the South Asian diaspora.

Experts on anti-slavery and anti-caste discrimination recognise the commonalities between Gambia's traditional and contemporary forms of slavery, with features of "social stratification" based on "work" and "descent" resembling the concept of caste-based discrimination or Discrimination based on Work and Descent (DWD).

'Discrimination based on Work and Descent' (DWD) is the UN terminology for caste-based discrimination. The term has been used by several UN human rights bodies, including by treaty bodies and Special Rapporteurs, reaffirming that this form

of discrimination is prohibited under international human rights law.

The communities formerly known as "slave-caste" and "artisan-caste" among the ethnic groups in Gambia constitute the “Communities Discriminated by Work and Descent” (CDWD). These communities experience multiple layers of discrimination, not only based on work and ancestry/descent but also based on gender identity, disability, age, immigration, and other factors.

It is estimated that about 49.6 million people worldwide live in modern slavery today. Rightsholders' experience worldwide point to the engagement of repressed-caste communities, i.e. the “Communities Discriminated on Work and Descent” – in various forms of modern slavery across the world, as also in Gambia.

The Inclusivity Project, in association with the Global Forum of Communities Discriminated on Work and Descent and other like-minded networks, organisations, and individuals, has been vigorously advocating for “giving a face to the people trapped in traditional and contemporary forms of slavery and slavery-like practices”. The present study titled ‘Communities Discriminated on Work and Descent (CDWD) in Gambia and Status of Modern Slavery’, is part of the Status Report for Africa region.

About The Study

This study integrates evidence pointing to the identity of "caste" within ethnic groups as one of the predominant characteristics of modern slavery. Other intersectional factors such as class, gender, and religion have also been influenced by caste realities. The study provides a profile of the ethnic communities of Gambia and the CDWD groups within them. It offers a country profile and human development indicators. The study further contextualises the role of caste and descent among the ethnic groups in determining their occupation. It explores the socio-economic status of the CDWD and the type of discrimination they experience due to their caste identity. The study also discusses the prevalence, nature, and scale of Modern Slavery among the CDWD of Gambia and examines the national and international response to addressing it. Specific recommendations are provided to various parties, including the state, UN bodies, and industry.

Methodology

The study collates evidence gathered through desk research of existing studies, news articles, court cases, and judgments. Interviews were conducted with affected communities as well as non-DWD groups. Interviews with local rights groups and individuals working on eliminating descent-based slavery were also conducted. The study also draws upon the professional experience as well as the lived experience of Regional Experts who have authored the study. The estimates of Modern Slavery presented in the study are derived from various secondary research sources, including UN agencies, academic research, CSO submissions to UN human rights mechanisms, country reports submitted to UN mechanisms, and news reports.

Communities Discriminated by Work and Descent” (CDWD) in Gambia



Chapter 2

COMMUNITIES DISCRIMINATED ON WORK AND DESCENT IN GAMBIA

A variety of ethnic groups live in Gambia, each having its distinctive culture, language and history. The Mandinka are the largest ethnic group (34.4% of the country's population), followed by other ethnic groups including *Wolof*, *Fulani*, *Serahule*, *Serer*, *Jola*, and minority ethnic groups such as - *Akus*, *Tukulor*, *Mansoanka*, *Bambara*, *Balanta*, and *Manjago* among others.

Each of the ethnic groups is influenced by the traditional hierarchical caste structure. The hierarchy is based on the caste-like division of labour, and the order of hierarchy resembles the past political power and authority in society. See Table 3 for details on each ethnic group.

The basis of the caste division in Gambia is unclear, or even the use of the term 'caste', to describe the social hierarchy. The word is said to have been introduced by the European colonialists.

Most of the ethnic groups share similar caste structures. Of all the ethnic groups, the *Wolof* society displays the most distinctive caste hierarchy.

The *Jola*, who are considered to be the longest residents of the country, and the *Bassari* do not display a caste structure in their society.

- **Nobles**, who were the considered free-born and were royalty or chieftaincy with power and authority. They comprised the dominant caste of the society;
- **Commoners**, who were also considered free-born, and generally were the advisors of the nobles. They comprised the landholders, marabouts (scholars and religious leaders), traders and clerics;
- **Artisans and courtiers**, who were considered to be so-called "lower caste" in most societies, while in some societies such as Tukulor, the artisans comprised part of the 'commoners'. In any case, the occupation of the artisan caste group was skill-based and they included – griots, blacksmiths, goldsmiths, leather-workers, and carpenters, among others. In many ethnic groups (like the Mandinka), the artisan-caste people² were further sub-divided in terms of subservience; and
- **Slaves**, who were at the bottom-most of the social hierarchy were normally of two types –
 - (a) Household and agricultural slaves, and
 - (b) War slaves, who were prisoners-of-war or slaves captured during raids. The condition and treatment meted out with household slaves were comparatively better than the war-slaves. The latter were treated like disposable merchandise.

The Communities Discriminated on Work and Descent (CDWD) comprise the artisan-caste groups and the enslaved-caste groups within each of the ethnic groups.

There are however no estimates available of the CDWD community living in Gambia. The government of Gambia does not capture population by sub-groups within the ethnic communities. Moreover, inadequate research on the CDWD of Gambia fails to give clarity.

Some of the CDWD artisan-caste group include – blacksmiths (*Taggo, Numolu, Numoo, Tegga*), leatherworkers (*Garanko/Karankolu, Faraboo,Uude*), woodcarvers (*Laube*), weavers (*Ràbb*), griots/ praise singers or trabadours (*Djeli, Jaloo Nyamakale Géwël Jaaru/Jalolu*), among others.

Some of the formerly enslaved-caste people across the various ethnic groups include – *Jongoo, Maccudo, Rimmaybe, Dimaajo, Baleebe, Jaam, Jongo and Kommo*, among others. Both the artisans and formerly enslaved-caste people were known by their different names across the various ethnic groups in Gambia (See, Table 1 and 2).

The Communities Discriminated on Work and Descent (CDWD) comprise the artisan-caste groups and the enslaved-caste groups within each of the ethnic groups.



Table 1

Artisan Caste Group

Blacksmiths or Metal Workers

- *Numoo* among Mandinka
- *Tègga, Numoo* among Wolofs
- *Taggo/Numolu* among Sarahulleh

Leather Workers

- *Faraboo* among Mandinka
- *Uude, Faraboo* among Wolof
- *Garanko/Karankolu* among Sarahulleh

Wood Carvers

- *Laube* among Wolofs

Cloth Weavers

- *Ràbb* among Wolofs

Griots / praise singers or troubadours, bards

- *Jaloo, Djeli* among Mandinka
- *Nyamakale* among Fula
- *Géwël* among Wolof
- *Jaaru/Jalolu* among Sarahulleh

Slaves

Slave-caste, the people at the bottom most of the social hierarchy

- *Jongoo* among Mandinka
- *Maccudo, Rimmaybe, Dimaajo, and Baleebe* among Fula
- *Jaam, Jongo* among Wolof
- *Kommo* among Sarahulleh

Table 2

Ethnic groups of Gambia with social stratification			
Ethnic groups	Total Population of the country	No. of strata	Caste-groups within the ethnic group
Mandinka	34.4%	Four	<ul style="list-style-type: none"> • Noble class – <i>Foro</i> • Commoner – marabouts (scholars, religious leaders), farm owners, traders • Artisan-caste-Griots/ Praise singers (<i>Jaloo</i>), Blacksmiths (<i>Numoo</i>), and leather workers (<i>Faraboo</i>) • Slaves- <i>Jongoo</i> <p>* both noble caste/class and commoners were considered “free-born”</p>
Fula (<i>Fula or Peul, Fulbe</i>)	24.1%	Four	<ul style="list-style-type: none"> • Nobles • Marabouts (clerics) and commoners/ peasant-class (cattle-owning people) • Artisans – ‘lower-caste’ but free-born; blacksmiths, potters, griots, genealogists, woodworkers, dressmakers etc. • Slaves – serfs/ slave descendants and war slaves (<i>Maccudo, Rimmaybe, Dimaajo, and less often Baleebe.</i>).
Wolof (<i>Jollof, Jolof</i>)	14.8%	Four	<ul style="list-style-type: none"> • Nobles • Commoner or freemen are known as <i>Gorr or Jambar</i> and the peasantry were termed <i>Badola</i>. • Artisan-caste – blacksmiths (<i>Numoo</i>), goldsmiths (<i>Tega</i>), leather-workers (<i>Ude</i>), griot/praise singers (<i>Gewel</i>) • Slaves - household and war-slaves (<i>Jaam, Jongo</i>)
Ajamat, Ajamatau (<i>Jola</i>)	10.5%	Nil	<ul style="list-style-type: none"> • No caste-structure and hierarchy.
Sarahulleh (<i>Sarakole, Serahuli, Soninke</i>)	8.2%	Three	<ul style="list-style-type: none"> • Nobles- <i>forro or horro</i> • Free-born but so-called lower-caste – the artisans, including smiths (<i>Taggo/Numolu</i>), delegates (<i>Mangou</i>), griots (<i>Jaaru/Jalolu</i>) and leatherworkers (<i>Garanko/Karankolu</i>) • Slave-caste (<i>kommo</i>)
Serer (<i>Serrer, Serere</i>)	3.1%	Five	<ul style="list-style-type: none"> • Noble class • Soldiers or <i>Tyeddo</i> • Free-born commoners - <i>Jambar</i> • Artisan-caste – Griot/ praise singers, and other skill based occupation related groups • Slaves domestic and war slaves
Manjago, Bambara, Aku and others	3.7%	-	<ul style="list-style-type: none"> • Other minority ethnic groups have similar caste hierarchies, except Aku, which does not have a caste structure, since they comprise slave-descendants.

Each ethnic group has some unique feature that distinguishes them from the other.

The Wolof traditionally had the strictest caste-based hierarchical society.

Among the ethnic groups of Gambia, the Jola (10% population) and Aku (less than 2% population) do not have any caste-structure. As far as slavery is concerned, the Jola would trade war-prisoners as to an extent, and were also victims of slave-trade. The Aku on the other hand are themselves descendants of liberated slaves, and descendants from intermingling of European and other slave descendants.

In contemporary Gambia, some caste-based professions are disappearing like the Laube (woodcarvers) and Ràbb (weavers) among the Wolof.

The Jola self-identify themselves as Ajamat or Ajamatau and it was majority Mandinka who called them "Jo-la" which means someone who pays back for something given or done to them.

The Jola and Serer are believed to be the first migrants to inhabit the country.

The Aku or Creole are the descendants of liberated slaves from Sierra Leone and also descendants of European traders and their African wives [Mulattoes]. The Aku do not have a caste-structure, since their population comprises descendants from liberated slaves.

The Fulani have two distinct racial groups of Fulani. The Berber group known as Bororoje are marked by their light brown skin, straighter hair and noses. This group kept with the nomadic cattle-rearing lifestyle. The other group had more typical Negroid features and are known as the Fulani Gidda who engaged in farming or lived in towns and cities and entered trading.

Today, the Sarahulleh (Soninke) are among the country's leading entrepreneurs and real estate owners & developers.

Most of the ethnic groups were originally animists (believers of nature, spirits and their influence of human events), who converted over centuries to Islam and few to Christianity. The Jolas were the last to convert, and are still known to practice animism.

Stigma and discrimination within each caste-group across the ethnic groups continue to be prevalent. While the so-called noble-caste hold on to their caste as a status symbol, the caste of the CDWD is the discriminatory factor for their persistent marginalisation and exclusion.

Some common features and norms across ethnic groups which displays the caste-based discrimination and restrictions placed on the repressed-caste groups

Most groups had three to four major caste hierarchies, except the Serer who additionally had soldiers or Tyeddo who followed the noble-caste in the caste-hierarchy (and Jola and Aku who do not have caste-structure at all).

Inter-caste marriage from higher castes to artisan-caste or slave-caste was strictly prohibited and was limited to each occupation.

The artisan-caste who themselves are considered to be of “lower-caste” did not marry into the slave-caste.

The artisan caste though considered a lower caste, were also considered as ‘free-born’, as against the other lower-caste -slaves.

The griots, or praise singers, among the repressed-caste group of artisans, had a special place because of their unique relationship to the members of the ruling class. The griots represented the collective memory of the tribe and village as oral historians, and as such maintained close association with the noble-caste/class. Despite this close association, the griots across all ethnic groups were considered to be “impure” and of so-called “lower caste”. The skill of music, singing and story-telling which distinguished the griots, was also the discriminatory factor, in the sense that singing and music in most noble societies were considered to be “feminine”, thus inferior. It was believed that music would drain the powers to work the land or fight. In fact the griots were banned from both farming and fighting and were required to bury their dead under baobab trees.

(Population per Census 2013)³

Ethnic groups of Gambia

Mandinka

The Mandinka are the largest ethnic Group in the Gambia, comprising 34.4 per cent of the country's population.

Caste hierarchy: The Mandinka had 3 levels of strata in their social hierarchy. The Nobles (Foro) were the ruling class/ caste, followed by the commoner caste comprising the marabouts (scholars, religious leaders), farm owners and traders. Both the noble and commoner class were considered free-born.

The third caste group were the artisan-caste comprising griots (Jaloo), blacksmiths (Numoo), and leather workers (Faraboo). Inter-caste marriages with higher castes were strictly forbidden and restricted to individuals within each occupation of the artisan-caste. This group was further subdivided into subordinate sub-classes. Moreover, this caste-group were not allowed to marry individuals from any other higher or lower castes, including slaves. The griots among them held an important position and were in close association with the noble-caste. They served as the collective memory of the tribe and village as oral historians.

At the bottom of the social scale were the slaves – Jongoo.

The Mandinka were traditionally engaged in farming and in recent years most of them are engaged in trade.

Fula

The Fula, Fulani, Peul, Fulbe or Pulaar as they are sometimes better known by in other West African countries are the second largest ethnic group in Gambia. They comprise make up 24.1 per cent of the country's total population.

There are two distinct racial groups of Fula. The Berber group are marked by their light brown skin, straighter hair and noses as compared to the more typical features of their neighbours such as the Wolof or Mandinka. This group kept with the nomadic cattle-rearing lifestyle and known as the Bororoje. The other group had more typical Black African features and are known as the Fulani Gidda who engaged in farming or lived in towns and cities and entered trading. The people that migrated to Gambia came from Futa Toro and Futa Bundu in Senegal (other two Fula groups were Futa Jalon, Guinea and Futa Firdu, Kaanu Empire) and were non-Muslim pastoralists. They settled in Gambia as pastoralists for the Mandinka and Wolof, and on payment of taxes for use of their land, in return of their protection. Other Fula migrants came from Guinea Conakry, Senegal and Mali.

Caste hierarchy: The Fula follow a strict caste-based hierarchical system, comprising four distinct stratifications – the nobles, followed by marabouts (clerics) and commoners/ peasant-class (cattle-owning people), then the artisans (blacksmiths, potters, griots (Nyamakale), woodworkers, dressmakers etc.). The artisans were considered “caste-people”, ie. of so-called ‘lower caste’, but they were free-born.

The slave-caste, known as Maccudo, Rimmaybe, Dimaajo, and less often Baleebe. like in other ethnic groups, were at the bottom most rung of caste-hierarchy. They were of two types – serfs or slave descendants and war slave. The serf-people were treated better than the war slaves, and very often brought into the family circle and adopted the surnames of their owners. The Fula were traditionally pastoralists and later took up farming, trading, and in modern Gambia are into shop-keeping.

Wolof

The Wolof or Jollof, Jolof as they are sometimes known are the third largest ethnic group in Gambia and make up 14.8 per cent of the population. (Census 2013). They are to be found in fairly large numbers in the areas of Jokadu, Baddibu, Saloum, and Niumi.

The Wolof are primarily engaged in the occupations of business, traders, or farmers. Most people in the urban areas of Greater Banjul and the Kombo have adopted the Wolof language as the Lingua Franca.

Caste hierarchy: The Wolof traditionally followed a rigid social caste structure, which continues today for the so-called higher caste as a status symbol, and is a factor of discrimination for the so-called 'lower -caste'.

The Wolof had four caste-based stratifications- Royalty/noblemen; Free-born or commoner (Gorr or Jambar) and Peasantry (Badola); lower-caste Artisan group including blacksmiths (Tega), goldsmiths, leatherworkers (Uude, Faraboo), griot/ praise singers (Gewel), wood-carvers (Laube), weavers (Ràbb) and lastly – Slave-caste known as Jaam or Jongo. Each caste had sub-divisions and marriage was strictly within groups.

The Gewel (griot) held a valued position in society as an oral historian and entertainer. Their job was to praise their master in public while reciting his family lineage, advise his master on his family traditions and generally provide entertainment for visitors.

Though the metal workers were of low status they had traditionally been held in high regard as they made weapons of war such as spears and knives as well as agricultural tools. They were often used as go-betweens between quarrelsome Wolof states.

The slaves were of 2 types. Household slaves who often stayed with the same family for many generations and were seen as nominal members of the family and those caught in war who were less well treated and were treated as personal property to be bought or sold.

Sarahulleh

The Sarahulleh (Sarahulleh, Sarakole, Serahuli or Soninke) make up about 8.2 per cent of the population of Gambia (census 2013). They are mostly located in the Upper River Region (URR) and Central River Region (CRR) of Gambia.

Caste hierarchy: Like the other ethnic groups, the Sarahulleh followed a strict caste-based hierarchical system, including Nobles (forro or horro), the free-born but so-called lower-caste – the artisans, including smiths (Taggo/Numolu), delegates (Mangou), griots (Jaaru/Jalolu) and leatherworkers (Garanko/ Karankolu); followed by the slave-caste (kommo), at the bottommost rung of social hierarchy. The slave-caste, like in other ethnic groups were domestic slaves and war-slaves.

Intermarriage was not encouraged between caste groups.

Traditionally and even in present day, they are engaged in occupations including peanut and cotton farming, decorative pottery, goldsmithy, trading and diamond businesses of Sierra Leone and Angola. The Sarahulleh are among the country's leading entrepreneurs and real estate owners and developers. Their largest population concentration is in Basse town which is on the eastern most part of the country and the vast majority are Muslims.

They form minority ethnic groups in other West African countries such as Burkina Faso, Mauritania, Guinea Bissau and Senegal. The Sarahulleh have an oral tradition that dates back to thousands of years.

(Population per Census 2013)

Ethnic groups of Gambia

Serer

The Serer (or Serrer, Serere as they are sometimes known) make up 3.1 per cent of the population of The Gambia (Census 2013). The Serer can be found along the coastal regions, as well as the entrance to the Gambia River, particularly in Barra. They and the Jola are believed to be the first migrants to inhabit the country.

Caste hierarchy: The Serer had about 5 social class groups. The caste hierarchy included - noble class; followed by soldiers or Tyeddo who surrounded the ruling class, then there were the Jambar who were the free-born commoners.

Then came the group which belonged to a series of lower castes based on occupation (artisans) with the griot being the most socially significant and who frequently managed to amass great wealth.

However, like the Wolof there was a social taboo about marrying into griot families and their bodies were not allowed to be buried in the ground but instead were placed in the branches of large baobabs.

And finally there were the Slaves who are further divided into two types: domestic and those captured in war or bought and sold. The system of inheritance among the tribe was through the female line (matrilineal).

The Serer traditionally were fishermen and boat builders.

Ajamat or Ajamatau / Jola, Jolla or Diola

The Jolas self-identify themselves as Ajamat or Ajamatau and it was the Mandinka who called them “Jo-la” which means someone who pays back for something given or done to them. Now commonly known as Jola, Jolla or Diola tribe as they are known in Senegal, they make up 10 per cent of the population. They are heavily concentrated in the Foni area of south west Gambia.

Historically Jola communities and lineages are highly fragmented, decentralised and highly autonomous and were spread out in far-way hamlets. They do not have a caste-system, nor do they have a paramount chief like the other ethnic groups. They are famous in Gambia for their tribal cultural dancing.

The Jola did not have the tradition of keeping slaves, although they sold their own prisoners of war to merchants. The Jolas were themselves often victims of slave takers and were particularly subjugated by the Mandinkas.

The Jolas are an industrious people and their various occupations included large scale rice cultivation, honey collecting, palm wine tapping (bounouk), fishing, oyster collecting and other agricultural activities. In contemporary Gambia, many women are employed in Gambian households as domestic maids. There is less information about the origins of the Jolas (Diolas) because unlike other tribes they did not traditionally have griots for passing down their oral history over generations.

The Jolas were the last to convert to Islam, and many who are Muslims today are still known to perform animist practices.

Tukolor

The Tukolor are a minority ethnic group in Gambia comprising less than 1 per cent of the total population. They have strong ties to the Fulani, and in some other countries, they are merged with the Fulani.

One theory is that they are a branch of the Fula called the Torodbe. Much of their language (Haalpular/ Pulaar, Fulani), customs, history and geographical dispersion is similar to the Fula. Another theory is that they are the offspring of unions between the Serer and Wolof.

The Tukolor traditionally were into agriculture and animal husbandry.

Aku

The Aku or Creole are the descendants of liberated slaves from Sierra Leone and also descendants of European traders and their African wives [Mulattoes]. They further inter-mingled and inter-married other groups of freed slaves from the New World and Britain who were already exposed to different cultures. As a result the Aku have their own distinctive culture, encompassing both African and European characteristics and language. Most are Christians and have European names and continue to figure prominently in Gambian commerce, civil service, and other white collar and professional jobs, like engineers, teachers, and pastors.

The Aku do not have a caste-structure, since their population comprises descent from liberated slaves. They represent less than 2% of the population and their language is a hybrid of Creole and the English language.



Chapter 3

MODERN SLAVERY AND DISCRIMINATION OF REPRESSED CASTE COMMUNITIES – A HUMAN RIGHTS CONCERN

Slavery was abolished in Gambia as early as 1906 when it a part of the British colony. Later, Slavery was criminalised in Gambia’s Criminal Code 1990. The traditional forms of slavery as defined in Slavery Convention is known to shift to newer and modern forms of slavery in Gambia, presenting a colossal human rights concerns for Gambia’s population.

According to various ethnographic studies, domestic slavery existed in Gambia much before the colonisation by Europeans. The ethnic tribes including Mandinka, Wolof, Serer, Soninke, and others, were known to keep domestic slaves, as well as war-slaves. The Senegambian traditional society was said to be comprised of about one-third slaves, of the total population.

Today, descent-based slavery does not exist in Gambia as it does in Mauritania, Nigeria and some other countries. However, the far-reaching impact of descent-based slavery is felt by generations of Gambians who belong to the so-called “lower caste” of the hierarchical ethnic groups that they belong to. Broadly, the traditional slavery in Gambia manifests today in contemporary Gambia through-

- (A) **Descent based Discrimination of Communities** belonging to the artisan-caste, and the formerly enslaved caste, ie., the Communities Discriminated on Work and Descent (CDWD); and
- (B) **Various forms of Modern Slavery.**

A. Persistent Descent Based Discrimination, Prohibitions and Restrictions on the CDWD

The concept of purity and superiority of the noble caste as against the impurity of the CDWD is the underlying notion in persistent discriminatory behaviour, attitude and stereotypes towards the CDWD. This descent and work-based discrimination is manifested through various prohibitions, restrictions and exclusion of the CDWD in different intensities across various ethnic groups. Some are discussed below-

Expectation of menial jobs to be done by the CDWD:

Earlier, the enslaved-caste were expected to perform all the menial jobs during ceremonies of the nobles, such as – christenings, weddings, and funerals.

Slaughtering of animals, chores, and announcement of events for invitation by blowing horn around the village, were tasks expected to be done by the enslaved caste groups. The practice is prevalent in many villages even today, upholding the vestiges of traditional caste dominance.

Stereotypes and beliefs:

There exist stereotypes against the CDWD that if a high-born marries a so-called lower caste person, misfortune will follow the high-born person and his / her entire family, including the offspring.

Traditionally, despite the close association that Griots shared with the noble class, they were still considered impure. They were often denied an earth burial, and their remains were placed under Baobab trees instead for fear that they would make the ground impure and shorn of fertility. Today, such discrimination is illegal, yet segregation in burials of the CDWD is not unheard of.

Segregation in Housing, Schooling and other services:

Some villages, especially in the Upper River Region, continue to practice caste-divide in housing, schooling and access to common services. Some villages here are divided into two parts – the upper side of villages where the noble caste and other free-born reside, and the lower part, where the CDWD reside. The two sides do not socialise except for service rendered by the CDWD for the noble caste.

There have been incidents of segregation in schools based on caste discrimination leading to the exclusion of children from accessing education.

VICTIM OF STEREOTYPES MADE TO FEEL INFERIOR, TIME AND AGAIN

Binta Yaboe is one such woman from the Mandinka slave caste, who married a person from the higher caste. She continues to face harassment for the possibility of bringing misfortune to her “high-born” husband, his family and children, who are considered mixed blood.

Mariama Sarge, an 18-year-old girl from the Wolof community, resides in an isolated part of her village, Mammot Fana, in the Central River Region of Gambia. She is from the “Tegah” community, who are the blacksmiths. The blacksmiths constitute the artisan caste in Wolof society and are considered the so called “lower caste”.

Mariamamma and her family, and other families like her, never socialise with the noble caste who reside in the “upper area” of the village. According to her, the only interaction is when the noble caste have some chores for Mariamma and her community.

Experiencing discrimination and being made to feel inferior is an everyday occurrence for her. She explains that people believe that touching Tegahs will cause rashes on their body.

In the Lower River Region of Mansa Konko, a school was constructed to cater to all the children of the Mandinka community, irrespective of caste and status. The school was built by a non-governmental organization. Upon its completion, children were enrolled, and the school was inaugurated.

However, 14-year-old Omar Dampha was denied entry to the school. The reason behind this rejection was that Omar belonged to the Jongo community, which is considered to be of 'slave-caste' in the Mandinka community. Parents from the noble-caste group were unwilling to allow a 'slave-caste' child to study alongside their children.

Only after the project intervened did the parents reluctantly agree to let Omar attend school and receive an education.

Political Discrimination:

Traditionally, the village governance was led by the Alkalo, the village chief from the founding family, while the Alimamo led the spiritual leadership. As part of governance, the Alkalo and the village council were also responsible for land allocation to families for use, work projects and dispute redressal. In contemporary Gambia, the office of Alkalo is to be filled by election.

Despite the defined electoral procedure of election through secret ballot, the Alkalo office continues to be held by the traditional noble caste/ class. The CDWD community, i.e., artisan-caste and formerly enslaved caste, are socially not allowed to contest these elections.

Those who do not wish to be referred to as "slaves" are prohibited from being members of the Village Development Community or participating in village activities. The community is also prohibited from talking during village meetings or raising their developmental concerns.

Religious Discrimination:

In the Upper River Region, the CDWD face restrictions when trying to enter mosques and Arabic schools reserved for the noble caste. As a result, the CDWD have their own separate mosque. Similarly, in Baddibu Kerewan, North Bank Region of The Gambia, there are two distinct cemeteries—one designated for the so-called higher caste and the other for the so-called lower caste.

Marital Restrictions:

The caste structure continues to exist even if it does not exist in its former, socially rigid form. However, the separation of castes still comes into play most significantly at the level of marriage.

Marriages between castes or between nobles and castes in contemporary society are highly problematic. Among the Wolof, children born from these unions are called "neeno ben tank" (one foot in the caste system) and always assume the status of the lower-caste parent.

Social boycott of the lower-caste partners in an inter-caste marriage, along with that of the entire family, is known to take place, while the high-caste partners are known to be disowned. Other forms of reprisal may include conflicts, physical attacks, etc.

INTERCASTE COUPLE MANAGE TO BREAK THE CASTE BARRIER

While many couples continue to face resistance in inter-caste marriages, some examples of inter-caste marriages are a statement from the new generation.

Fatmatta Trawally and Alfusainou Sissoho, natives of Bajaha Kunda in Upper River Region (URR), finally broke the Soninke/Sarahulleh caste barrier practiced widely among the ethnic group. The region is infamous for caste-based discrimination and atrocities.

Fatmata Trawally came from the so-called noble-caste family, while her partner, Alfusainou Sissoho came from the formerly enslaved caste of the Sarahulleh ethnic group. The two married at the Gambia Cadi Court in July 2020 after intense opposition from their families because of the caste difference.

The two got married in the presence of some family members, including the members of Gambana, an advocacy group fighting against caste-based slavery in the Sarahulleh communities.

Their marriage had mixed reactions on social media, with some slamming them for challenging the status quo, while others appreciated the breaking of the caste barrier⁶.

Source: What's on Gambia & FISO
Gambia 2020 Festival Facebook Pages

Reprisals:

Failure to comply with the social norms and restrictions often result in social ostracisation of the CDWD as a group or/and physical harm and injury, at times fatal. Social ostracisation is barring entry into meetings, social functions, etc. Other reprisals include confiscating CDWD possessions, livestock, and curtailing mobility, among others.

INTOLERANCE OF THE CDWD RESISTANCE AND ASSERTION

The “slave” designation of the formerly enslaved people do not leave them even after their death. A “good slave” was how deceased Janja Dambelly, was referred to in his eulogy by one of the nobles. Dambelly was a CDWD from Sarahulleh community and also a Gambana, which is a Sarahulleh/Soninke movement advocating against caste-based slavery and discrimination. “Gambana” is a Sarahulleh word meaning “we are all equal”.

The deceased man’s son, Yaya Dambelly was offended at the epithet “slave”, and his disapproval led to arguments and physical altercation, which was joined by a few more nobles. Following the assault, the police were prompt in arresting the assailants. The incident occurred on 14th November 2018 in Garawol village in Upper River Region.

Garawol and Koina areas of Upper River Region are most affected by descent-based discrimination and atrocity. The morning’s altercation turned into a fatal incident later in the evening, triggered by caste-related assertion of both parties.

Later that evening, one Haji Yamu (now deceased) a “noble”, while on his way to a shop, crossed paths with Bilal Conteh, a member of the “Gambana”.

Asserting their individual identities, triggered by the morning’s fight, the two did not give way to each other, again leading to a fight. In the process, Bilal Conteh, the Gambana, was alleged to have stabbed Haji Yamu to death with a knife. Bilal Conteh is now standing trial for the alleged murder of Haji Yamu.

Another incident revealing intolerance to the CDWD assertion was on 23rd May 2019, when Muhammadou Krubally of Koina was accosted by a group of nobles, namely Ousman Gumaneh, Bambo Sissoho and Abdou Gumaneh, and other unidentified persons who tied his hands in front with a rope and took him to the residence of Essa Gumaneh, also a “noble”. Why? Because Muhammadou Krubally was wearing a cap bearing the inscription “Gambana.”

Gambana is an anti-slavery movement in West Africa, and the members of non-CDWD in URR oppose its activities in the region. These non-CDWD groups, in a bid to quash the resistance, often assault and harass those associated with the Gambana movement. Krubally, in this incident, was one such youth who was being silenced.



JUDGEMENT AGAINST CALLING A PERSON “SLAVE” OR BY ANY “SLAVE-NAME” – A POSITIVE MOVE FOR CDWD PEOPLE’S RIGHTS⁷

Alagie Modi Trawally, the president of One Family Group of Garawol, has filed a lawsuit against the Governor of the Upper River Region, Chief Bacho Ceesay of Kantora, and Alkalo Tachine Ceesay. Trawally seeks various declarations from the High Court of Gambia in Banjul regarding alleged human rights violations.

Trawally and his group, known as "The Slaves," want to end the practice of being referred to and labelled as slaves. They are seeking an order from the court to prohibit the Governor, Chief, and Alkalo from interfering with their freedom to practice their religion. Specifically, they wish to construct a mosque and Arabic Islamic School without interference.

Furthermore, Trawally requests that the High Court declare any interference with their religious freedom a violation of their constitutional rights. He also seeks an order declaring that the naming and labelling them as slaves is a gross violation of their right to equality before the law. Trawally wants the court to deem any further name-calling as unlawful, illegal, and unconstitutional and to declare the associated culture, tradition, or practice as unlawful and unconstitutional.

Trawally highlights that as a minority group, they face discrimination in various social activities, including funerals, weddings, and naming ceremonies. They have also been denied access to prayer in the village's central mosque. Trawally states that they used to be asked to stand in the back rows until they demanded equality. Consequently, they started conducting their congregational prayers at a compound after being denied access to the central mosque.

According to Trawally, the Alkalo in 2014 told them to leave the village if they did not want to be regarded as slaves, as their forefathers and fathers had been. Despite having land to build a mosque and school, the villagers, Alkalo, Chief, and the Governor, have been interfering and preventing them from proceeding with the construction. Trawally accuses the Governor of misusing his office to hinder their mosque construction.

After hearing both sides, a high court judge in Banjul issued orders to prevent interference with the construction of the mosque and Arabic school by the so-called 'slave' class in Garawol. The court affirmed their right to construct these facilities without hindrance from the so-called noble class. Furthermore, the court ordered the Chief of Kantora, the Alkalo of Garawol, and all residents of Garawol to cease discriminating against those referred to as slaves. Justice Aminata Saho-Ceesay declared that naming, labelling, or calling the applicants slaves constitutes a gross violation of their right to equality before the law. Such acts were declared unlawful, illegal, and unconstitutional, and the associated culture, tradition, or practice was also deemed unlawful and unconstitutional.

The Judge ruled in favour of the so-called slave class, affirming their constitutional right to practice their religion freely. The court prohibited any interference with the construction of the intended mosque and Arabic school in Garawol. The Judge held that interfering with the fundamental rights of the so-called slave class to practice their religion freely violated their constitutional rights.

The court referred to Section 25(1) (c) of the Constitution of The Republic of The Gambia, 1997, which grants every person the fundamental right and freedom to practice religion and manifest such practice. Section 32 of the Constitution also unequivocally guarantees every person the right to enjoy, practice, profess, maintain, and promote any culture, language, tradition, or religion.

The African Charter on Human and People's Rights, specifically Articles 2, 3, and 8, uniformly prohibits discrimination, ensures equality and equal protection before the law, freedom of conscience, and the free practice of religion.

B. MODERN SLAVERY EMANATING FROM TRADITIONAL SLAVERY OF THE CDWD

The Global Slavery Index 2023⁸ estimates that over 16000 people of the 2.4 million population are victims of modern slavery in Gambia-with 6.5 out of every 1000 persons living in slavery or slavery-like practices. The global index ranks Gambia as the 12th country in the Africa in terms of prevalence of modern slavery⁹.

It is understood that the persistent marginalisation of people through descent-based slavery and discrimination based on work and descent in Gambia, are the key drivers to vulnerability and exploitation of people trapped in modern slavery.

There are no estimates of the accurate scale of the CDWD in modern forms of slavery and slavery-like practices. However, given the profile of trafficked victims as “individuals from impoverished families” by the authorities, the high probability of CDWD being trapped in trafficking for various forms of modern slavery can be assumed. This assumption is based on the fact the CDWD of Gambia display low developmental indicators, including economically.

The various forms of modern slavery in Gambia include – forced labour, domestic servitude, child labour, and sex and labour trafficking among others.



FORCED LABOUR

Children in Forced Labour:

NGOs identified Gambian children in forced labour in neighbouring West African countries and Mauritania. Individuals without birth registrations, especially children of single mothers and those in rural areas are at a heightened risk of exploitation. There are reports of increased number of child labourers, including domestic servants¹⁰.

Begging by talibé children:

The talibé children studying in Quranic schools have been reported to be exploited by the marabouts (spiritual guides, teachers). The children are exploited into forced begging, street vending, and agricultural work¹¹.

TRAFFICKING OF PERSONS

Women, girls and boys are reportedly trafficked for sex work and forced labour in street vending and domestic work. Child sex trafficking for sex tourism has been reported, where children have been hosted in private residences in Banjul, for primarily UK clientele.

Gambian men and women have been reported to be trafficked for domestic work, hospitality, construction, and mining, in countries including Egypt, Kuwait, Lebanon, and the UAE.

Gambian migrants, particularly young men from impoverished backgrounds, attempting to travel to Europe through irregular routes, known as “the Backway,” are vulnerable to trafficking and abuse. Authorities have identified potential Gambian trafficking victims in Algeria, Cyprus, Finland, and Italy¹².

The trafficked victims identified by Gambian authorities in 2019 were all women and were trafficked for sexual exploitation. Gambian victims were mostly trafficked for the purpose of domestic servitude in Lebanon, Kuwait, Egypt and Oman¹³.



Chapter 4

IMPACT OF SLAVERY ON THE DEVELOPMENT PARADIGM OF CDWD

As there are no specific statistics for CDWD, it can only be assumed that the development indicators of the CDWD population will be lower than the general population. This can safely be assumed given the persistent descent-based slavery and other forms of modern slavery of the CDWD peoples.

Decent Work and Employment:

It is understood that the persistent marginalisation of people through descent-based slavery and discrimination based on work and descent in Gambia, are the key drivers to the vulnerability and exploitation of people trapped in modern slavery. As mentioned earlier, 6.5 out of 1000 persons are trapped in various forms of modern slavery in Gambia.

Forced Labour of adults in domestic servitude, sex trafficking and other labour work is high, as is child labour. There is no clear legal minimum age for employment and children are engaged in hazardous work. Child begging (talibe children) in Quranic schools and by street children is prevalent.

Overall the unemployment rate is 11.21%. Of the female working population, 48.9% are employed, while 66.3% of males are employed from among

the working male population. (Labour Force Participation Rate- Female – 48.9 / Male- 66.3, HDR 2022)¹⁴. There are no special measures (affirmative action) for the advancement and mainstreaming of the vulnerable population of CDWD in Gambia.

Gender Equality:

Gambia ranks 153 among 191 countries in Gender Inequality Index, indicating the low gender development status in the country. The extremely low representation of women in parliament (8.6%) is indicative of low female participation in policy-making¹⁵.

Patriarchal family laws, polygamy and widespread gender-based violence is persistent. Harmful traditional practices such as child marriage and female genital mutilation are prevalent, despite criminalisation. Reporting of GBV is low because of victim blaming, stigmatisation, and a culture of impunity for sexual violence against women.

Ineffective implementation of women-related legislations and inadequate provisions add to the impunity. For instance, rape is not defined in line with international standards. Women human rights defenders are subject to serious online threats and intimidation due to their commitment to women's rights¹⁶.

The women and children among the CDWD are victims of various forms of gender-based violence and discrimination, including sexual abuse and violence, gender gap in pay or unpaid work, trafficking for sex work and forced labour, among other violations.

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Poverty:

Over 48.6% of Gambia's population lives below the poverty line, with 18.8% living in severe multi-dimensional poverty. Given the vulnerabilities created by slavery and discrimination, it is not hard to imagine that the CDWD would comprise a significant population of those in multi-dimensional poverty¹⁷.

Rightsholder CSO experience shows that many formerly enslaved families live in extreme poverty, forcing them to remain in a passive form of slavery. The ownership pattern is an indicator of income and living standards. Field observations indicate that CDWD in most villages live in poor households in brick houses or huts in segregated parts of villages, demarcated as 'slave-hamlets'. There is an absence of government data on the assets and housing of CDWD.

Health and Well-being:

The health indicators for Gambia's population are generally low. The mortality rate of the country's population in the last five years stands at 7.1%. The Maternal mortality ratio is 597 (of 100,000 live births). Infant Mortality rate in Gambia is the highest among West African countries, while life expectancy at birth is 62.1%.

Gambia has made improvements in recent decades but still faces poor health conditions. More than half of the population suffers from inadequate sanitation, and around one-third lack access to safe drinking water.

The most significant health threat is posed by malaria, while other common health problems include parasitic diseases and tuberculosis. There is no data on the health statistics of the CDWD.

Again, field experience shows that access to health care is a significant setback in achieving positive health outcomes. The CDWD, who primarily reside in the rural areas of Upper River Region, North Bank Region, Lower River Region and Central River Region, are far away from the major hospitals in town centres. Lack of regular or reliable transport is a problem for the communities. Some rely on donkey carts.

Moreover, experience shows that hospitals lack medication and adequate personnel. This is one of the contributors to maternal and infant mortality. Lack of water and electricity also affects treatment at hospitals. Affordability of medication and treatment is another factor, which owing to high poverty rates, makes health care further inaccessible. An instance to quote would be – the maternity ward at Kuntaur (Central River Region) furnished by UNFPA. However, the hospital remained without a doctor long because most practitioners did not want to be posted in rural areas.

Clean Water, Electricity and Sanitation:

Access to water, electricity and sanitation is a crisis in Gambia regardless of the communities one belongs to. Generally, the government provides water and electricity for everyone, irrespective of the communities they belong to.

With the Rural Electricity Project, most parts of the rural areas in the country have electricity, and those who can afford the electric meter, take the connection from the electric poles nearby. There is a water shortage and access to clean drinking water has become a challenge for many Gambians, including those in the rural areas where most of the CDWD reside.

Most communities dig pit latrines in the homes, reducing open defecation. There are no estimates to show the number of households that have access to water, electricity, sewage, and toilets.

Education:

The Literacy rate of the country's adult population is 58.06%. Education at the primary level is free but not compulsory. The expected years of schooling is 9.4 years¹⁸.

There is no data on the literacy rate of the CDWD adult population. Field observation indicates that access to education is a significant problem most rural children face. Considering that most CDWD reside in rural areas, the CDWD children have to walk miles to get to their school. Most of the schools lack chairs and the necessary learning materials. Schools are found to be inadequately staffed, either due to poor or no staff quarters and low wages. It is found that most of the girls are married off by their parents before they complete primary education despite the ban on child marriage.

Another issue of concern was the reportedly high number of children not immediately registered at birth, particularly in rural areas, owing to the stigmatization faced by single mothers and cumbersome procedures for the registration of children above five years of age. A lack of birth registration leaves children vulnerable to exploitation, forced marriage, child labour, trafficking and disappearance.

It is found that most of the girls are married off by their parents before they complete primary education despite the ban on child marriage.



Chapter 5

NATIONAL RESPONSE MECHANISMS TO COMBAT MODERN SLAVERY AND DISCRIMINATION

Slavery, servitude and forced labour are prohibited in Gambia under the Article 20 of the Constitution. The Constitution under Article 33 also protects its citizens from discrimination in terms of treatment under the law and public office and authority.

While there is little evidence of descent-based slavery in Gambia, discrimination based on work and descent exists despite the constitutional safeguard against discrimination and in favour of equality before law.

The specific constitutional legal safeguards specific to slavery and slavery practices, and discrimination based on slavery and slavery practices, are discussed below.

CONSTITUTIONAL AND LEGAL SAFEGUARDS¹⁹

Slavery:

Article 20(1) of the Constitution protects citizens from slavery. Slavery is criminalised in articles 230A, 230B, 237, 240 and 241 of the Criminal Code. Slavery may also form an element of an offence of trafficking under article 28 of the 2007 Trafficking in Persons Act.

There appears to be no legislation in place in the Gambia which prohibits institutions and practices similar to slavery, although practices similar to slavery may form an element of an offence of trafficking under article 28 of the 2007 Trafficking in Persons Act.

Servitude:

Article 20(1) of the Constitution prohibits citizens from servitude. Additionally, article 230A of the Criminal Code criminalises servitude, albeit only in certain circumstances. Servitude may also form an element of an offence of trafficking under article 28 of the 2007 Trafficking in Persons Act.

Forced Labour:

Article 20(2) of the Constitution prohibits citizens from forced labour. Additionally, article 242 of the Criminal Code makes - unlawfully compelling another person to labour against their will a misdemeanour.

Forced labour may also form an element of an offence of trafficking under article 28 of the 2007 Trafficking in Persons Act.

Trafficking

The Constitution does not explicitly prohibit trafficking. Provisions related to trafficking in persons are found in the 2007 Trafficking in Persons Act which criminalises trafficking in article 28. The National Agency against Trafficking in Persons is responsible for administering and monitoring the implementation of the Trafficking in Persons Act.

Rights of Children:

Article 29(1) of the Constitution provides for the right of children to name, identity, and nationality and for the best interest of the child. Article 29(2) protects children under the age of sixteen from economic exploitation and prohibits their employment in hazardous work which would also negatively impact their education and health.

The Children's Act provides a framework for child protection from prostitution or forced sexual intercourse, lays out the punishments for such acts and defines a child as anyone under 18.

However, the absence of legal minimum age for employment puts children at risk in hazardous work.

Rights of Women:

Article 28(1) of the Constitution provides that women will have full and equal dignity of person with men. Additionally, Art 28(2) provides the right of equal treatment with men, including equal opportunities in political, economic and social activities.

Gambia has prohibited and criminalised harmful practices against women, including female genital mutilation (FGM) and child marriage (2016). However, in the case of legislation against FGM, a significant limitation is that it does not criminalise across borders, allowing female genital mutilation to be practiced on Gambian women outside the State's jurisdiction, with no consequences.

In the case of rape law, the definition of rape is not in line with international standards. Failure of a woman to produce evidence of her rape in court often leads to the conclusion that she was not raped, adding to the impunity against rape.

Right to Marry:

The Constitution in Article 27(1) provides the right to marry and found family, with free and full consent of both parties (27(2)).

This provision is relevant to the discussion, given the restrictions placed on couples intending to form inter-caste relationships and marriages.

Discrimination:

Article 33 of the Constitution explicitly protects Gambian citizens from discrimination. It provides that all persons are equal before law (Article 33(1)) and that no provisions of any law can be discriminatory (Art 33(2)). It also protects citizens from discriminatory treatment by any public office or authority (Art 33(3)). There is no specific constitutional safeguard for citizens against discrimination by persons/ community based on identities of race, colour, ethnicity, caste, creed, sex etc.

Article 17(2), however, provides for the entitlement of fundamental human rights and freedoms of all individuals, irrespective of race, colour, gender, language, religion, political or other opinion, National or social origin, property, birth or other status.

So, essentially, there is no special law on anti-discrimination which will specifically protect the rights and provide for advancement of the CDWD people.

Inhuman Treatment and Torture:

Article 21 of the Constitution protects citizens from torture or inhuman degrading punishment or other treatment.

GAPS IN LEGISLATIONS AND PROVISIONS

The broad areas of gaps in Legislations and provisions are:

- There is no special law on anti-discrimination which will specifically protect the rights and provide for the advancement of the CDWD people. There is also no specific provision under any legislation on anti-discrimination based on identities of caste, race, ethnicity, gender, language and so on.
- Lack of government data on ethnicity hampers concerted special measures for their welfare and advancement.
- The lack of measures for birth registrations leads to the CDWD's inability to access vital services, including children's access to schools.
- The low reporting and poor investigation of cases lead to ineffective prosecutions, given the potentially high number of discrimination based on work and descent.



Chapter 6

INTERNATIONAL RESPONSE MECHANISMS TO COMBAT MODERN SLAVERY AND DISCRIMINATION

Gambia is party to core international treaty bodies and their supplementary optional protocols that are relevant for eliminating modern slavery and slavery-like practices.

Gambia has ratified major Treaty Bodies²⁰ other than the core convention – Slavery Convention 1926, Protocol and Supplementary Slavery Conventions. The country has ratified the core ILO Conventions²¹ other than the Protocol to Forced Labour Convention.

KEY OBSERVATIONS BY UN TREATY AND CHARTER BODIES

The Human Rights Council in Universal Periodic Review issued on 12 March 2020, urged Gambia to adopt legal frameworks to ensure the rights of the child, fight violence against women, and improve judicial accountability.

In its concluding observations, issued on 31 October 2022, the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concerns about the status of girl child in terms of the high number of out-of-school girls and increased incidence of child marriage. The committee also observed the high illiteracy among women and social

attitude preventing women from inheriting land. The committee urged the government to raise awareness on the criminality of child marriage and its harmful effects and build capacities of authorities and religious leaders, among other recommendations.

The Committee on Economic, Social and Cultural Rights (ESCR), on 25 February 2015, issued observations on the initial report of Gambia and expressed concern on the unequal rights between women and men, the failure to adopt the law on violence against women, domestic violence, the very high maternity and child mortality rates, and harmful traditional practices such as female genital mutilation and cutting²².

In its concluding observation of the 28th session, issued on 6 November 2001, the Committee on the Rights of the Child (CRC) expressed deep concern on several areas related to child protection:

Child begging in Quranic schools and on streets, the vulnerability of street children to police brutality and sexual abuse and exploitation, an increasing number of children in hazardous work, the absence of legal minimum age for employment, increasing number of child victims in commercial sexual exploitation and pornography, and inadequate rehabilitation and reintegration programmes, were some areas of concern.

The committee urged the government to conduct a study on child beggars to understand the scope better and make appropriate interventions, to monitor mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, to conduct a study on child labour, including children in the informal sector, streets and as domestic workers, to establish a clear legal minimum age for employment, and to conduct a study on commercial sexual exploitation of children, including pornography, and to ensure rehabilitative and reintegration services.

It has to be noted that the government of Gambia has not submitted its country report to the Committee on Elimination of Racial Discrimination (CERD) since 1980. The reports submitted by the government to committees of ILO Conventions are under consideration.

The Committee on Economic, Social and Cultural Rights (ESCR), expressed concern on the unequal rights between women and men, the failure to adopt the law on violence against women, domestic violence, the very high maternity and child mortality rates, and harmful traditional practices such as female genital mutilation and cutting.

Status of ratification of relevant Treaty bodies and ILO Conventions:

UN Treaty Bodies' Ratification	
Slavery Convention 1926	X
Protocol to Slavery Convention 1953	X
Supplementary Slavery Convention	X
Convention on Elimination of Racial Dis-crimination 1965 (CERD)	✓
Covenant on Civil and Political Rights 1966 (CCPR)	✓
Covenant on Economic, Social and Cultural Rights (CESR) 1966	✓
Convention on the Elimination of all Forms of Discrimination Against Women 1979 (CEDAW)	✓
Convention on the Rights of the Child 1990 (CRC)	✓
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punish-ment	✓
International Convention on the Protection of the Rights of All Migrant Workers and Mem-bers of their Families	✓
Protocol to Prevent, Suppress and Punish Trafficking in Persons	✓

ILO Standards' Ratification

Forced Labour Convention, 1930 (C-29)	✓
The Protocol of 2014 to the Forced La-bour Convention, 1930 (P029)	X
Abolition of Forced Labour Convention, 1957 (C-105)	✓
Worst Forms of Child Labour Convention, 999 (C-182)	✓
Minimum Age Convention, 1973 (C-138)	✓
Freedom of Association and Protection of the Right to Organise Convention, 1948 (C-087)	✓
Right to Organise and Collective Bargain-ing Convention, 1949 (C98)	✓
Equal Remuneration Convention, 1951 (C-100)	✓
Discrimination (Employment and Occupa-tion) Convention, 1958 (C-111)	✓



Chapter 8

RECOMMENDATIONS

1. The government of Gambia should enact laws that protect and promote the rights of the Communities Discriminated on Work and Descent.
2. Initiate sensitisation programs for mass awareness on the issue of slavery and its impact on affected people. Human Rights Education on the issue of slavery could be introduced with school children and above, to address the stereotypes and discrimination that children learn from their parents.
3. Design social welfare programs for the advancement of the CDWD keeping the interests of the CDWD at the core.
4. Undertaking storytelling projects and human interest stories that reveal the true experiences of the communities facing discrimination on the basis of work and descent.
5. Allocate resources in central and state level budgets for the welfare and special measures for the CDWD.
6. Introduce special measures for the CDWD in areas of education, employment, social benefits and political representation, to enable the mainstreaming of CDWD.
7. Apart from the National Human Rights Commission, currently there is no other commission specifically focusing on the Communities Discriminated on Work and Descent. There is a need to establish a special commission dedicated to spear-head the total eradication of discrimination based on work and descent. The commission should comprise people from the government, private sector, human rights defenders, civil society organisations, community leaders, including women and youth. These commissions will also serve as a safe space for victims.
8. Establish commissions to study the magnitude and nature of modern slavery that is persistent in Gambia, including the discrimination based on work and descent.
9. Incorporate in the Census the collection of population data disaggregated by ethnicity, caste, and other intersectional identities, with the aim of facilitating more informed and inclusive policymaking.

REFERENCES

¹Walkfree 2023, The Global Slavery Index 2023, Minderoo Foundation, <https://www.walkfree.org/global-slavery-index/findings/regional-findings/africa/> [accessed June 13, 2023]

²In various literature, the group is referred to as ‘caste-people’.

³Access Gambia website; The Slave Trade Among Ethnic Groups of Gambia, <https://www.accessgambia.com/information/ethnic-groups-relationship-slavery.html> [accessed June 18, 2023]

⁴HDR2022; Uncertain Times, Unsettled Lives: Shaping our Future in a Transforming World, Human Development Report, 2021/2022, https://hdr.undp.org/system/files/documents/global-report-document/hdr2021-22pdf_1.pdf [accessed June 18, 2023]

⁵Ibid

⁶What’s on Gambia & FISO Gambia 2020 Festival Facebook Pages

⁷Lamin Fatty, Court Bars Anyone from Hindering Garawol ‘Slaves’ from Constructing Mosque, January 24, 2023, Foroyya, <https://foroyaa.net/court-bars-anyone-from-hindering-garawol-slaves-from-constructing-mosque/> [accessed June 23, 2023]

⁸The global study titled Global Estimates of Modern Slavery (GEMS 2023), conducted by Walkfree, ILO and IOM in 2023, maps the modern slavery status worldwide. It has covered a total of 160 countries. Modern Slavery is commonly categorised to include - (I) Forced Labour, including descent-based servitude, bonded labour, child exploitation, sexual slavery and trafficking of persons, among others and (II) Forced Marriage. In the 2023 report, it is estimated that as a worldwide phenomenon, Modern Slavery affects over 50 million people worldwide who are living in modern slavery and slavery-like practices.

⁹Walkfree 2023, The Global Slavery Index 2023, Minderoo Foundation, <https://www.walkfree.org/global-slavery-index/findings/regional-findings/africa/> [accessed June 13, 2023]

¹⁰TIP 2022, Trafficking in Persons Report July 2022, US Department of State, 2023, [accessed June 13, 2023]

¹¹Ibid

¹²Ibid

¹³GLoTIP 2022, Global Report on Trafficking in Persons 2022, Country Profiles, Sub-Saharan Africa, UNODC, 2022

¹⁴HDR 2022; Uncertain Times, Unsettled Lives: Shaping our Future in a Transforming World, Human Development Report, 2021/2022, https://hdr.undp.org/system/files/documents/global-report-document/hdr2021-22pdf_1.pdf [accessed June 18, 2023]

¹⁶ibid

¹⁷WAVE & WLL, 2022; Submission of Women's Association for Victims' Empowerment and Women in Liberation and Leadership, CSO Brief to CEDAW, 17 October 2022

¹⁸HDR 2022; Uncertain Times, Unsettled Lives: Shaping our Future in a Transforming World, Human Development Report, 2021/2022, https://hdr.undp.org/system/files/documents/global-report-document/hdr2021-22pdf_1.pdf [accessed June 18, 2023]

¹⁹ibid

²⁰Antislavery in Domestic Legislation website, <https://antislaverylaw.ac.uk/country/gambia/>, [accessed July 1, 2023]

²¹<https://indicators.ohchr.org/>

²²https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103075E/C.12/GMB/1

Country Report

The Gambia



The Inclusivity Project and Global Forum of Communities Discriminated on Work and Descent

2023

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