

REPORT OF THE NATIONAL
ASSEMBLY SELECT COMMITTEE
ON TOURISM, ART, CULTURE,
YOUTH AND SPORT
ON TOURISM OFFENCES
(AMENDMENT) BILL 2020

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1. Members

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|---------------------------|---|------------------|
| 1. Hon. Alhagie S Darbo | - | Chairperson |
| 2. Hon. Dawda K. Jawara | - | Vice-Chairperson |
| 3. Hon. Sunkary Badjie | - | Member |
| 4. Hon. Muhammed Ndow | - | Member |
| 5. Hon. Momodou Camara | - | Member |
| 6. Hon. Babagalleh Jallow | - | Member |
| 7. Hon. Abdoulie Ceesay | - | Member |
| 8. Hon. Lamin F.N. Conta | - | Member |
| 9. Hon. Assan Touray | - | Member |
| 10.Hon. Alfusainey Ceesay | - | Member |
| 11.Hon. Majanko Samusa | - | Member |
| 12.Hon. Alhagie Jawara | - | Member |

Support Staff and SMS

- | | | |
|-----------------------|---|------------------|
| 1. Sheikh Tijan Nyang | - | SMS |
| 2. Sarata Bojang | - | Secretary |
| 3. Isatou Sonko | - | Secretary |
| 4. Lamin Dibba | - | Research Officer |

2. Acknowledgement

The Committee wishes to express its appreciation to the Office of the Clerk for the support given to enable it to carry out its work and report to the plenary. The participation and cooperation of the witnesses from the various Ministries, institutions and organizations is highly appreciated and commended.

3. Introduction

Attorney General and Minister of Justice introduced the Bill entitled the Tourism Offences (Amendment) Bill, 2020. The Bill seeks to amend section 13 Trafficking, of Tourism Offences Act 2003. The Members

debated and voted on the general principles and merits of the Bill on its second reading. The Bill was then committed to the Assembly Business Committee (ABC) for committal to the relevant committee for scrutiny, consideration and advice. Consequently, the ABC committed the Bill to the Select Committee on Tourism, Art, Culture, Youth and Sport for detailed investigation and report.

On Tuesday 29th September, 2020 the Committee held its planning meeting and developed its work plan. Ministries, institutions and organizations were identified to send witnesses to give evidences on the Bill for consideration and report to the National Assembly.

The committee held three consultative meetings to gather the evidences and facts from the various witnesses to enable it to prepare a report. The report was eventually validated and endorsed by the committee.

4. Mandate

- a. To discuss the detail of the Bill.
- b. List the Witnesses.
- c. Summarized the evidences and the committee's deliberations thereon.
- d. Record the opinion of the committee on each clause and schedule of the Bill and taken any amendment recommended.
- e. Include the relevant record of minutes of proceedings of the committee on Bill.

5. Methodology

- a. Invite the Ministries, institutions and organizations.
- b. Meet with witnesses.
- c. Record evidences and prepare the minutes and report.
- d. Validate the minutes and report.

6. List of Witnesses

1. Mamading Dampha (DPS) - Ministry of Tourism and Culture
2. Ya Awa Nyassi -Ministry of Tourism and Culture
3. Isatou Yarboe - Ministry of Tourism and Culture
4. Fatou L. Njie - Ministry of Justice
5. Naffie Sissoho Bangura - Ministry of Justice
6. Sang Sylva - Gambia Tourism Board
7. Abdoulie Sanneh - Gambia Policy Force

8. Lamin Fatty - Child Protection Alliance
9. Jereh Camara (President)- National Tourist Guides Association
10. Modou Cham - National Tourist Guides Association
11. Yusupha Dibba - National Tourist Guides Association
12. Baba Ceesay (President) - Tourist Drivers' Association
13. Ebrima T. Jaiteh (Secretary General) - Tourist Drivers' Association
14. Hassan Faal - Tourist Drivers' Association
15. Jim Johansen (Chairman) - Gambia Hotel Association
16. Aziz Khan (Vice Chair)- Gambia Hotel Association
17. Marion Nyan (Executive Secretary) - Gambia Hotel Association

7. Meeting with the Witnesses

Day 1: Monday 12th October 20120

The Committee met with witnesses from Ministry of Justice, Ministry of Tourism and Culture, Gambia Tourism Board (GTB) and Gambia Police Force to obtain evidences from them.

The Chairman of the committee, in his welcoming and introductory remarks, highlighted the purpose of the meeting, the mandate of the committee and the witness before giving the floor to the witnesses.

1. Ministry of Justice

Fatou L. Njie from the Ministry of Justice gave an overview of section 13 of the Tourism Offences Act and the objects and reasons of the Tourism Offences (Amendment) Bill 2020.

2. Ministry of Tourism and Culture

a. Mamanding Dampha (DPS) Ministry of Tourism and Culture, informed the Committee that his ministry has been working with National Agency Against Trafficking to see that the perpetrators of Child trafficking are brought to justice.

b. He also told the Committee that his Ministry is in support of the Bill that it will serve as deterrent for the people who tend to commit the offence against children.

c. That it will protect the children and reduce the rate of the crime as well.

