

THE GAMBIA 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Gambia is a multi-party democratic republic. In 2011 voters re-elected President Alhaji 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 in the local government elections held in April 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. Authorities at times failed to maintain effective control over the security forces.

A failed coup on December 30 resulted in the arrest of individuals suspected of participating in the coup as well as family members of alleged coup plotters. Security forces reportedly killed three coup plotters during the coup attempt.

The most serious human rights problems in the country included torture, arrest, detention, and sometimes enforced disappearance of citizens, and government harassment and abuse of its critics. Government officials routinely used various methods of intimidation to retain power.

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

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

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There was one report the government or its agents may have committed an arbitrary or unlawful killing.

On September 9, a 28-year-old man, Demba Cole, died after an altercation with Corporal Lamin S. Jarju of the Gambia Armed Forces (GAF). A GAF spokesman stated the GAF's military police unit and the Gambia Police Force were investigating a homicide. Media reports suggested Cole sustained grievous bodily harm from a fistfight with Corporal Jarju at the latter's home. The newspaper *Foroyaa* quoted family members saying security officers who took the corpse to the hospital in Banjul refused to give the body or the postmortem report to the family. Under police escort the corpse was buried at Kanifing South cemetery. Authorities did not formally charge Jarju with any offense, but on September 23, GAF published a "wanted" notice for the officer due to "suspected homicide."

b. Disappearance

There were numerous reports of politically motivated disappearances during the year. A number of persons were reported missing after being arrested by the National Intelligence Agency (NIA).

In June 2013 two U.S. citizens, Alhagie Ceesay and Ebrima Jobe, disappeared after last being seen in the country. In October the attorney general stated the government had launched an investigation into the disappearance. There was no reported progress in locating the individuals.

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, UN special rapporteurs investigating reports of torture and extrajudicial execution were prevented from carrying out their investigation. The team's preliminary findings, however, indicated the NIA consistently practiced torture, and there were a few reports police also used torture on individuals suspected of common crimes. The UN findings indicated the NIA tortured detainees for days or even weeks; methods included severe beatings, electric shock, asphyxiation, and burning.

For example, on September 17, 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 they were taken to the State Guard clinic for treatment. The accused persons--Adama Conateh, Paul Gomes, and Yusupha Jatta--had been standing trial since November 2013 after they were reportedly found in possession of 2.9 grams of cocaine. They 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 June the lawyer 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. The accused persons were granted bail, and the trial continued at year's end.

In December 2013 the deputy editor in chief of the progovernment *Daily Observer* newspaper, Alagie Jobe, who was on trial on several charges including "making an act with seditious intention" and "seditious publication," claimed he was severely tortured during his interrogation by NIA officers in Banjul. He declared, "I was tortured all night in a dark room," with some officers extinguishing their cigarettes on his body. The same routine of punishment continued the next day, Jobe asserted, and the commanding officer, shocked to see the nature of the wounds, ordered his transfer to the hospital. Jobe and his codefendant Mbaye Bittaye were acquitted and discharged on September 3.

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. Inmates complained of poor sanitation and food and occasionally slept on the floor. Officials allowed detainees to receive food from the outside prior to conviction, but not afterwards. Medical facilities in prisons

were poor, and authorities sent sick inmates to the Edward Francis Small Teaching Hospital in Banjul or nearby health centers for examination and treatment. Former inmates and human rights nongovernmental organizations (NGOs) reported the prisoner mortality rate was high. Reports indicated prisoners died of neglect or lack of access to health care. The water supply was adequate, but sanitation and lighting in some cells were poor. During the summer temperatures were 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 and rat- and insect-infested rooms.

In November Mile 2 Prison, which had an intended capacity of 450 inmates, held 610 prisoners and detainees, including 28 women and juveniles, according to the director of Prison Services. Jeshwang Prison, with a planned capacity of 150 inmates, held 216 prisoners, including 15 juveniles. Janjangbureh Prison, with an intended capacity of 50, held 88 prisoners.

In August 2013 President Jammeh said he was “shocked” there were numerous cases of prisoners “languishing” in the remand wing of Mile 2 Prison. He confirmed some of the prisoners had been there for years with “only one court appearance.” The president urged the judiciary to do more to speed along cases to ensure respect for each prisoner’s right to trial.

Administration: Officials generally allowed prisoners access to visitors, although most political prisoners and inmates on the remand wing were denied access to lawyers and family members. Authorities permitted prisoners religious observance. Prisoners and detainees could transmit complaints to judicial authorities through their lawyer, if they could afford one, or relatives.

Authorities sometimes investigated credible allegations of inhuman conditions. A Prisons Visiting Committee, which included representatives of several government agencies, is empowered to monitor prison conditions. Ousman Sonko, the minister of interior, claimed the committee visited the central prison weekly and submitted reports on substandard conditions. The claims of weekly committee visits could not be verified.

The Office of the Ombudsman can investigate all complaints brought before it, including those concerning bail conditions, pretrial detention, and confinement of juvenile offenders. It cannot negotiate alternatives to detention for detainees or convicts. The office did not publish findings from any investigations it conducted during the year.

Independent Monitoring: The government did not permit the International Committee of the Red Cross or the media access to monitor prison conditions during the year. Only local NGOs or diplomatic missions that provided assistance to prisoners were allowed to hand over gifts, but authorities did not allow them to monitor conditions.

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 and rescheduled it for November. After the UN special rapporteur team arrived, the government denied it access to the security wing of Mile 2 Prison, violating the agreed 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; however, there were instances of police and other security forces arbitrarily arresting and detaining citizens.

For example, a former protocol officer at State House, Momodou Sowe, who was arrested in 2012 when he reported for work, was still detained at Mile 2 prison. *Foroyaa* reported he was being held at the security wing of the prison, and family members had not had access to him since his detention. In August an attorney filed suit on his behalf against the state for wrongful termination, although Sowe did not appear before the court personally during the trial.

On February 25, former minister of foreign affairs Mambury Njie was arrested and placed under custody at Brusubi Police Station shortly after being granted bail by the Magistrate's Court in Banjul. He was released on March 12 after 13 days in detention, rearrested on April 15, and held for 42 days before his trial commenced for alleged "economic crimes, abuse of office, and neglect of official duties." The charges stated Njie, while serving as permanent secretary in the Office of the President in 2001, failed to advise the Office of the President appropriately that he planned to award a license to mining company Carnegie Minerals. He denied the charge. Between October 2012 and February 2014, Njie spent varying periods in detention, each surpassing the 72-hour legal limit. In November the local press reported the NIA had held him in detention without charge for more than 49 days.

Role of the Police and Security Apparatus

The Gambia Armed Forces (GAF) are responsible for external defense and report to the minister of defense, a position held by the president. The police, under the Ministry of 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 NIA is not authorized to investigate police abuses but often assumed police functions such as detaining and questioning criminal suspects.

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

The newly restructured police prosecution and legal affairs unit 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 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 often arrested individuals without a warrant. Periods of detention generally ranged from a few to 72 hours, the legal limit after which detainees must be charged or released; 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. The 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.

On May 12, NIA officers arrested Lieutenant Colonel Solo Bojang, former manager of Kanilai Family Farms in Kanilai, shortly after the Brikama Magistrate's Court acquitted him on charges of "abuse of office, false information, conspiracy, and theft." A family source told *Foroyaa* in early September that Bojang was being held at the NIA detention center in Tanji, Kombo South. He

remained in detention at year's end. Bojang had earlier paid a fine of 50,000 dalasi (\$1,160) after conviction on a charge of abuse of office.

On September 17, officers of the Drug Law Enforcement Agency of The Gambia (DLEAG)--formerly the National Drug Enforcement Agency--seized Khalifa Bojang after he was acquitted and discharged by a magistrate in Banjul. Bojang was accused of possession of prohibited drugs for the purpose of trafficking, but the magistrate said the prosecution had failed to prove its case. When the magistrate refused a request by prosecutors to remand Bojang in custody pending outcome of his appeal, DLEAG officers detained him as he stepped out of the courtroom to talk to his lawyer. Bojang remained in detention at year's end.

Officials did not allow detainees prompt access to a lawyer or family members, although convicted prisoners generally were permitted 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 were 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).

On July 1, Minister of Higher Education Momodou Sabally was dismissed and arrested after serving in that position for only a week. Sabally previously served as secretary general at the Office of the President and minister for presidential affairs. He was held for 41 days without charge at NIA headquarters, and family members complained they had no access to him. On August 11, police charged him 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 (\$9,340) without recourse to due process. His bail application was refused and he was remanded in custody. The government did not provide a reason for his unlawful detention prior to formal charges. In November, nearly five months after his initial detention, the High Court granted Sabally bail in the amount of 1.5 million dalasi (\$34,800).

In September 2013 NIA officers arrested journalist and television presenter Fatou Camara, who had previously been dismissed from her position as director of press and public relations in the Office of the President. The authorities held her until September 18 and re-arrested her several hours later. The NIA held Camara for 22 days before bringing her to court and charging her with “spreading false news and publication of false news with intent to tarnish the image of the president.” Prosecutors accused her of providing information to the editor of Freedom Online news site. She was granted bail and later fled the country.

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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, and some had been incarcerated for several years awaiting trial.

Amnesty: Unlike in 2013, there was no amnesty during the year.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the courts lacked independence and were inefficient and corrupt. Amnesty International noted the president’s power to remove a judge, nominally in consultation with the Judicial Service Commission, impeded judicial independence. Judges presiding over “sensitive” cases who made decisions not considered favorable to the government risked being fired.

There was little stability in senior judiciary positions; for example, the government removed three Supreme Court chief justices during the year. In February the government removed Chief Justice Mabel Agyemang without providing a reason; while it filed no formal charges, the government reported it was searching for her. President Jammeh accused a “foreign government” of interfering with Agyemang’s rulings and said it was curious she disappeared from the country.

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

To alleviate the backlog, the government continued to recruit judges and magistrates from Commonwealth countries with similar legal systems. Foreign magistrates and judges, who often presided over sensitive cases, were particularly subject 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. Defendants, however, generally did not enjoy the right to be informed promptly and in detail of the charges against them. By law no one is 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 no persons were denied 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.

Military tribunals cannot try civilians. Court-martial proceedings are presided over by a judge advocate assisted by a panel of senior military officers. On January 27, a disciplinary court-martial arranged by the GAF convicted six soldiers of indiscipline while serving on peacekeeping missions in Darfur, Sudan, and sentenced them to varying terms of imprisonment. The soldiers--Major Musa Gibba, Lieutenant Ebrima J. B. Kujabi, Warrant Officer 1 Suwaibu Ceesay, Warrant Officer 2 Karamo Drammeh, Corporal Lamin Wagged, and Corporal Muhammed Sowe--were found guilty of various offenses including "failure to perform military duties, disobedience of lawful command, scandalous conduct, and unauthorized use of vehicles." They received prison sentences ranging from 12 to 27 months.

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 (Islamic) courts discriminated against women. 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 some were held incommunicado for prolonged periods. International and domestic NGOs estimated there were nearly 30 reported political prisoners in detention at year's end. Most were former military personnel accused of involvement in plots to overthrow the government. Authorities held these prisoners in the security wing of Mile 2 Central Prison and on occasion allowed them visits from family members. The government did not allow international human rights organizations regular access to these detainees.

In 2012 the Supreme Court dismissed the appeals of seven of eight men convicted of plotting to overthrow the government in 2009 and sentenced to death in 2010. The seven were former GAF chief of defense staff general Lang Tombong Tamba, former GAF director of operations and training brigadier general Omar Bun Mbye, commander of the army unit in the president's home village lieutenant colonel Kawsu Camara, head of GAF intelligence major Momodou Lamin Bo Badjie, former deputy inspector general of police Momodou Gaye, former diplomat Ngorr Secka, and real estate dealer Abdoulie Joof. The eighth man, businessman Yusuf Ezziden, appealed separately but did not appear in court; authorities reportedly allowed him to leave the country. In November the Supreme Court unanimously agreed to commute the death sentences of the prisoners. Justice Semega-Janneh declared, "The law has categorically stated that no one should be sentenced to death by any court of law without being prescribed by the law if no violence or death has occurred."

In April 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, regarding the same charges. The two were arrested following disclosure of the abortive 2006 coup plot. They were detained for five and one-half years before being formally charged. Lowe was a nephew of fugitive coup leader Ndure Cham. 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.

Regional Human Rights Court Decisions

Citizens can appeal decisions to the Nigeria-based regional court of the Economic Community of West African States (ECOWAS). For example, the family of assassinated journalist and newspaper publisher Deyda Hydara took the government to the ECOWAS court for failure to investigate his killing properly. On June 10, the court ruled the government failed to conduct a meaningful investigation into the 2006 death of Hydara, cofounder and publisher of *The Point* newspaper. Hydara, a regular critic of President Jammeh and his government, was shot and killed by unidentified assailants as he drove home from his office one night. A panel of three judges declared the NIA, which was tasked to investigate Hydara's death, did not carry out a proper investigation and cited its failure to carry out ballistic tests on the bullets and weapons recovered from suspects. The court stated the NIA was "not an impartial body to conduct the investigation" but that there was no evidence linking the government to the killing. The court nevertheless awarded approximately 2.15 million dalasi (\$50,000) to Hydara's family as compensation for the government's failure to investigate the case effectively and 435,000 dalasi (\$10,000) for legal costs.

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

The constitution and law prohibit such actions, but the government did not respect these prohibitions. The government 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 that 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. According to a statement issued in 2011 by the Observatory for the Protection of Human Rights Defenders, “the environment for independent and opposition media remained hostile, with numerous obstacles to freedom of expression, including administrative hurdles, arbitrary arrest and detention, intimidation and judicial harassment against journalists, and the closure of media outlets, leading to self-censorship.”

Freedom of Speech: Individuals who publicly or privately criticized the government or the president risked government reprisal. For example, police arrested Mass Kah, a messenger of an opposition newspaper, on charges of sedition in November 2013 and held him beyond the 72-hour detention limit. According to the court, the charge was based on the messenger stating, “Why can’t you paste the photo of the president on the sky?” Mass Kah denied the allegation. In September the presiding magistrate said the statement could “not bring hatred, disaffection, and disrespect to the person of the president.” The court acquitted and discharged Mass Kah.

In December 2013 police arrested and detained an activist of the opposition United Democratic Party (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. On July 10, a magistrate in Bundung convicted him on charges of “broadcasting without a license” and fined him 50,000 dalasi (\$1,160), or in default thereof to serve one year in prison. Jobarteh paid the fine.

Press 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.

In 2011 President Jammeh warned independent journalists he would “not compromise or sacrifice the peace, security, stability, dignity, and the well-being of Gambians for the sake of freedom of expression.” Accusing some journalists of being the “mouthpiece of opposition parties,” he vowed to prosecute any journalist who offended him.

On January 13, plainclothes police officers arrested two journalists--Musa Sheriff, editor and publisher of *The Voice* newspaper, and freelance journalist Sainey M. K. Marenah--following publication of a story in *The Voice* with the headline “19

green youths defect to UDP” in December 2013. The “Green Youths” are part of the ruling APRC party, and the newspaper article reported 19 of them had joined the opposition UDP. Police freed the journalists on bail on January 16; they appeared in court on February 13 and were charged with “conspiracy to cause a misdemeanor and publication of false news with intent to cause fear and alarm to the public.” They denied the charges, and a court acquitted them on November 10.

The government published *The Gambia Now* newspaper, formerly called *The Gambia Info*. The privately owned *Daily Observer* favored the government in its coverage. There were five other independent newspapers, including one published by an opposition political party, which remained highly critical of the government. One independent biweekly magazine covered political and economic issues. As a “New Year’s gift to the nation,” President Jammeh lifted a previous ban on *The Standard* newspaper and Teranga FM, which had been banned since August and September 2012, respectively. One newspaper, *The Daily News*, remained banned since 2012.

The government-owned Gambia Radio and Television Services (GRTS) and nine private radio stations broadcast throughout the country. The GRTS gave limited coverage to political opposition activities. GRTS television, foreign cable, and satellite television channels that broadcast independent news coverage were available in many parts of the country, and the government allowed unrestricted access to such networks.

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.

The government 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, Sana Camara, a journalist employed by *The Standard*, was detained by police for “false publication” on June 27. His arrest was in connection with an article published that day, entitled “Police ‘admit’ Problems with Human Trafficking,” in which he referred to an interview with the public relations officer of the Gambia Police Force. Camara reported to the police headquarters in Banjul more than 10 times after his initial detainment; he was told he had to report due to the absence of the inspector general of police. Police, however, never formally charged Sana Camara or explained why he had to continue to report to police headquarters after the inspector general returned in early July.

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 2013 Information and Communication (Amendment) 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 (\$69,600). The act criminalizes spreading false news about the government or public officials, caricatures or making derogatory statements regarding public officials, and inciting dissatisfaction with or instigating violence against the government.

Libel Laws/National Security: The NIA was involved in the arbitrary closure of media outlets and the extrajudicial detention of journalists; however, 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 that the government monitored private online communications without judicial oversight. Internet users, however, reported they could not access the websites of foreign online news blogs such as Freedom Online and occasionally other domestic dissident blogs.

In addition, from March to July, the gateway provider blocked voice over internet protocol (VOIP) such as Skype and Viber. Internet Without Borders argued blockage of VOIP services in the country represented a violation of International Telecommunication Union (ITU) standards. The permanent secretary at the Ministry of Information and Communication Infrastructure, Lamin Camara, previously denied the services were blocked. In July the services were restored without public comment from the government.

The ITU reported 10.9 percent of individuals in the country used the internet in 2011.

Academic Freedom and Cultural Events

In November Sait Matty Jaw and two foreign nationals, Seth Yaw Kandeh from Ghana and Olufemi Erenli Titus from Nigeria, were arrested at the Brikama campus of the University of The Gambia. The NIA took them into custody. Matty Jaw was held for eight days without charge and then released, only to be re-arrested in December. The two foreign nationals remained in NIA custody. The three men were charged on December 10 with disobedience of statutory duty, conspiracy to commit a misdemeanor, and failing to register a business. These charges were brought after Kandeh and Titus spent more than one month in detention without charge. Observers speculated Jaw's research projects and advocacy surrounding issues of youth and gender equality attracted the scrutiny of the government, thus prompting his arrest. The court set bail at five million dalasi (\$116,000), which was relatively high compared with typical bail amounts. On December 23, the Magistrate's Court convicted Kandeh and Titus after they changed their pleas to guilty, and they were each fined 50,000 dalasi (\$1,160) in lieu of one year in prison. Sait Matty Jaw maintained his innocence, and the court scheduled his case for January 15, 2015.

In April a dispute between the government and the Gambia National Olympic Committee (GNOC) resulted in GNOC staff being barred from entering their own headquarters. Despite a ruling from the International Olympics Committee (IOC) in September that the GNOC did not commit an offense and should be allowed to enter its own office, authorities maintained the prohibition.

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.

For example, on March 13, the leader of the opposition National Reconciliation Party (NRP), Hamat Bah, said the authorities had refused to allow his party to conduct a campaign tour of the Upper River Region (URR) in preparation for its congress. 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. On May 28, Bah said the police had again rejected an NRP application for use of a loudspeaker during a tour of the URR.

On August 31, the leader of the opposition United Democratic Party (UDP), Ousainou Darboe, said police denied the request for a permit to use a public address system for a rally to celebrate the party's 18th anniversary on August 23. An earlier request for a rally on August 9 was approved at the last minute, albeit with a mandated change of venue, when the party had no time left to inform its supporters. On September 29, however, the UDP held its 18th anniversary rally with a legal permit.

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/.

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, and other persons of concern. The 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 for many persons released from detention, often because their travel documents were confiscated 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. On October 9, President Jammeh signed an amendment to the criminal code that criminalizes the act of absconding while performing government duties abroad. According to the new law, "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.” The person is liable on conviction to a fine of 500,000 dalasi (\$11,600) and imprisonment for five years.

Protection of Refugees

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

The UNHCR reported 11,427 refugees in the country, of whom 10,847 were Senegalese who fled the Casamance conflict in Senegal. The 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 299 to 247. 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. Respect for Political Rights: The Right of Citizens to Change Their Government

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 right 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 March 2012 and local government elections in April 2013. The country maintains an Independent Election Commission, but the members are appointed by the president in consultation with the Judicial Service Commission and the Public Service Commission. The current members of the commission had all exceeded their terms in office.

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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 Independent Electoral

Commission 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 April 2013, independent candidates won 10 of the 45 elections in which they competed. The ruling APRC party and the NRP were the only parties that participated. Incumbent Mayor Samba Faal (APRC) lost to independent candidate Abdoulie Bah by a wide margin. In April 2013 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, Bah and two other independent candidates who had left the APRC earlier were welcomed back to the party.

Political Parties and Political Participation: The APRC held 43 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: There were four women in the 53-seat National Assembly; three were elected, and the president nominated one. At year's end there were two women in the 19-member cabinet, including the vice president. Of 1,873 village heads, 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 several prosecutions for corruption of senior police, military, and civilian officials during the year. For example, on January 9, the Special Criminal Court in Banjul convicted and sentenced former chief justice Joseph Wowo to two years in prison and former justice minister Lamin Jobarteh to

one year in prison. Jobarteh was already serving a prison term on a separate conviction. Wowo and Jobarteh were charged with several offenses, including soliciting a bribe from a Dutch national who had a case pending in the courts.

In November 2013 police arrested former director general Buba Sanyang on charges of abuse of office. On October 28, Sanyang allegedly abused the authority of his office as director general by issuing an entry clearance to Ali Chahin, a Syrian national, and Hussein Abs, a Lebanese national, without following the appropriate immigration procedures. His trial continued at year's end.

In June 2013 NIA officers arrested former secretary general and minister of presidential affairs Njogu Bah and held him without charge for one month before bringing him to court on July 15. Bah was sentenced to a two-year jail term on charges of conspiracy and abuse of office, together with former attorney general Lamin Jobarherh and former solicitor general Pa Harry Jammeh. Bah was facing new charges of interfering with the posting of Jainaba Jobarteh to the country's permanent mission at the United Nations in New York. The trial was underway at year's end.

On March 6, police arrested an officer of the DLEAG, Lamin Karbou, on charges of "corruption, impersonation, and a false pretense." Karbou was alleged to have solicited and obtained 15,000 dalasi (\$350) with intent to compromise the investigation into a drug deal involving Kawsu Ceesay. He denied the charges, and his trial was in progress at year's end.

On November 25, former magistrate Saikou Fatty was arraigned before the Banjul Magistrates' Court on charges of official corruption. Fatty allegedly solicited the sum of 20,000 dalasi (\$460) and a gold wristwatch from a defendant in a matter before his court, under the pretext of settling the matter. He denied the charges, and his trial continued at year's end.

Financial Disclosure: Public officials, both appointed and elected, are subject to financial disclosure laws, but the government seldom enforced these laws. No particular agency is mandated to monitor and verify disclosures, but the president may appoint judicial commissions of inquiry to investigate any category of public officials or private sector operators. The proceedings of such commissions were held in public.

Public Access to Information: The constitution and law do not provide for public access to government information. By law civil servants are not allowed to

divulge information about their departments or speak 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. According to the 2011 annual report of the Observatory for the Protection of Human Rights Defenders, the legal and institutional environment in the country continued to limit NGOs and human rights monitoring activities. The NGO Decree of 1996 imposes a cumbersome registration process, allows the government to reject valid NGO registration, 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. Several groups expressed concern over detainees held incommunicado, but the government did not respond.

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 ECOWAS and the Commonwealth Secretariat; 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 a visit by the special rapporteur on torture and cruel, inhuman, or degrading treatment or punishment and other special procedures. In November the UN special rapporteur on torture and on summary, extrajudicial, and arbitrary executions visited the country at the government's invitation. Even though 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. The report also recommended a judicial inquiry into allegations of extrajudicial killings carried out

by paramilitary groups. Following the visit the country abruptly postponed its article 8 discussions with the EU.

Government Human Rights Bodies: The governmental Office of the Ombudsman operated a National Human Rights Unit (NHRU) to promote and protect human rights and support vulnerable groups. In August 2013 the president dismissed the ombudsman, Alhaji Sowe, and fired the office's accountant without providing a reason. Sowe was later acquitted by the Kanifing Magistrates' Court in September 2014. Both the ombudsman and the second deputy ombudsman positions remained vacant. 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 87 complaints, most of which involved the prison service and the police force. Most of the cases were resolved in favor of complainants.

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 reports of spousal rape to be domestic issues outside of their jurisdiction.

The law prohibits any form of violence against women, but there are no specific penalties. Domestic violence was underreported due to social stigma, and most cases were settled through family mediation. No statistics were available for abusers prosecuted or convicted. The government developed a national plan of action on gender-based violence for 2013-17, with the goal of reducing the

percentage of women who experience gender-based violence from 75.5 percent to 30 percent. A National Steering Committee on Gender-Based Violence was established in 2012 to coordinate interventions.

Between January and October, officials at the Department of Social Welfare recorded more than 375 cases of domestic violence, which included paternity and custody cases in addition to cases of violence against children and women.

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): The law does not prohibit FGM/C, and the practice remained widespread (see section 6, Children).

Sexual Harassment: The law prohibits sexual harassment and provides for a one-year mandatory prison sentence for offenders. Although sexual harassment was considered a common problem, few cases were reported to the police.

Reproductive Rights: The government did not interfere with the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Couples and individuals had access to contraception and skilled attendance during childbirth, including essential obstetric and postpartum care. The maternal mortality rate during the year was 378 per 100,000 live births.

During the year the national reproductive and child health unit of the Department of Health and Social Welfare continued to implement a reproductive health campaign launched in 2007. The campaign, funded by the World Health Organization, sought to encourage men to become involved with sexual and reproductive health issues. All maternal health care services were provided free of charge in government-run hospitals.

Discrimination: The law provides equal rights to men and women and prohibits discrimination on grounds of gender; however, women experienced a wide range of discrimination in matrimonial rights, property ownership, 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; however, societal discrimination lingered, and women generally were employed in such pursuits as food vending and subsistence farming.

Sharia is applied in marriage, divorce, and inheritance cases for Muslims, who make up more than 90 percent of the population. Women normally received a lower proportion of assets distributed through inheritance than men. The respective churches and the Office of the Attorney General settled civil marriage and divorce issues affecting Christians.

Marriages often were arranged and, depending on the ethnic group, polygyny was practiced. Women in polygynous unions had problems with property and other rights arising from their marriage. They also had the option to divorce but no legal right to disapprove or be notified in advance of subsequent marriages by their husbands. The women's bureau under the Office of the Vice President oversees programs to ensure the legal rights of women. Active women's rights groups existed.

Children

Birth Registration: Children derive citizenship by birth within the country's territory and from one's parents; 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 to enroll in school, and they could easily be obtained.

Education: The constitution and law mandate compulsory, tuition-free primary education between the ages of six and 12. In October the government announced plans to make upper basic education free for all students by 2014/15, and for senior secondary schools in 2015/16. Under the tuition-free primary education plan, families often had to pay fees for books, uniforms, lunch, school fund contributions, and examination fees. The Ministry of Basic and Secondary Education had a policy aimed at abolishing public school fees for primary and secondary education by 2015, with external grant assistance from the World Bank and the Global Partnership for Education.

During the year the government estimated primary schools enrolled 75 percent of children. Islamic schools (madrassas) enrolled another 15 percent. Girls constituted approximately 51 percent 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. As part of the government's initiative to increase the number of girls in school, the government consistently waived tuition for female students.

Child Abuse: There were occasional reported cases of child abuse. Serious cases of abuse and violence against children were subject to criminal penalties, and authorities generally enforced laws when cases of child abuse or mistreatment came to their attention.

The penalty for rape is life imprisonment. Because of the difficulty, however, of proving rape of minors, particularly very young children, the charge was generally defilement or having carnal knowledge, both of which carry a prison sentence of 14 years.

In March Reginald Thompson, a British national, allegedly damaged a laptop that contained a series of child pornography films to prevent it from being used as evidence against him. In June, Magistrate Tabally ruled in favor of the defense, noting the prosecution had failed to prove its case beyond a reasonable doubt.

In October police in the Upper River Region arrested and detained a 35-year-old man for allegedly raping a 10-year-old girl. The alleged perpetrator was helping the police in their investigations, according to local press; a trial date had yet to be set.

Early and Forced Marriage: Carnal knowledge of a girl under the age of 16 is a felony except in the case of marriage, which can be as early as age 12. The constitution states that "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 the UN Children's Fund (UNICEF) 2010 multiple indicator report, 8.6 percent of women married before they were 15 years old, while 46.5 percent of women were married before the age of 18. The government worked in conjunction with Tostan and UNICEF on a joint community empowerment program seeking the abandonment of early and forced marriage.

Female Genital Mutilation/Cutting (FGM/C): The law does not prohibit FGM/C, and the practice remained widespread. In a 2005-06 survey, UNICEF found that 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 1 was the most prevalent. FGM/C was less frequent among educated and urban groups. Some

religious leaders, such as the State House imam, Abdoulie Fatty, publicly defended the practice. There were reports of health complications, including deaths, associated with FGM/C; however, no accurate statistics were available. Several NGOs 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. GAMCOTRAP continued its campaign for a law prohibiting FGM/C. According to a 2011 report, 586 communities had announced their commitment to abandon FGM/C. In addition Jaha Dukureh launched a campaign to combat FGM/C and coordinated the first youth-led summit against FGM/C with more than 100 youth participants in October. The workshop focused on teaching campaigning and social media skills, and medical and legal facts.

Sexual Exploitation of Children: The law provides for 14 years' imprisonment for commercial sexual exploitation of children and five years for child pornography. The minimum age for consensual sex is 18. Children were exploited in prostitution in some brothels, often to support their families. A small number of children were also trafficked for forced commercial sexual exploitation. NGOs believed some tourists living in remote guesthouses and motels were involved in the sexual exploitation of children. Authorities instructed security forces 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.

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/.

Persons with Disabilities

The constitution prohibits discrimination 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.); these provisions were effectively enforced. 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 buildings in the country were accessible to them. Neither the constitution nor laws explicitly prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. No laws or programs stipulate that persons with disabilities have access to information or communications. The law requires that judicial proceedings involving a person with disabilities take into account the disability.

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 specifically sought to promote the rights of women with disabilities. Persons with disabilities were given priority access to polling booths on election days.

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

On October 9, 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 and 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 apply to LGBT individuals.

In October the NIA arrested three suspected persons on suspicion of homosexual activities, following a security operation targeting persons practicing illegal acts. At year’s end the High Court had yet to set a trial date.

In November, NIA officers reportedly conducted door-to-door inquiries to identify, arrest, and detain individuals believed to be homosexual. The UN Office of the High Commissioner for Human Rights reported many of those detained were “subjected to violent attacks and mistreatment.”

Amnesty International reported on November 18 that eight individuals, including a 17-year-old boy, were arrested for crimes of homosexuality. They were detained at the NIA in Banjul. There they were subjected to torture and mistreatment, including beatings, sensory deprivation, and threat of rape, in order to force confessions for their “crimes” and to reveal information concerning other persons perceived to be gay or lesbian. There were reports of citizens fleeing to neighboring countries due to fear of being arrested.

On February 17, President Jammeh, in a televised address, said, “Homosexuality will never be tolerated and in fact will attract the ultimate penalty, since it is intended to bring humanity to an inglorious extinction. We will fight these vermin called homosexuals or gays the same way we are fighting malaria-causing mosquitoes, if not more aggressively.” President Jammeh said that “L.G.B.T can only stand for Leprosy, Gonorrhoea, Bacteria, and Tuberculosis, all of which are detrimental to human existence.” He added that no diplomatic immunity would be respected for any diplomat found guilty or accused of being gay and the country would not accept diplomats who are gay.

The mayor of Kanifing Municipality, Yankuba Colley, who also doubles as the national mobiliser of the ruling APRC party, said in an interview published in *The Standard* on September 26 that “homosexuality is such a grave crime against nature that homosexuals should be killed.”

There was strong societal discrimination against LGBT individuals. There were no LGBT 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 multi-sectoral approach to fighting HIV/AIDS through its national strategic plan, which provided for care, treatment, and support to persons living with or affected by HIV/AIDS. The plan also included HIV-prevention programs for high-risk populations.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides that workers are free to form and join independent unions, conduct legal strikes, and bargain collectively. Military personnel, police officers, and other civil service employees are prohibited from forming unions or going on strike. 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. No category of workers is excluded from relevant legal protections. 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. In May the secretary-general of the Gambia National Trade Union Congress said, “Most employers evade the [employment contracts] practice for unscrupulous reasons. Private sector employees should be duly registered with the Social Security Provident and Injuries Compensation Fund from the commencement of their employment.” The lack of enforcement of the labor law reinforced persistent violations.

Authorities respected freedom of association and the right to collective bargaining. 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 applied. 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 proprietor of the company. The complaints also included nonpayment of overtime, annual leave, and nonpayment of social security. The case continued at year’s end.

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. There were no reports of antiunion discrimination.

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 the problem, 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 protect against 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.

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 has become rare since police intervened and ordered marabouts to stop.

From August to September, President Jammeh issued his annual call for volunteers to provide free labor at one of his many private farms. According to several reports, there was an expectation communities and government workers would participate in this scheme because the government 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/.

c. Prohibition of Child Labor and Minimum Age for Employment

The constitution prohibits economic exploitation of children under age 16, and the law prohibits exploitive labor or hazardous employment of children under age 18. 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 did not effectively do so. The government took no action to prevent or combat child labor during the year. Employee labor cards, which include a person’s age, were registered with the labor

commissioner, who is authorized to enforce child labor laws. Nevertheless, enforcement inspections rarely took place.

Child labor in the informal sector was difficult to regulate. Rising costs of school fees combined with stagnating incomes prohibited 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.

From June through December, authorities placed 172 children who were at risk of being trafficked, including children on the move, in temporary protective care. Despite collaboration on the problems between many government agencies and a number of international agencies that focused on the area, government funding was inadequate and authorities relied heavily on international donations.

Implementation of the Children's Act and prosecution of suspected offenders also remained infrequent. Penalties for violations (including minimum 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/.

d. Discrimination with Respect to Employment or Occupation

The constitution and labor law, except in the case of dismissal and disciplinary action, do not prohibit discrimination in employment and occupation based on gender, race, disability, language, sexual orientation, gender identity, HIV-positive status or other communicable diseases, or social status (see section 6).

There were no reports of discriminatory practices with respect to employment or occupation.

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

e. Acceptable Conditions of Work

The minimum wage was 50 dalasi (\$1.16) per day, although this covered only the 20 percent of the workforce employed in the formal sector. The government considered the national poverty baseline to be 38 dalasi (\$0.88) per person per day. Most workers were paid above the minimum wage. The Department of Labor is responsible for enforcing the minimum wage. A majority of workers were employed in the private sector or were 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. A 30-minute lunch break is mandated. Government employees are entitled to one month of paid annual leave after one year of service. The government did not pay most government employees overtime. 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 ensure 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 currently valid work permit.

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

In May the Gambia Labor Congress called on the government "to initiate a salaries review commission to evaluate the levels and effects inflation has had on the living standards of the working class, and to make appropriate recommendations for upward general salary review for all workers in public and private sectors." At year's end the Ministry of Trade, Industry, Regional Employment, and Employment had yet to respond.

On October 1, 13 employees of Njegan Gas Company suffered severe burns and other injuries at the company's offices on the Kombo Coastal Road near Sukuta; eight died from the accident. Those affected had tried to put out a fire caused by an electrical spark in the company's waiting room.

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.

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