

# THE GAMBIA 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The constitution enumerates a full range of provisions and assurances for a multiparty democratic republic. Human rights organizations and opposition parties, however, claimed the government repeatedly took steps to restrict the democratic space. In 2011 voters re-elected President Yahya Jammeh to a fourth term in a peaceful, orderly election; however, international observers considered it neither free nor fair. President Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC), continued to dominate the political landscape, winning an overwhelming majority of national assembly seats in the parliamentary elections in 2012 and local assembly seats in local elections in 2013. Six of the seven opposition parties boycotted or otherwise did not participate in both the national assembly and local government elections to protest government intervention and intimidation of opponents. Civilian authorities at times did not maintain effective control over the security forces.

After a failed coup in December 2014, the government arrested an estimated 36 persons accused of involvement in an attempt to overthrow the government, as well as family members of alleged coup plotters. During the coup attempt, security forces reportedly killed three coup plotters. The government arrested and court-martialed a former army officer whom authorities shot and wounded during the coup attempt.

The most serious human rights abuses reported include torture, arbitrary arrest, prolonged pretrial and incommunicado detention; enforced disappearance of citizens; and government harassment and abuse of its critics. Officials routinely used various methods of intimidation to retain power.

Other reported human rights abuses included poor prison conditions; denial of due process; restrictions on privacy and freedoms of speech, press, assembly, and practice of religion; corruption; violence against women and girls, including female genital mutilation/cutting (FGM/C); early and forced marriage; trafficking in persons, including child prostitution; discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals; and child labor.

While the government took steps to prosecute or punish some individuals who committed abuses, impunity and lack of consistent enforcement remained problems.

**Section 1. Respect for the Integrity of the Person, Including Freedom from:****a. Arbitrary or Unlawful Deprivation of Life**

According to one report, the government or its agents may have committed an arbitrary or unlawful killing.

In September 2014 a 28-year-old man, Demba Cole, died after an altercation with Corporal Lamin S. Jarju of the Gambia Armed Forces (GAF). A GAF spokesperson stated the GAF's military police unit and the Gambia Police Force (GPF) were investigating the case as a homicide. Media reports suggested Cole sustained grievous bodily harm from a fistfight with Corporal Jarju at the latter's home. Media also reported security officers who took Cole's body to the hospital in Banjul refused to give the body or the postmortem report to the family. Guarded by police, apparently to prevent close inspection by family members, Cole was buried at Kanifing South cemetery by family members. Authorities did not formally charge Jarju with any offense, but two weeks after the incident, the GAF published a "wanted" notice for the officer due to "suspected homicide." There were no developments in the case by year's end.

**b. Disappearance**

In contrast with 2014, there were no reports of politically motivated disappearances during the year. In 2013 two individuals of U.S.-Gambian dual nationality, Alhagie Ceesay and Ebrima Jobe, disappeared after last being seen in the country. In October 2014 the attorney general stated the government had begun an investigation into the disappearances. International authorities engaged with Gambian law enforcement authorities on the case. There were no updates by year's end.

**c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices; however, there were reports security forces tortured, beat, and mistreated persons in custody. In November 2014 the government prevented UN special rapporteurs from investigating reports of torture and extrajudicial execution. The team's preliminary findings, however, indicated the National Intelligence Agency (NIA) consistently practiced torture. Police reportedly tortured individuals suspected of common crimes. The UN

findings indicated the NIA tortured detainees for days or weeks; methods included severe beatings, electric shock, asphyxiation, and burning. According to Human Rights Watch, methods of torture also included water torture, rape, and simulated burial.

For example, *The Standard* newspaper reported that in September 2014 lawyer Edward Singhateh, representing three individuals on trial on drug-related charges at the Banjul Magistrate's Court, said his clients were "mercilessly beaten" while in detention before authorities took them to the State Guard clinic for treatment. The accused persons--Adama Conateh, Paul Gomes, and Yusupha Jatta--had been standing trial since 2013 after authorities reportedly found them in possession of 2.9 grams of cocaine. Conateh, Gomes, and Jatta denied the charges. Singhateh stated, "Narcotics officers kept the accused persons in detention for more than two weeks and even denied them bail because they were trying to hide the injuries on their bodies and the ill health of the first accused, Adama Conateh." In 2014 Singhateh reported to the court his clients were "severely brutalized" while their cautionary and voluntary statements were being obtained. The government did not provide a response. Authorities granted the accused bail, and their trial continued at year's end.

The Indemnity Act, which allows the president to grant amnesty to any person, including security force members accused of misconduct during unauthorized gatherings, continued to deter victims from seeking redress for torture committed during the country's 1994-96 military rule. The army requires victims to file formal complaints with the courts regarding alleged torture that occurred at other times. During the year there were no known prosecutions in civil or military courts of security force members accused of mistreating individuals.

### **Prison and Detention Center Conditions**

Prison conditions were harsh and life threatening.

Physical Conditions: Prison conditions were poor and cells were overcrowded, damp, and poorly ventilated. Two presidential pardons in July freed 353 convicts and detainees and helped ease congestion in some of the cells. Inmates continued to complain of poor sanitation, food, and occasionally having to sleep on the floor. Officials allowed detainees to receive food from the outside prior to conviction, but authorities required convicted inmates to eat only meals supplied by the prisons. Medical facilities in prisons were poor, and authorities sent sick inmates to a hospital in Banjul or nearby health centers for examination and treatment. Former

inmates and human rights nongovernmental organizations (NGOs) reported a high prisoner mortality rate. Reports indicated prisoners died of neglect or lack of access to health care. Sanitation and lighting in some prison cells were poor. During the summer temperatures in cells became extremely high, and there were no ceiling fans or other measures to reduce heat. Authorities at the NIA held most detainees in solitary confinement and often in dark, rat- and insect-infested rooms.

Mile 2 Prison, which had an intended capacity of 450 inmates, held 536 prisoners and detainees, including six women.

Administration: Officials generally allowed inmates to have visits, with the exception of political inmates, who reportedly were denied access to lawyers and family members.

Authorities sometimes investigated credible allegations of inhumane conditions. A Prisons Visiting Committee, which included representatives of several government agencies, is empowered to monitor prison conditions. Minister of Interior Ousman Sonko claimed the committee visited the central prison weekly and submitted reports on substandard conditions.

The Office of the Ombudsman can investigate all complaints submitted to it, including those concerning bail conditions, pretrial detention, and confinement of juvenile offenders; however, it cannot negotiate alternatives to incarceration for detainees or convicts.

Independent Monitoring: The government did not permit the International Committee of the Red Cross or the media access to monitor prison conditions. While local NGOs and diplomatic missions assisted prisoners, authorities did not allow them to monitor conditions.

In 2014 the government invited UN special rapporteurs investigating reports of torture and extrajudicial execution to visit. The government, however, canceled the invitation without explanation in August 2014 and rescheduled it for November 2014. After the UN special rapporteur team arrived, the government denied it access to the security wing of Mile 2 Prison, violating the agreed upon terms of reference. Consequently, the rapporteurs could not complete the full mandate of the mission.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and stipulate that authorities must charge or release any person arrested by police or other security agencies within 72 hours. There were, however, numerous instances of police and other security force members' arbitrarily arresting and detaining citizens longer than 72 hours without formally charging them.

For example, in early January authorities arrested an undisclosed number of family members of persons suspected of involvement in the failed December 2014 coup. Amnesty International reported authorities detained 30 family members of suspects at NIA headquarters in Banjul for several weeks or months without charge, in violation of the 72-hour legal limit. Authorities included 12 family members of coup suspects in the prisoner pardons announced by President Jammeh on July 22.

On October 18, plainclothes officers arrested the imam of Kanifing South mosque, Alhagie Ousman Sawaneh, who was leading a team of volunteers cutting grass in Kanifing South Cemetery. According to media reports, authorities detained the imam at NIA headquarters in Banjul. Authorities allowed family members to access Sawaneh but did not provide them any reason for his arrest. Sawaneh remained in detention at year's end.

### **Role of the Police and Security Apparatus**

The GAF is responsible for external defense and reports to the minister of defense, a position held by the president. Police, under the Ministry of the Interior, are responsible for public security. The NIA, which reports directly to the president, is responsible for protecting state security, collecting intelligence, and conducting covert investigations. The law does not authorize the NIA to investigate police abuses, but it often assumed police functions such as detaining and questioning criminal suspects. The Department of Immigration, under the Ministry of the Interior, is responsible for migration and border control.

Security force members frequently were corrupt and ineffective. Impunity was a problem, and police sometimes defied court orders.

The prosecution and legal affairs unit of the GPF has two officers assigned to human rights issues, but they received no complaints of abuses committed by police officers during the year. Observers believed citizens avoided reporting abuses to the GPF prosecution and legal affairs unit due to fear of reprisal, lack of substantive redress, and a general mistrust of police. The Office of the

Ombudsman appeared to handle most complaints against police officers (see section 5).

### **Arrest Procedures and Treatment of Detainees**

The law requires authorities to obtain a warrant before arresting a person, but police and NIA officers often arrested individuals without a warrant. Periods of detention generally ranged from a few to 72 hours, the legal limit after which authorities must charge or release detainees; however, there were numerous instances of detentions exceeding the 72-hour limit. Authorities generally did not inform detainees promptly of charges against them. There was a functioning bail system; however, prosecutors customarily opposed applications for bail for detainees charged with misdemeanors and ordered lengthy adjournments to allow additional time to prepare their cases. Judges and magistrates sometimes set bail bonds at unreasonably high amounts. Courts occasionally released accused offenders on bail only to have police or other law enforcement personnel re-arrest them as they were leaving the court, sometimes to provide the prosecution more time to prepare cases.

In August 2014 authorities reportedly arrested Seedy Jaiteh, human resource director of the state-owned telecommunications company GAMTEL, at his residence and drove him away in an unmarked car with tinted windows. Media reported authorities did not allow family members and lawyers access to him. He was still in detention at year's end.

Officials did not allow detainees prompt access to a lawyer or family members, although officials generally allowed convicted prisoners to meet privately with an attorney. The judiciary provided indigent persons accused of murder or manslaughter with lawyers at public expense.

Military decrees enacted prior to the adoption of the constitution give the NIA and the interior minister broad powers to detain individuals indefinitely without charge "in the interest of national security." These detention decrees are inconsistent with the constitution but have not been legally challenged. The government claimed it no longer enforced the decrees, but such detentions continued to occur.

Arbitrary Arrest: Security forces arbitrarily arrested journalists and other citizens during the year (see sections 1.e., 2.a., and 5).

In July 2014 the president dismissed Minister of Higher Education Momodou Sabally after he had served in that position for only a week, and the NIA arrested him. Sabally previously served as secretary general in the Office of the President and minister for presidential affairs. Officials held him for 41 days without charge at NIA headquarters, and family members complained they had no access to him. In August 2014 police charged Sabally with “abuse of office” and “economic crimes.” Prosecutors said Sabally, while serving as secretary general, unduly influenced the Social Security and Housing Finance Corporation to finance a program entitled “Youth Career Development Program” at a cost of 402,500 dalasi (\$10,063) without following the normal approval procedures. The government did not provide a reason for his unlawful detention prior to formal charges. In November, nearly five months after his detention, the High Court granted Sabally bail for 1.5 million dalasi (\$37,500). On September 23, authorities dropped all charges against Sabally without explanation.

The failed coup attempt in December 2014 resulted in the arrest of individuals suspected of participating as well as family members of alleged coup plotters. Security force members reportedly killed three coup plotters during the coup attempt. Authorities had not transferred their bodies to family members as of November 10, despite repeated requests.

Pretrial Detention: Backlogs and inefficiency in the justice system resulted in lengthy pretrial detention. Approximately 30 percent of inmates in the prison system were in pretrial detention; some had been incarcerated for several years awaiting trial.

Amnesty: On July 3, President Jammeh pardoned 85 prisoners, marking the start of the Muslim fasting month of Ramadan. A statement from the Office of the President said most of the prisoners were young persons. On July 22, the president pardoned an additional 256 convicted prisoners and detainees, including several political prisoners and others convicted of murder, rape, and drug-related offenses. The president expanded this amnesty to include 12 detained family members of persons suspected of involvement in the failed coup of December 2014. The convicts included 53 foreigners; all were subsequently deported or allowed to leave the country.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary; however, the courts lacked independence and were corrupt. Amnesty International noted the president’s

power to remove a judge, nominally in consultation with the Judicial Service Commission, interfered with judicial independence. Judges presiding over “sensitive” cases who made decisions not considered favorable to the government risked dismissal.

There was little stability in senior judiciary positions; for example, on May 12, Chief Justice Ali Nawaz Chohan reportedly resigned his position after the government expressed displeasure over a supreme court decision to acquit former chief of navy staff commodore Sarjo Fofana, who was serving a life sentence. On June 24, the government removed two supreme court judges--Raymond Sock and Gibou Semega Janneh--who were part of the panel that acquitted Commodore Fofana.

Frequent delays and missing or unavailable witnesses, judges, and lawyers often impeded trials. Many cases were delayed because of adjournments to allow police or the NIA more time to continue their investigations.

To alleviate the backlog, the government continued to recruit judges and magistrates from Commonwealth countries with similar legal systems. Authorities particularly subjected foreign magistrates and judges, who often presided over sensitive cases, to executive pressure.

### **Trial Procedures**

The law provides for the presumption of innocence, a fair and public trial without undue delay, and adequate time and facilities to prepare a defense. Officials, however, generally did not properly inform defendants of the charges against them. Officials provided interpretation into defendants’ local languages as necessary without cost. According to law no one may be compelled to testify or confess guilt. Trials generally were open to the public, unless closed-court sessions were necessary to protect the identity of a witness. Juries were not used. Defendants can consult an attorney and have the right to confront witnesses and challenge evidence against them, present witnesses and evidence on their own behalf, and appeal judgment to a higher court. The law extends these rights to all citizens, and officials did not deny these rights during the year; however, authorities rarely informed detainees of their rights or the reasons for their arrest or detention, according to Amnesty International. Lawyers of accused persons may request access to government-held evidence, but they rarely did so.



Military tribunals cannot try civilians. A judge advocate presides over court-martial proceedings assisted by a panel of senior military officers. Contrary to previous years, recent court-martial proceedings were not open to the media or the public. On April 2, authorities issued a press release announcing the verdict in the trial by court-martial of six persons charged with treason and other offenses related to the failed coup attempt of December 2014. Authorities sentenced Lieutenant Colonel Sarjo Jarju, Lieutenant Buba Sanneh, and former private Modou Njie to death. Captain Abdoulie Jobe, Captain Buba K. Bojang, and Lieutenant Amadou Sowe received life sentences. On April 8, four of the convicts--Jarju, Sowe, Sanneh, and Njie--appealed their verdicts, but on June 10, the high court dismissed their appeals on the ground the court lacked jurisdiction.

On August 27, a military court sentenced Lieutenant Colonel Solo Bojang, former manager of Kanilai Family Farms, to one year in prison. Authorities did not disclose the nature of his offense, and the trial was closed to media. Authorities court-martialed Bojang after a civilian court freed him (see section 1.d.).

The judicial system also recognizes customary law and sharia (Islamic law).

Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and other traditional and social relations. District chiefs preside over local tribunals that administer customary law at the district level. Customary law recognizes the rights of all citizens regardless of age, gender, and religion; however, it requires women to show respect for their husbands and children for their parents.

Sharia applies in domestic matters, including Muslim marriage, divorce, and inheritance. Qadi courts and district tribunals do not offer standard legal representation to the parties in a case, since lawyers were not trained in Islamic or customary law.

### **Political Prisoners and Detainees**

During the year there were credible reports the government held civilians based on their political views or associations and held some incommunicado for prolonged periods. International and domestic NGOs estimated the president pardoned more than a dozen political prisoners on July 22 (see section 1.d.). Most of the political incarcerated persons were former military personnel accused of involvement in plots to overthrow the government. Political prisoners in detention at year's end included the six military personnel convicted of involvement in the December

2014 failed coup; one civilian, Hamadi Sowe, arrested after the failed coup; and three supporters of the opposition United Democratic Party (UDP). Authorities held these prisoners in the security wing of Mile 2 Prison; they occasionally were allowed visits from family members. The government did not allow international human rights organizations, local NGOs, civil society organizations, or the International Committee of the Red Cross regular access to these detainees.

In November 2014 the Supreme Court unanimously agreed to commute the death sentences imposed on seven of eight men convicted of plotting to overthrow the government in 2009 and sentenced to death in 2010. On July 23, authorities released the seven men from prison under a prisoner pardon announced by President Jammeh. The eighth man, Yusuf Ezziden, did not appear in court; authorities reportedly allowed him to leave the country.

In 2013 the Special Criminal Court convicted and sentenced Alieu Lowe to 20 years' imprisonment for "concealment of treason and perjury." The court acquitted and discharged his codefendant, Abdoulie Njie. Officials arrested Lowe and Njie following disclosure of the abortive 2006 coup plot and detained the men for over five years before formally charging them. Officials released Lowe, a nephew of fugitive coup leader Ndure Cham, on July 23 as part of a prisoner pardon announced by the president. The trial of a third detainee, Hamadi Sowe, also charged with concealment of treason relating to the 2006 coup plot, continued at year's end.

### **Civil Judicial Procedures and Remedies**

The high court has jurisdiction to hear cases concerning civil and human rights violations, although it may decline to exercise its powers if it is satisfied other adequate means of redress are available. The Indemnity Act continued to prevent victims from seeking redress in some cases.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, but the government did not respect these prohibitions, although it generally enforced Decree 45, which applies constitutional safeguards against arbitrary searches and the seizure of property without due process. Observers believed the government monitored citizens engaged in activities it deemed objectionable.

### **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press; however, the government restricted these rights. A Freedom in the World 2015 report by Freedom House stated, “The government does not respect freedom of the press. Laws on sedition give authorities discretion in silencing dissent, and independent media outlets and journalists are subject to harassment, arrest, and violence.”

Freedom of Speech and Expression: Individuals who publicly or privately criticized the government or the president risked government reprisal.

In 2013 police arrested and detained an activist of the opposition UDP, Lansana Jobarteh, for eight days. Police accused Jobarteh of using an iPod and Skype to facilitate the foreign broadcast of two opposition political rallies. In July 2014 a magistrate in Bundung convicted him on charges of “broadcasting without a license” and fined him 50,000 dalasi (\$1,250), or in default thereof to serve one year in prison. Jobarteh paid the fine but appealed the verdict. The matter was still before the court at year’s end.

Press and Media Freedoms: Laws that impose excessive bonds on media institutions also require newspapers to reregister annually and mandate harsh punishment for the publication of so-called false information or undermining constitutional protections. According to Freedom House, these provisions gave authorities great power to silence dissent.

On July 17, NIA officers arrested and detained Alagie Ceesay, managing director of private radio station Taranga FM, for several days at NIA headquarters. Taranga is the only radio station in the country that translates local newspaper articles into local languages, a practice that previously caused friction with authorities. Officials accused Ceesay of sharing by cellphone text a photograph of President Jammeh with a gun and five bullets pointed at his head. The inspector general of police charged Ceesay with “intent to raise discontent, hatred, or disaffection of the President” at the magistrate’s court. On August 19, the director of public prosecution filed six other charges of “sedition and seditious intent” at the high court, all related to the same photograph. On October 12, magistrate Momodou Jallow, at the request of a police prosecutor, dismissed the charge against Ceesay, formally ending his trial in the lower court. The courts rejected his

bail application submitted by defense lawyers three times, and the case continued in the high court at year's end.

The government published *The Gambia Now* newspaper. The privately owned *Daily Observer* newspaper favored the government in its coverage and editorials. There were five other independent newspapers, including one published by an opposition political party, which remained highly critical of the government. A ban on the newspaper *The Daily News*, imposed in 2012, remained in force.

The government-owned Gambia Radio and Television Services (GRTS) and nine private radio stations broadcast throughout the country. The GRTS gave virtually no coverage to political opposition activities but provided extensive coverage of ruling party activities.

Violence and Harassment: Media restrictions tightened during the year, and the government continued to harass and detain journalists. Numerous journalists remained in self-imposed exile due to government threats and harassment.

Officials routinely denied journalists from news outlets perceived to be critical of the government access to public information and excluded them from covering official events at certain venues. For example, a team of journalists from the Al-Jazeera network that arrived in the country on August 31 on a reporting assignment approved by the Ministry of Information had its permit revoked before it started filming. The journalists said authorities told them the president cancelled the permit because he was not sure how Al-Jazeera would report the information they gathered.

Censorship or Content Restrictions: Private media outlets generally practiced self-censorship due to fear of reprisal by the government, and many refrained from publishing content deemed contrary to the principles of Islam or offensive to other religions and sects. Nevertheless, opposition views regularly appeared in the independent press, and there was frequent criticism of the government in the English-language private press.

The Information and Communication Act created several new offenses for online speech that are punishable by a 15-year prison term and/or a fine of three million dalasi (\$75,000). The act criminalizes spreading false news about the government or public officials, making caricatures or derogatory statements regarding public officials, and inciting dissatisfaction with or instigating violence against the government.

National Security: Unlike in previous years, the NIA was not involved in the arbitrary closure of media outlets and the extrajudicial detention of journalists. There were no reports of torture of journalists during the year.

### **Internet Freedom**

There were few government restrictions on access to the internet or credible reports the government monitored private online communications without appropriate legal authority. Internet users, however, reported they could not access the websites of foreign online news blogs such as Freedom Online.

On July 21, police arrested 23-year-old Alagie Mam Sey after he posted a cartoon of the Prophet Muhammad on his Facebook page. He appeared in court on August 4 charged with “sharing a cartoon of the Prophet with intent to hurt religious feelings.” Sey, who initially had no legal representation, pled guilty to the charge but changed his plea on August 11. When the trial resumed on August 20, the magistrate granted him bail after he signed a bond for 10,000 dalasi (\$250) and provided one guarantor for surety. According to defense counsel Lamin Mboge, authorities suspected Sey of being mentally unstable and in need of a medical examination and treatment. His case continued at year’s end.

The International Telecommunication Union reported 14 percent of individuals used the internet in 2014.

### **Academic Freedom and Cultural Events**

On June 23, hip-hop artist Ali Cham, known as Killa Ace, released a song critical of government actions, particularly its restrictions on free speech and press freedom, police brutality, corruption, and misuse of public funds. The song was available online. Although officials did not ban the song, Cham fled the country with his wife and daughter, saying he no longer felt safe after his parents received threatening inquiries from security officers.

In November 2014 officials took Sait Matty Jaw and two foreign nationals, a Ghanaian and a Nigerian, into NIA custody. On December 10, authorities charged the three men with disobedience to statutory duty, conspiracy to commit a misdemeanor, and failing to register a business. The court set bail at five million dalasi (\$125,000), a high sum compared with typical bail amounts. In December 2014 the Magistrate’s Court convicted the two foreigners, after they changed their

pleas to guilty, and fined them 50,000 dalasi (\$1,250) in lieu of one year in prison. Sait Matty Jaw maintained his innocence, and on April 29, the court acquitted him after a trial lasting more than three months.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The constitution and law provide for freedom of assembly; however, police systematically refused requests for permission to hold demonstrations, including peaceful ones, and occasionally refused to issue permits to opposition parties wishing to hold political rallies.

On April 16, officers from the paramilitary Police Intervention Unit (PIU) and other security agencies armed with riot gear intercepted a team of officials and supporters of the opposition UDP, including leader Ousainou Darboe. The group arrived at the village of Fass Njaga, Choi, in the North Bank Region, on the first day of a 10-day campaign tour. The UDP decided to embark on the tour despite lacking a police permit for use of a public address system. Under the Public Order Act, political parties planning to hold public meetings must apply for a permit allowing them to use a public address system and must provide details of place, date, and time of each rally. The PIU prevented the UDP team from holding a meeting in Fass Njaga or proceeding on the campaign tour. A tense four-day standoff continued until April 20, when police finally issued a permit allowing the UDP to continue its tour.

### **Freedom of Association**

The constitution and law provide for freedom of association, and the government generally respected this right in practice.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

## **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to assist internally displaced persons, refugees, asylum seekers, stateless persons, or other persons of concern. UNHCR coordinated government efforts with the International Organization for Migration, the Gambia Red Cross Society, and other agencies to provide this protection and assistance.

Foreign Travel: The government imposed restrictions on foreign travel by many persons released from detention, often because authorities confiscated their travel documents temporarily at the time of their arrest or soon afterwards. As a rule the government required all its employees to obtain permission from the Office of the President before traveling abroad. In October 2014 the president signed an amendment to the criminal code that criminalizes the act of absconding while performing government duties abroad. According to the amendment, “A person who leaves The Gambia under a government-sponsored program or on a mission as a representative of The Gambia and refuses to return home on completion of his or her program or mission commits an offence.” Conviction could result in a fine of 500,000 dalasi (\$12,500) and imprisonment for five years.

### **Protection of Refugees**

Access to Asylum: The law provides for granting refugee status under the 2008 Refugee Act. The Gambia Commission for Refugees worked with UNHCR on protection of refugees.

In a mid-year report, UNHCR indicated there were 11,773 refugees in the country, of which 11,224 were Senegalese who fled the Casamance conflict in Senegal. UNHCR provided assistance with basic needs and services and implemented livelihood programs. During the year the number of refugees from Cote d’Ivoire decreased from 247 to 245. The country also hosted smaller numbers of refugees from Sierra Leone, Liberia, Togo, the Republic of the Congo, the Democratic Republic of the Congo, Somalia, Eritrea, Sudan, and Guinea-Bissau.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide the ability of citizens to change their government in free and fair elections; however, citizens were unable to exercise this ability fully in the 2011 presidential election due to government intimidation of voters and ruling party control of the media. The country, however, held generally peaceful national assembly elections in 2012 and local government elections in 2013. The country has an independent electoral commission (IEC), but the president appoints members in consultation with the Judicial Service Commission and the Public Service Commission. The current members of the commission have all exceeded their terms in office.

### **Elections and Political Participation**

Recent Elections: In 2012 voters elected members of the national assembly. Six of the seven opposition parties boycotted the poll after the IEC refused to accept the demands they had submitted, including for a postponement of the election. President Jammeh's party, the APRC, won 43 seats, the opposition National Reconciliation Party (NRP) one seat, and independent candidates four seats.

During local elections in 2013, independent candidates won 10 of the 45 wards in which they competed. The ruling APRC party and the NRP were the only parties that participated. Incumbent Mayor of Banjul Samba Faal (APRC) lost to independent candidate Abdoulie Bah by a wide margin. In April 2013, before the election, the APRC expelled Bah from the party, citing "manners incompatible with the Party's code of conduct." Bah then decided to run as an independent candidate and focused on the poor state of roads in Banjul. In March 2014 Bah and two other independent candidates who had left the APRC earlier rejoined the party.

Political Parties and Political Participation: The APRC held 42 of 48 elected seats in the national assembly and continued to maintain tight control over the political landscape. APRC membership conferred advantages, such as expediting government transactions, facilitating access to certain documents, and securing employment contracts.

Participation of Women and Minorities: Observers noted that there were cultural constraints on women's political participation. There were four women in the 53-seat national assembly: three elected and one nominated by the president. At year's end there were six women in the 20-member cabinet, including the vice president. Of 1,873 village heads, only five were women.



No statistics were available on the percentage of minority members in the legislature or the cabinet. Notably, President Jammeh and many members of his administration were from the minority Jola ethnic group.

#### **Section 4. Corruption and Lack of Transparency in Government**

While the law provides criminal penalties for corruption by officials, the government did not implement the law effectively. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a serious problem. The president spoke against corruption on numerous occasions during the year.

Corruption: There were prosecutions for corruption of several civilian officials during the year. For example, on September 7, officials arraigned Ebrima Jawara, son of former president Sir Dawda Jawara, and four other senior officials of the Ministry of Agriculture (Dr. Alasan Bah, Sulayman Manneh, Lamin Fatajo, and Momodou Lamin Mass) before the Banjul Magistrates Court on a 10-count indictment. The allegations included stealing by persons in public service, abuse of office, stealing by a clerk or servant, theft, and four related economic crimes charges. In December authorities released the five accused, but re-arrested and arraigned Ebrima Jawara before the high court on December 20 on charges of abuse of office and economic crimes. Officials separately arraigned him before the same court on a charge of causing malicious injuries.

The trial continued during the year of five senior officials of the Ministry of Agriculture whom authorities arrested in October 2014 and charged with economic crimes and related offenses in connection with the management of the Food and Agriculture Sector Development Project (FASEP). The accused persons were Ada Gaye, permanent secretary at the Ministry of Agriculture; Fafanding Fatajo, FASEP coordinator; Omar Jammeh, FASEP financial controller; Foday Jadama, deputy director of the soil and water management services of the Ministry of Agriculture; and Dr. Abdou Ceesay, director of the department of livestock services. The charges mainly related to overpayment for services rendered by an external contractor. The trial continued at year's end.

The trial also continued during the year of former magistrate Saikou Fatty, whom authorities arraigned before the Banjul Magistrates' Court in November 2014 on charges of official corruption. Fatty allegedly solicited the sum of 20,000 dalasi (\$500) and a gold wristwatch from a defendant in a matter before his court as a bribe to settle the matter in the defendant's favor. He denied the charges, and his trial continued at year's end.

Financial Disclosure: The law subjects public officials, both appointed and elected, to financial disclosure laws, but the government seldom enforced these laws. The law mandates no particular agency to monitor and verify disclosures, but the president may appoint judicial commissions of inquiry to investigate any category of public officials or private individuals. The meetings of such commissions were public.

Public Access to Information: The constitution and law do not provide for public access to government information. The law prohibits civil servants from divulging information about their departments or speaking to the press without prior clearance from their department heads.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated despite government restrictions, investigating and publishing their findings on human rights cases. Government officials seldom were cooperative or responsive to their views. The British Home Office Country Information and Guidance Report on The Gambia for this year stated, “Some human rights activists who have (or have been perceived to have) criticized the government are at risk of being harassed, arrested, detained, intimidated and ill-treated by state agents. Reports note they have faced torture and enforced disappearance.” The 1996 NGO Decree imposes a cumbersome registration process, allows the government to reject valid NGO registration applications, and requires annual submissions of budgets and work programs. The 2010 decision to place supervision of NGO activities under the Office of the President resulted in increased restrictions. Human rights organizations censored themselves and focused on nonsensitive problems; most human rights NGOs did not actively document or publicly report human rights abuses within the country due to fear of reprisal.

The government harassed, arrested, and detained human rights workers.

The United Nations or Other International Bodies: The government allowed visits during the year by the United Nations and other international governmental organizations, such as the Economic Community of West African States; however, the government offered no public response to reports issued after the visits.

During the UN Universal Periodic Review process in 2010, the government accepted a recommendation to welcome visits by the UN special rapporteur on torture and cruel, inhuman, or degrading treatment or punishment and other special procedures and the UN special rapporteur on torture and on summary, extrajudicial, and arbitrary executions. In November 2014 the latter visited the country at the government's invitation. Although the government had agreed to the standard terms of reference for the special rapporteur's visit, it denied unfettered access to the first prison visited by the rapporteur, who then suspended that aspect of the visit.

The special rapporteur's preliminary report noted the "NIA tortured routinely and as a matter of course" and "acted with impunity," while the 2012 execution of nine death row prisoners was arbitrary and violated international law.

Government Human Rights Bodies: The Office of the Ombudsman operated a National Human Rights Unit (NHRU) to promote and protect human rights and support vulnerable groups. During the year the unit addressed complaints regarding unlawful dismissal, termination of employment, unfair treatment, and illegal arrest and detention. According to its 2013 report, presented to the national assembly, the Ombudsman's Office received 95 complaints. Of these, authorities resolved 49 cases in favor of the complainants, dismissed 19 for lack of merit, discontinued 12 because they were considered frivolous, and left 15 pending. Organizations with the highest number of complaints against them for 2013 were the Ministry of Basic and Secondary Education, the Gambia Ports Authority, and the Social Security and Housing Finance Corporation.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution prohibits discrimination based on race, religion, gender, disability, language, or social status, and the government generally enforced these prohibitions. Nevertheless, discrimination against women remained a problem. The constitution and law do not prohibit discrimination based on sexual orientation or gender identity.

### **Women**

Rape and Domestic Violence: The penalty for rape is life imprisonment; however, rape, including spousal rape, was a widespread problem. The maximum penalty for attempted rape is seven years' imprisonment. Authorities prosecuted at least six rape cases reported to police during the year; most prosecutions resulted in

conviction. The law against spousal rape was difficult to enforce effectively, as many did not consider spousal rape a crime and failed to report it. Police generally considered spousal rape to be a domestic issue outside their jurisdiction. The law prohibits any form of violence against women, and stipulates a fine of 50,000 dalasi (\$1,250) or imprisonment not exceeding two years, or both. Victims underreported domestic violence due to social stigma, and victims settled most cases through family mediation. No statistics were available on abusers prosecuted or convicted. The government developed a national plan of action on gender-based violence (GBV) for 2013-17, with the goal of reducing the percentage of women who experience GBV from 75.5 percent to 30 percent.

The Gambia Committee on Traditional Practices Affecting the Health of Women and Children (GAMCOTRAP), one of the leading women's rights NGOs in the country, included gender-based violence in its training modules for combating FGM/C. Another group, the Female Lawyers' Association of The Gambia, educated women on their rights and represented them, often without charge, in domestic violence cases.

Female Genital Mutilation/Cutting (FGM/C): On December 28, the national assembly passed the Women Amendment Act 2015 banning FGM/C. The new law stipulates imprisonment for not more than three years, a fine of 50,000 dalasi (\$1,250), or both for anyone found to have circumcised a female child. It also states a life sentence may be applicable in instances where the practice results in death of the victim. Accomplices who are aware of the practice but fail to report it may be liable for a fine of 10,000 dalasi (\$250).

In a 2005-06 survey, the UN Children's Fund (UNICEF) found almost 80 percent of girls and women between the ages of 15 and 19 had undergone FGM/C, and that seven of the nine major ethnic groups practiced FGM/C on girls from shortly after birth until age 16. Type 2, the partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora, was the most prevalent. FGM/C was less frequent among educated and urban groups. Some religious leaders, such as the State House imam, Muhammed Lamin Touray, publicly defended the practice. There were reports of health complications, including deaths, associated with FGM/C; however, no accurate statistics were available. Several NGOs including GAMCOTRAP conducted public education programs to discourage the practice and spoke out against FGM/C in the media. During the year several district chiefs, ward councilors, members of councils of elders, religious leaders, female leaders, and female circumcisers attended GAMCOTRAP seminars on the harmful effects of FGM/C.

Sexual Harassment: The law prohibits sexual harassment and provides for a one-year mandatory prison sentence for offenders. According to GAMCOTRAP, although citizens considered sexual harassment a common problem in workplaces and schools, few reported it to police.

Reproductive Rights: The government did not interfere with the basic right of couples and individuals to decide the number, spacing, and timing of their children; manage their reproductive health; and have the information and means to do so free from discrimination, coercion, or violence. According to the Health Ministry, the maternal mortality rate in 2013 was 433 per 100,000 live births. According to the World Health Organization, hemorrhage, anemia, early pregnancy, and obstructed labor were the main causes of maternal mortality. World Development Indicators published by the World Bank in September stated the contraceptive prevalence rate for girls and women ages 15 to 49 was 13.3 percent.

Discrimination: The constitution provides for equality for women in the political, economic, and social spheres. The law provides equal rights to men and women, including under family, labor, and nationality law, and prohibits discrimination on grounds of gender. The constitution, however, states its provisions against discrimination do not apply to adoption, marriage, divorce, burial, or devolution of property on death, and women experienced a wide range of discrimination in matrimonial, property, and inheritance rights.

Employment in the formal sector was open to women at the same salary rates as men, and no statutory discrimination existed in other kinds of employment (see section 7.d.), access to credit, owning and managing a business, or in housing or education. Societal discrimination, however, lingered in the above areas, and businesses generally employed women in such pursuits as food vending and subsistence farming.

Sharia applies in marriage, divorce, and inheritance cases for Muslims, who make up more than 90 percent of the population. Women can have access to land only through marriage, and can only borrow land from their husbands, not inherit it. Women normally received a lower proportion of other assets distributed through inheritance than men did. The respective churches and the Office of the Attorney General settled civil marriage and divorce issues affecting Christians.

Families often arranged marriages. Some ethnic groups practiced polygyny. Women in polygynous unions had problems with property and other rights arising from their marriages. They had the option to divorce but no legal right to disapprove or receive advance notification of subsequent marriages by their husbands. The Women's Bureau under the Office of the Vice President oversees programs to provide for the legal rights of women. Active women's rights groups existed.

## **Children**

Birth Registration: Children derive citizenship by birth within the country's territory or through either parent; however, not all parents registered births. To access care at public health centers, authorities required children to have a clinic card, which was available without birth registration. Authorities often required birth certificates for children to enroll in school, and parents could easily obtain them.

Education: The constitution and law mandate compulsory, tuition-free primary education between the ages of six and 12. In October 2014 the government announced plans to make school tuition-free for all students in upper basic schools by 2014-15 and for senior secondary schools in 2015-16, with external grant assistance from the World Bank and the Global Partnership for Education. Authorities implemented both changes by September. Under the tuition-free primary education plan, however, families often still have to pay fees for books, uniforms, lunch, school fund contributions, and examination fees.

During the year an estimated 75 percent of primary school-age children enrolled in primary schools. Islamic schools (madrassahs) enrolled another 15 percent. Girls constituted approximately half of primary school students and one-third of high school students. The enrollment of girls was lower in rural areas, where poverty and cultural factors often led parents to decide against sending their daughters to school.

Child Abuse: There were occasional reported cases of child abuse. Authorities generally enforced the law when cases of child abuse or mistreatment came to their attention and imposed criminal penalties in serious cases.

The penalty for rape is life imprisonment. The penalty for both "defilement" and "having carnal knowledge," is 14 years' imprisonment.

On January 5, the high court in Banjul sentenced Mama Mbaye to seven years' imprisonment with hard labor for his attempted rape of a four-year-old girl. The offense took place in 2013 in Brufut village, West Coast Region.

In October 2014 police in Upper River Region arrested and detained a 35-year-old man, known by the initials "S. C.," for allegedly raping a 10-year-old girl. Police continued to investigate, according to local press, and the case was pending before the court at year's end.

Early and Forced Marriage: Carnal knowledge with a girl under the age of 16 is a felony except within marriage, which can occur as early as age 12. The constitution states, "marriage shall be based on the free and full consent of the intended parties," although in many villages, girls reportedly were forced to marry at a young age. According to UNICEF's 2010 multiple indicator report, 8.6 percent of women married before they were 15 years old, while 46.5 percent married before the age of 18. The government worked in conjunction with the NGO Tostan and UNICEF on a joint community empowerment program seeking the abandonment of early and forced marriage.

Female Genital Mutilation/Cutting (FGM/C): See information for girls under 18 in the women's section above.

Sexual Exploitation of Children: The law provides for 14 years' imprisonment for commercial sexual exploitation of children and five years for involvement in child pornography. Under the constitution children under age 16 are to be protected from economic exploitation and hazardous employment harmful to their health or physical, mental, spiritual, moral, or social development. The minimum age for consensual sex is 18 years. Local NGOs believed that criminals exploited children, who were often seeking to support their families, in prostitution in some brothels, and that tourists staying in remote guesthouses and motels were involved in the sexual exploitation of children. Authorities instructed security officers in the tourism development area to turn away all minors who approached the main resort areas without an acceptable reason.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

## **Anti-Semitism**

There was no known Jewish community, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution prohibits discrimination against or exploitation of persons with disabilities, although it does not expressly reference the kinds of disabilities protected, particularly as regards access to health services, education, and employment (see section 7.d.); authorities effectively enforced these provisions. Access to air travel and other transportation are not specifically mentioned. There were no laws to provide for access to buildings for persons with disabilities, and very few public buildings in the country were accessible to them. The laws do not explicitly prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. No laws or programs stipulate that persons with disabilities should have access to information or communications. The law requires that judicial proceedings involving a person with disabilities take into account the disabilities.

Persons with severe disabilities experienced discrimination and subsisted primarily through private charity. Persons with less severe disabilities encountered less discrimination, including in employment for which they were physically and mentally capable.

The Department of Social Welfare is responsible for protecting the rights of persons with disabilities and worked with the Gambia Organization for the Visually Impaired and the School for the Deaf and Blind to help educate children with disabilities and to promote relevant skills. Most children with disabilities, however, did not attend school. The department also worked with international donors to supply wheelchairs to some persons with disabilities. Several NGOs sought to improve awareness of the rights of persons with disabilities and encouraged their participation in sports and other physical activities. The NHRU sought to promote the rights of women with disabilities. Persons with disabilities received priority access to polling booths on election days.



## **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

In October 2014 the president signed into law an amendment to the criminal code making “aggravated homosexuality” a crime punishable by life imprisonment. The bill defines “aggravated homosexuality” to include serial offenders or persons with a previous conviction for homosexuality, persons having same-sex relations with someone under the age of 18 or with members of other vulnerable groups, or a person with HIV having same-sex relations.

Prior to this amendment, the law established prison terms ranging from five to 14 years for any man who commits in public or private “any act of gross indecency,” engages a male sex worker, or has actual sexual contact with another man. There was no similar law applicable to women. There are antidiscrimination laws, but they do not protect lesbian, gay, bisexual, transgender, or intersex (LGBTI) individuals.

In November 2014 the NIA arrested three persons on suspicion of homosexual activities, following a security operation targeting persons suspected of being involved in illegal activity. The men--Alieu Sarr, Momarr Sowe, and M. L. Bittaye--appeared before a magistrate in Banjul in December 2014. The group was the first that authorities tried under the “aggravated homosexuality” amendment. Authorities later transferred the case to the high court, and on July 30, authorities acquitted Sarr and Sowe. They thereafter left the country. The trial of the third accused, M. L. Bittaye, was in progress at year’s end.

Amnesty International reported in November 2014 that NIA officials arrested and detained eight persons, including a 17-year-old boy, at NIA headquarters for crimes of homosexuality. There they were subjected to torture and mistreatment, including beatings, sensory deprivation, and threat of rape, to force confessions for their “crimes” and reveal information concerning other persons perceived to be gay or lesbian. There were reports of LGBTI citizens fleeing to neighboring countries due to fear of arrest.

There was strong societal discrimination against LGBTI individuals. There were no LGBTI organizations in the country.

## **HIV and AIDS Social Stigma**

Societal discrimination against persons infected with HIV/AIDS hindered identification and treatment of persons with the disease and resulted in their rejection by partners and relatives when their condition became known. The government took a multisectoral approach to fighting HIV/AIDS through its national strategic plan, which provided for care, treatment, and support for persons with or affected by HIV/AIDS. The plan, enacted during the year, also included HIV-prevention programs for high-risk populations.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The Labor Act provides that workers, except for civil servants, domestic workers, and certain other categories of workers excluded from the protection of the law, are free to form and join independent unions, conduct legal strikes, and bargain collectively. Military personnel, police officers, other civil service employees, and domestic workers are prohibited from forming unions or going on strike. Additionally, the law authorizes the minister responsible for labor matters to exclude any other category of workers from the protection of the Labor Act. Unions must register to be recognized. The law requires a minimum membership of 50 workers for the registration of a trade union. The law also provides that the registrar of unions may examine without cause the financial accounts of workers' associations.

The law restricts the right to strike by requiring unions to give the commissioner of labor written notice 14 days before beginning an industrial action (28 days for actions involving essential services). Police and military personnel had access to a complaints unit, and civil servants could take their complaints to the public service commission or the government's personnel management office. An employer may apply to a court for an injunction to prohibit industrial action deemed to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. The law prohibits retribution against strikers who comply with the law regulating strikes. Employers may not fire or discriminate against members of registered unions for engaging in legal union activities, and the law provides for reinstatement of workers fired for union activity. The law also sets minimum contract standards for hiring, training, and terms of employment and provides that contracts may not prohibit union membership. Lack of enforcement of the labor law contributed to persistent violations. There are no separate regulations supporting the labor law. Although there were minimal contentious union

activities or labor disputes, the government generally did not effectively enforce the law. Resources, inspections, and remediation were inadequate.

The government generally respected freedom of association and the right to collective bargaining for those covered by the Labor Act. Worker organizations were independent of the government and political parties. There were no instances of government interference in union activities, including the targeted dissolving of unions or the use of excessive force to end strikes or protests. There were no cases in which authorities denied registration to a union that had applied for registration. There were no incidents of violence, threats, or other abuses targeting union leaders or members by government or employers.

Although trade unions were small and fragmented, collective bargaining took place. Unions were able to negotiate without government interference; however, they lacked experience, organization, and professionalism and often turned to the government for assistance in negotiations. Collective bargaining, arbitration, or agreements reached between unions and management determined union members' wages, which generally exceeded legal minimums. The Department of Labor registered most collective agreements, which remained valid for three years, after which they could be renewed.

The government intervened to assist workers whose employers had fired or discriminated against them. For example, the Department of Labor and the Gambia Workers Union supported the case of 30 Capital Gas employees alleging wrongful termination by the company. Complaints also included nonpayment of overtime, annual leave, and nonpayment of social security. During the year Capital Gas agreed to a settlement in which it paid its former employees 1,149,000 dalasi (\$28,725).

There were no reports of violations of collective bargaining rights or of employers refusing to bargain, bargaining with unions not chosen by workers, or using other hiring practices to avoid hiring workers with bargaining rights.

### **b. Prohibition of Forced or Compulsory Labor**

The constitution and law prohibit all forms of forced or compulsory labor, including that of children, but the government did not effectively enforce these laws.

Officials took part in a number of programs designed to increase their sensitivity to the problem and educate them on ways to investigate and combat it, but child labor continued to occur. Women and children were primary targets subjected to trafficking and commercial sexual exploitation. Inadequate resources made enforcement difficult. While the Labor Act does not specifically prohibit slavery or forced labor, it sets forth general employment protections, including contractual rights, freedom of association, the right to collective bargaining, and disciplinary procedures in the workplace, among other important labor regulations. Penalties were insufficient to deter violations.

Trafficking in persons is a serious problem; trafficking victims usually end up as street vendors, sex workers, and domestic servants. The country is a source and destination for women and children subjected to forced labor and sex trafficking. Criminals subjected women, girls, and, to a lesser extent, boys to sex trafficking and domestic servitude. The government did not fully comply with the minimum standards for the elimination of trafficking and did not make significant efforts to do so.

During the year police and social workers did not report any incidents of Quranic teachers, known as “marabouts,” forcing their students, known as “almudus,” to sell items on the streets. The practice had become rare since police intervened and ordered marabouts to stop the practice.

In August the state-owned television station broadcast appeals for volunteers to provide free labor at President Jammeh’s private farms. The secretary general in the Office of the President, Lamin Nyabally, issued a circular to civil servants instructing all heads of departments, ministries, and state-owned enterprises to take their staff to the president’s home village of Kanilai to work on his farms. According to several reports, there was an expectation that communities and government workers would participate. The government reportedly withheld state resources from villages that did not work. Civil servants allegedly understood their jobs depended on committing to this annual call for compulsory labor.

See also the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The constitution prohibits economic exploitation of children under age 16, and regulations prohibit children under 18 years from engaging in exploitive labor or

hazardous employment, including mining and quarrying, going to sea, carrying heavy loads, operating heavy machinery, and working in establishments serving alcohol. The Children's Act sets the minimum age at 16 for light work and at 12 for apprenticeship in the informal sector.

The Department of Labor is responsible for enforcing child labor laws and conventions on the worst forms of child labor, but it did not effectively do so. The government took no action to prevent or combat child labor during the year. The labor commissioner registered employee labor cards, which include a person's age; the law authorizes the commissioner to enforce child labor laws. The Labor Act establishes penalties of imprisonment for up to five years and a fine of 100,000 dalasi (\$2,500) for violations related to the employment of children. The Children's Act also establishes penalties of imprisonment and fines for any person who contravenes the provisions related to child labor. Enforcement inspections rarely took place.

Child labor in the informal sector was difficult to regulate. Rising school fees combined with stagnating incomes prevented some families from sending their children to school, contributing to child labor. In urban areas some children worked as street vendors, domestic laborers, or taxi and bus assistants. There were a few instances of children begging on the streets. Children between the ages of 14 and 17 also worked in carpentry, masonry, plumbing, tailoring, and auto repair. Children in rural areas worked on family farms.

Implementation of the Children's Act and prosecution of suspected offenders also remained infrequent. Penalties for violations (including minimum terms of imprisonment for the offense of trafficking in persons from 15 to 50 years of age) were insufficient to deter violations.

See also the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The constitution prohibits discrimination on the basis of race, color, gender, language, religion, political or other opinion, national or social origin, disability, sex, property, birth or other status.

Employment in the formal sector was open to women at the same salary rates as men, and no statutory discrimination existed in other kinds of employment;

however, societal discrimination lingered, and women generally worked in such pursuits as food vending and subsistence farming. The law also prohibits discrimination in private companies certified by the Department of Labor (see section 6).

There were no reports of discriminatory practices with respect to employment or occupation. The International Labor Organization reported the government generally supported elimination of employment discrimination. The laws define the criteria that prohibit discrimination with respect to employment and occupation, and the government effectively enforced the law. Under the Labor Act, a person who commits an offense is liable on conviction to a fine not exceeding 50 thousand dalasi (\$1,250) for each offense. The penalties appeared to be sufficient to deter violations.

Migrant workers enjoy the same legal protections, wages, and working conditions as citizens.

#### **e. Acceptable Conditions of Work**

The minimum wage was 50 dalasi (\$1.25) per day, although this applied only to the 20 percent of the workforce employed in the formal sector. The government considered the national poverty baseline to be 38 dalasi (\$0.95) per person per day. Employers paid most workers above the minimum wage. The Department of Labor is responsible for enforcing the minimum wage. A majority of workers was employed in the private sector or was self-employed, often in agriculture. Most citizens did not live on a single worker's earnings and shared resources within extended families.

The basic legal workweek is 48 hours within a period not to exceed six consecutive days. The government's workweek included four 10-hour workdays (Monday through Thursday) with schools open on Friday, while the private sector typically operated from Monday through Saturday. There are no limits on hours worked per week and no prohibition of excessive compulsory overtime. Regulations mandate a 30-minute lunch break. Regulations entitle government employees to one month of paid annual leave after one year of service. The government did not pay most government employees overtime compensation. Government workers holding temporary positions and private sector workers, however, received overtime pay calculated per hour. Private sector employees received between 14 and 30 days of paid annual leave, depending on length of service. There was no exception for foreign or migrant workers.

The law specifies the safety equipment an employer must provide to employees working in designated occupations. The law also authorizes the Department of Labor to regulate factory health and safety, accident prevention, and dangerous trades and to appoint inspectors to provide for compliance with occupational safety and health standards. Workers may demand protective equipment and clothing for hazardous workplaces and have recourse to the department. The law protects foreign workers employed by the government; however, it provides protection for privately employed foreigners only if they have a valid work permit.

The Department of Labor effectively enforced the wage law and workweek standards when workers brought cases to its attention.

On May 1, one of the trade union umbrella organizations, the Gambia Labor Congress, repeated its call on the government “to effect a general salary review in both the public and private sectors,” pointing out that skyrocketing inflation was causing hardship in many families. The Ministry of Trade, Industry, Regional Cooperation, and Employment had not responded to the demands as of year’s end.

There was no specific government action during the year to prevent violations of workers’ rights or to improve working conditions, particularly for hazardous sectors or vulnerable groups.

The law does not provide for workers to remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities did not effectively protect employees in this situation.