3. Gambia Tourism Board

a. Mr. Sang Sylva the representative of the Gambia Tourism Board (GTB) also informed the committee that the GTB had several engagements with the stakeholders on the subject matter to reduce the rate of the crime which the amendment seeks to address.

b. He revealed to the committee that the Gambia Tourism Board is in full support to the amendment and has welcome the move.

4. Gambia Police Force

a. Mr. Abdoulie Sanneh of The Gambia Police Force observed that one hundred thousand dalasi minimum fine should be maintained instead of fifty thousand dalasi in the Bill as that may not be helpful in this case as child trafficking is considered to be capital offence.

b. He also suggested for the word SHALL BE to substitute the word IS before the word Liable in the main section 13 to make it mandatory.

c. However, he expressed that The Gambia Police Force has no objection to the Bill and therefore welcome the amendment.

5. Response of The Ministry of Justice

The representative from the Ministry of Justice in responding to observations and suggestions, indicated that the word IS in section 13 of the Act and the propose amount in the amendment cannot be changed in the context for consistency with all the laws against trafficking. As changing them will lead to amending all trafficking laws and therefore she advised that the proposed amendment be maintained.

Day Two: Tuesday 13th October 2020

The Chairman of the committee, in his welcoming and introductory remarks, highlighted the purpose of the meeting, the mandate of the committee and the witness before giving the floor to the witnesses.

1. Ministry of Justice

Fatou L. Njie from the Ministry of Justice gave an overview of section 13 of the Tourism Offences Act and the objects and reasons of the Tourism Offences (Amendment) Bill 2020.

2. National Tourist Guides Association (NTGA).

a. Mr. Jerreh Camara the President of the association also noted that the amendment will deter people from committing the offence.

b. He indicated that due to the amount of money involved in the business, certain family members tend to defend the offenders and called for nationwide awareness campaign.

c. He expressed association's full support to the Bill.

d. Recommended the teaching of Tourism to create awareness on tourism offences and Act.

3. The Tourist Drivers' Association

The Chairman of the association Mr. Baba Ceesay indicated that his association is in support of the proposed amendment that it will help to reduce the rate of the crime.

4. The Gambia Hotel Association

The Chairman of the association informed the committee that the association has no objection to the bill only to give its blessing as it will help to check the crime in the industry.

Day Three: Wednesday 14th October 2020

The Chairman of the committee, in his welcoming and introductory remarks, reminded the witnesses of the Bill committed to the committee as well as the mandate of the committee and the witness.

1. Child Protection Alliance

a. Mr. Lamin Fatty of Child Protection Alliance (CPA) informed the committee that CPA is in full support of the proposed Tourism Offences (Amendment) Bill 2020.

b. That the move is in line with Government's commitment to the domestication process of the international instruments that it has signed and ratified.

c. He also recommended for the government to continue strengthening its position on the matter or to come up with severe penalties for such crimes against children.

2. Ministry of Justice

Fatou L. Njie from the Ministry of Justice gave an overview of section 13 of the Tourism Offences Act and the objects and reasons of the Tourism Offences (Amendment) Bill 2020.

8. Opinion

1. From the evidences gathered from the witnesses representing respective institutions, all the concerned stakeholders are in support of the proposed Tourism Offences (Amendment) Bill 2020.

2. It is the Opinion of the Committee that the amendment will serve as deterrent to the would-be perpetrators and will check the crime rate.

3. it is the opinion of the Committee that the amendment will fulfill the government's commitment to domestication of international instruments that it has signed and ratified.

4. in view of the above, thus the Committee, supports the the Tourism Offences (Amendment) Bill 2020 without amendment.

9. Recommendations

The Committee wishes to recommend as follows:

a. That the mover of the motion amends the objects and reasons to be specific on Tourism Offences and the proposed amendments.

b. That the August Assembly considers and adopts the Tourism Offences (Amendment) Bill 2020 without amendment.

10. Schedules

Note: - Schedules 3 – 8 are herein attached to the report.

Schedule 1: Section 13 Trafficking of The Principal Act Tourism Offences Act 2003

Section 13: Trafficking

“A tourist or any other person who buys, sells, procures or, traffics in or brings into or takes out of The Gambia for the purpose of trafficking, a child, commits an offence and is liable on conviction to a fine of not less than one hundred thousand dalasi and imprisonment for term of not less than five years.”

Schedule2: Tourism Offences (Amendment) Bill 2020,

Amendment of section 13

“Section 13 of the principal Act is amended by substituting for the words “not less than one hundred thousand dalasi and imprisonment for a term of not less than five years” the words “not less than fifty thousand dalasi and not exceeding five hundred thousand dalasi in addition to life imprisonment.”

Schedule 3: The Minutes of the Planning Meeting

Schedule 4: The Minutes of The Meeting with the Witnesses Monday 12th October 2020

Schedule 5: The Minutes of The Meeting with the Witnesses Tuesday 13th October 2020

Schedule 6: The Minutes of The Meeting with the Witnesses Wednesday 14th October 2020

Schedule 7: The Minutes of Validation Meeting Monday 19th October 2020

Schedule 8: The Minutes of Validation Meetings Tuesday 20th October 2020

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Hon. Alhagie S. Darbo

Chairman

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Hon. Dawda K. Jawara

Vice Chairman

Date: