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1999 Country Reports on Human Rights Practices

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THE GAMBIA

The Gambia is ruled by President Yahya A.J.J. Jammeh, the former chairman of the Armed Forces Provisional Ruling Council (AFPRC) that seized power in a military coup in 1994, deposing a democratically elected government. Jammeh resigned his military commission and was elected president in controversial elections in September 1996, which observers considered neither free nor fair. Three of the 13 members of the current Cabinet are retired army officers who were Jammeh's allies during or immediately following the coup, and the security forces continue to exert strong influence in the Government. In January 1997, the Constitution of the Second Republic came into effect, restoring formal constitutional government, and citizens chose a National Assembly in elections, the results of which generally were accepted by the opposition. Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC), won 33 of the 45 assembly seats filled by election. The Constitution provides for an independent judiciary; however, the judiciary reportedly is subject at times to executive branch pressure, especially at lower levels, although the courts have demonstrated their independence on occasion.

The Gambian National Army (GNA) reports to the Secretary of State for Defense (who is now the President). The police report to the Secretary of State for the Interior. The National Intelligence Agency (NIA), established in 1995 by government decree, reports directly to the President but is otherwise autonomous. Members of the security forces committed serious human rights abuses.

The rapidly growing population of 1.3 million is divided between a rural majority and a growing urban minority. Much of the population is engaged in subsistence farming. The country's farmers, a majority of whom are women, grow rice, millet, corn, and groundnuts (the country's primary export crop). The private sector, led by tourism, trading, and fisheries, is experiencing modest growth. However, a high population growth rate has diluted the positive effects of economic expansion. Per capita gross domestic product is estimated to be \$360.

The Government's human rights record generally was poor, and serious problems remained. President Jammeh's dominance and restrictions on opposition parties continued, and in practice citizens still do not have an effective right to change their government. Security forces sometimes beat or otherwise mistreated detainees and prisoners. There was at least one credible report that police severely beat an opposition figure while in custody. Prison conditions remained very poor. Security forces at times arbitrarily arrested and detained citizens, particularly opposition politicians and journalists. Some of the detainees alleged harsh treatment at the hands of their captors. The courts reportedly are subject to executive branch pressure, particularly at lower levels, although magistrates occasionally demonstrate some independence by ruling against the Government. However, members of the security forces occasionally defy High Court orders with relative impunity. The Constitution prohibits the prosecution of any member of the AFPRC for any act or omission in the performance of official duties following the 1994 coup. The Government at times infringed on citizens' privacy rights; the right to transfer funds or assets remained restricted for most senior officials of the former Jawara government. The Government significantly limited freedom of speech and of the press through intimidation and fear. Journalists still practice self-censorship. Citizens have been arrested for making antigovernment statements in public. The Government restricted freedom of assembly and association. The opposition United Democratic Party (UDP), in at least two instances, was denied permission to hold public rallies on the grounds that it did not provide sufficient notice. Although opposition forces were active and vocal in the National Assembly, a standing order forbade parliamentarians from criticizing the Head of State in their debates or discussing any matter before the courts. Although formal constitutional rule was restored in 1997, some constitutional provisions have not been respected in practice, and others have not been tested in the courts. An apparently unconstitutional ban on political activity by some politicians and political parties remains in effect and has not been subject to judicial review. The Government at times limited freedom of movement, particularly for some senior officials of the former Jawara government. The Government continued to withhold passports from at least three current opposition politicians, although in May a new passport was issued to one of the politicians. Discrimination and violence against women persisted. The practice of female genital mutilation (FGM) is widespread and entrenched. Child labor is common.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

The Government has not taken any action against a group of soldiers who shot and killed a man on a beach in October 1997, despite assurances by the Department of State for Defense that the matter would be "judiciously and expeditiously addressed."

The circumstances of the May 1997 death of Yaya Srammeh, a rebel accused of treason, have not been explained publicly, nor has there been an investigation into his death.

In July 1998, the Secretary of State for the Interior stated before the National Assembly that there had been no progress in his department's investigation of the 1995 death of

former Finance Minister Ousman Koro Ceesay. The Government made no further statements on this matter during the year.

There were no reported developments concerning the 1995 death of Sadibou Haidara, a member of the junta that seized power in 1994.

In January rebels allegedly belonging to the Movement of Democratic Forces for the Casamance (MFDC) in Senegal crossed the border and attacked the village of Gambissara, killing two persons. On January 16, police arrested three alleged members of the MFDC.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution forbids torture or inhuman or degrading punishment; however, security forces sometimes beat or otherwise mistreated detainees and prisoners. There were also reports that security forces beat military and security detainees, and that security prisoners sometimes are threatened with summary execution.

According to a member of the National Assembly, police allegedly severely beat and tortured an opposition politician who was arrested and detained for 2 days (see Section 1.d.).

Police harassed citizens at checkpoints (see Section 2.d.).

There were no developments in the promised investigation of the detention and torture of eight UDP officials in 1997. At the time of the incident, the Government promised a full investigation and appropriate action by the Attorney General. Since the incident, police investigators have interviewed some witnesses, but some victims say that they have not been contacted. No one has been arrested and no results of the investigation have been made public.

There were no further developments in the case of the reported detention and severe beating of UDP member Yaya Sanneh in July 1997.

Conditions at Mile 2, Janjanbureh, and Jeshwang prisons remained very poor. Mile 2 prison was reported to be grim, overcrowded, and lacking in medical facilities. Prisoners are locked in their cells for over 20 hours each day. There were credible reports of beatings, malnourishment, and other harsh treatment of political, military, and security detainees. Women are housed separately.

Conditions in one representative local jail reportedly were unsanitary and overcrowded. Inmates slept on cement benches or on the floor without blankets. There was one water tap in the cell area but often no water. Police are reluctant to terminate fistfights between prisoners until the dispute is settled, and many of the prisoners are injured.

The International Committee of the Red Cross visited Mile 2 prison during the year. Local

nongovernmental organizations (NGO's) also generally are permitted to visit prisons upon request. A member of the African Commission on Human and Peoples' Rights and the Special Rapporteur on Prisons and Conditions of Detention in Africa visited the three prisons during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution includes provisions to protect against arbitrary arrest and detention; however, on occasion, security forces arbitrarily arrested and detained citizens. Periods of detention ranged from a few hours to several days.

The Government has not revoked formally military decrees enacted prior to the current Constitution that give the NIA and the Secretary of State for Interior broad power to detain individuals indefinitely without charge if "in the interest of national security." The Constitution provides that decrees remain in effect unless inconsistent with constitutional provisions. These detention decrees appear to be inconsistent with the Constitution, but they have not yet been subject to judicial challenge. The Government has stated that it no longer enforces these decrees; however, in some instances, the Government did not respect the constitutional requirement that detainees be brought before a court within 72 hours.

In April the NIA arrested two airport security officials and detained them without charge for 2 days after they attempted to prevent a senior presidential advisor from escorting a group of foreign officials onto the airport tarmac. The presidential advisor reportedly drew his gun after being denied entry, forced his way onto the tarmac, and then struck the more senior of the security officials on the head with the butt of the gun. Upon being released from detention, both security officers were fired from their jobs; however, in July they were reinstated and the senior security officer was promoted.

In May the NIA arrested Tata Camara, chairperson in Janjanbureh of the UDP, and six other UDP supporters in Dankunku. Tata allegedly was discussing privately her views of economic hardships in the country when arrested. The arrests of the other six followed a UDP political rally held in Dankunku in May. The six UDP supporters were released after 6 hours but Camara remained in detention for 2 weeks.

On May 26, an opposition member, Shyngle Nyassi, was abducted from his house in Brikama and detained without charge by the NIA. The NIA defied a High Court order to release Nyassi, who was detained for 2 weeks, falsely claiming that he was not in the agency's custody. The NIA released Nyassi a week after the court-ordered time.

On July 16, a reporter from a new newspaper, The Independent, was detained for over 2 hours. He allegedly was harassed for reporting that government immigration officers had arrested non-citizen, disabled beggars. On July 30, the NIA arrested six staff members of The Independent and detained them for 3 hours for questioning after the newspaper continued publishing despite a court order to cease publication. On August 1, the NIA arrested and detained for a day the editor in chief and the managing editor of The Independent (see Section 2.a.).

In September a reporter from The Daily Observer and the editor in chief were arrested and detained for questioning after publishing a story about an alleged military skirmish in the

village of Kanilai, which is President Jammeh's home village (see Section 2.a.). The editor was released after 2 hours of questioning, but the reporter was detained for 48 hours. Both were released without charge.

In September the chairman of the opposition National Reconciliation Party (NRP) in Dankunku village, Musa Jallow, was arrested and detained for 2 days by the police. He was accused of insulting President Jammeh and other government authorities. A member of the National Assembly, who visited Jallow during his detention, reported that Jallow had been beaten and tortured.

In May 1998, 10 persons, including UDP leader Lamin Waa Juwara and the imam of the largest mosque in Brikama, were arrested in a politically charged dispute over minor construction work at a mosque in Brikama (see Section 2.c.). None of those arrested was charged within the constitutionally required 72-hour period. Charges against five of those detained were dropped. The four that were charged with damaging public property were acquitted and discharged by the magistrate court in February.

On December 28, three journalists with the Independent newspaper were arrested for "libel against the President" (see Section 2.a.). They were released on bail, but must check in with the police on a regular basis. Their trial was pending at year's end.

The Government has made no progress in investigating the detention and torture of eight UDP activists in 1997 (see Section 1.c.).

The Government did not exile opponents; however, former President Jawara remains outside the country under threat of arrest and detention on corruption charges if he returns. Other senior officials of the former government, for example, Vice President Saihou Sabally, and Secretary General Abdou Sara Janha, also remain outside the country, but do not face official charges.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary reportedly is subject at times to executive branch pressure, especially at the lower levels. The courts nevertheless have demonstrated their independence on several occasions, at times in significant cases. In February the High Court dismissed charges against some of the defendants in the politically charged dispute concerning a mosque in Brikama (see Section 1.d.). In 1997 the Court of Appeal, the country's highest court, overturned the treason convictions and death sentences of four men who led an abortive coup in November 1996. The Government has appealed this decision to the Privy Council in London, but the case was pending at year's end.

The judicial system comprises a Judicial Committee of the Privy Council (based in London), the Court of Appeal, high courts, and eight magistrate's courts. The Constitution provided for a reconfiguration of the courts by which a Supreme Court would replace the Privy Council as the ultimate court of appeal. The new Supreme Court was inaugurated in December, and a full complement of judges and a Chief Justice were appointed. Appeals to the Privy Council ceased. Village chiefs preside over local courts at the village level.

The judicial system recognizes customary, Shari'a, and general law. Customary law

covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and all other traditional and social relations. Shari'a law is observed primarily in Muslim marriage and divorce matters. General law, following the English model, applies to felonies, misdemeanors in urban areas, and the formal business sector. Trials are public, and defendants have the right to an attorney at their own cost.

The 1998 trial of three men accused of complicity in a July 1997 coup attempt was closed to the public after the court accepted a prosecution motion that public presentation of certain evidence would lead to a "breach of peace and public order." One of the accused made detailed allegations of torture before the proceedings were closed. The three were convicted of treason in October 1998 and sentenced to death; their appeals of the convictions were pending at year's end.

The junta that took power in 1994 appointed four commissions to investigate individuals and organizations suspected of corruption during the First Republic. These commissions had powers similar to a grand jury, with additional authority to recommend the seizure of assets, to imprison and fine for contempt, and to imprison or demand bond from individuals considered likely to abscond. Three of the commissions completed their work in 1998, the fourth completed its work and submitted its report. The commissions were closed in December. No findings were made public by year's end.

There were no reports of political prisoners.

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

The Constitution prohibits such abuses; however, although the Government generally respects these prohibitions, in practice there were some exceptions. The Government has not canceled Decree 45, which abrogates Constitutional safeguards against arbitrary search and permits search and seizure of property without due process. This decree remains formally in effect, pending a judicial finding that the decree is inconsistent with the Constitution. In practice the Government appears not to enforce it, but no court case has been brought to test the decree's constitutionality.

Observers assume that the Government monitors citizens engaged in activity that it deems objectionable. In the past, surveillance included monitoring of telephones and mail. In previous years, investigating commissions made findings resulting in the forfeiture of private property, principally that property held by former government and parastatal officials. The work of these commissions, which began under the AFPRC regime, is sanctioned under the Constitution with provisions for due process. However, it is not clear that the full rights of due process were accorded to officials investigated by the commissions before the Constitution took effect. The evidentiary standards applied by the commissions in ordering the forfeiture of money and property are not clear, and orders by the commissions have not yet been subject to effective judicial review.

The Government restricted the right to transfer funds or assets of some senior officials of the former Jawara government accused of corruption.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press; however, in practice, the Government significantly limits the full exercise of these freedoms by using intimidation, police pressure, regulatory scrutiny, and laws that inhibit the media. As a result, journalists practice a significant degree of self-censorship.

On July 23, the publishers of The Independent received a letter from the Attorney General, ordering them to cease publishing until they had registered their business name with the Commissioner of Income Tax as required by the Business Registration Act of 1973. The Independent ignored the order and continued to publish. On July 30, the NIA raided The Independent offices and arrested six staff members. They were detained for questioning for 3 hours and released without charge. On August 1, the editor in chief and the managing editor were arrested and detained by the NIA for continuing to publish the newspaper. They were released on August 2 (see Section 1.d.). The Independent subsequently completed the registration of its name and resumed publishing on August 20. On December 28, the editor in chief, the managing editor, and a staff reporter with the Independent were arrested for "libel against the President," after they wrote an article questioning the stability of the President's marriage. They were released on a bail of \$1,000 (10,000 dalasi) each, but must check in with the police on a regular basis. Their trial was pending at year's end.

In early 1998, the NIA closed the country's leading independent radio station, Citizen FM, after it broadcast a report that a senior NIA official had been implicated in a currency counterfeiting scheme. The station also was charged with failure to pay its licensing fees. The station's owner and news editor were detained briefly. Despite the controversy over licensing fees, a government press release made it clear that the station's editorial policies were a principal reason for the government action. The press release warned about "disciplinary measures" for reporting "allegations and unconfirmed rumors." In July 1998, a magistrate's court ordered that the station be forfeited to the Government for failure to pay the licensing fees, despite repeated offers by the station's ownership to pay past due accounts. The station's ownership has appealed the judgment; the trial resumed at the High Court in June, but was adjourned until 2000.

The Daily Observer, the country's leading independent newspaper, also has experienced significant governmental interference. In May the Daily Observer was sold to a businessperson said to be more amenable to President Jammeh than the previous management. Nevertheless, Daily Observer reporters still encounter politically motivated resistance. In September a reporter from the Daily Observer and the editor in chief were arrested and detained for questioning, subsequent to an Observer article reporting on an alleged military skirmish in the President's home village. The editor in chief was released after 2 hours and the reporter released after 48 hours (see Section 1.d.).

In September an opposition politician was arrested, detained, and reportedly beaten for allegedly insulting President Jammeh and other government authorities (see Section 1.d.).

The Government employed arrest, detention, and interrogation to intimidate journalists and newspapers that published articles that it considered inaccurate or sensitive (see Section 1.d.). Decrees 70 and 71, enacted in 1996, remained in effect and continued to inhibit free reporting. The decrees require all newspapers to post a \$10,000 (100,000 dalasis) bond or cease publication. The bond is required to ensure payment of any penalties imposed by a court for the publication of blasphemous or seditious articles or

other libel. State-owned publications are not subject to these decrees. The possession and distribution of documents deemed to be "political literature" also is barred by decree. These decrees and the fear of reprisals and government action have had a chilling effect on the press. Although still independent, the nongovernment press practices a significant degree of self-censorship. However, strong criticism of the Government is frequent, and opposition views appear in the independent press. English, French, and other foreign newspapers and magazines are available.

Radio broadcasts from the government station and private stations normally reach listeners in the eastern part of the country. Private radio stations simulcast news provided by Radio Gambia, the government station. After the closure of Citizen FM, only one private radio station produced independent news broadcasts. However, occasionally there were public affairs broadcasts on at least two independent radio stations. The British Broadcasting Corporation, Voice of America, Radio France International, and other news reports sometimes are rebroadcast by local stations, and all are available via short-wave radio. Senegalese television and radio are available in many parts of the country. Wealthy residents also use television satellite systems for independent news coverage.

Government radio and television give very limited coverage to opposition activities, including statements by opposition parliamentarians in the National Assembly. In most other respects, the state media serve as propaganda instruments for the Government and its supporters.

There were no reports of any government restrictions on academic freedom. There is no university, but a university extension program completed its fourth academic year in August.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricts this right in practice. The authorities interfered with efforts by the principal opposition party, the UDP, to organize public meetings. In several instances, the Government denied UDP requests for permits to hold political rallies on the grounds that the requests were submitted late. Nevertheless the UDP held several well attended rallies at which leaders made statements highly critical of the Government.

In May the police arrested a female chairperson and six other UDP supporters for attending a political rally. The six were released within 24 hours, but the chairperson was detained without charge for 2 weeks (see Section 1.d.).

The Constitution provides for freedom of association; however, the Government restricts this right in practice. Decree 89 banned from political activity three major opposition political parties, and all former presidents, vice presidents, and ministers until 2024. The decree's penalty of life imprisonment for an individual or a \$100,000 (1 million dalasi) fine for an organization considerably restricts political activity (see Section 3). Despite the fact that the decree apparently conflicts with provisions of the Constitution, it has not been challenged in court. The severe penalties for violating the decree have inhibited political challenge, since most cases would have to be brought by a person who violated the decree. The three banned major parties have not resumed activity nor have the various political figures covered under the ban done so.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Adherents of all faiths are free to worship without government restriction.

The foreign leadership and foreign staff members of the Ahmadiyah Islamic branch, who left the country in 1997 claiming fear of persecution after being criticized by the imam of the Statehouse mosque so far have not returned. However, in 1998 the Gambian head of the Ahmadiyah branch returned from exile, and the institutions of the Ahmadiyah, which were closed as a result of the conflict, were reopened. The Statehouse imam has made no further criticism of the Ahmadiyah branch.

In May 1998, the imam of the largest mosque in Brikama was arrested in a dispute over minor construction work at a mosque that reportedly was financed by supporters of the ruling party. The imam, a largely apolitical figure who nevertheless is believed by many to oppose the ruling party, ordered a halt to the construction. Subsequently he was arrested, together with a leading opposition party politician and eight others. In February after a protracted legal battle, all of those arrested were acquitted of charges of destruction of property and discharged by the High Court. However, the Government refused to allow the imam to lead prayers at the mosque both as a result of this incident and due to pressure from his opponents in the community. The Government's refusal to allow the imam to lead prayers was being considered in the High Court at year's end.

The Government permits and does not limit religious instruction in schools. Bible and Koranic studies are provided in both public and private schools throughout the country without government restriction or interference. Religious instruction in public schools is provided at government expense, but is not mandatory.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement but allows for "reasonable restrictions," and there were instances in which the Government restricted this right. At a major police checkpoint outside of Banjul, police and NIA personnel reportedly harassed individuals not carrying the recently required identification card. Even citizens who carried Gambian passports were detained and threatened at gunpoint. However, observers reported that such activity lessened by year's end. The authorities prohibited those under investigation for corruption or security matters from leaving the country. Three politicians associated with the opposition UDP also were denied passports, although they were not facing corruption or security charges. One of the politicians was granted a passport in May. The leader of the opposition UDP and other opposition figures have traveled outside the country without incident.

The law does not provide for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provided first asylum for approximately 3,000 persons from Senegal and Guinea-Bissau during the year. There were no reports of the forced expulsion

of persons with a valid claim to refugee status. The Government works with the UNHCR and local NGO's in processing refugee claims. The Gambia hosts approximately 8,000 refugees from Sierra Leone, Senegal, Guinea-Bissau, Liberia, and other countries. The Government continues to host approximately 3,500 Senegalese refugees from the troubled Casamance region. In August with the assistance of the Government, the UNHCR repatriated 93 refugees to the Casamance region in Senegal and 250 to Guinea-Bissau.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Despite a new Constitution and legislative elections in 1997, citizens still do not have an effective right to change their government in practice. Citizens attempted to exercise this right in presidential elections in 1996; however, the few international observers who were present noted serious problems in the electoral process. Foreign governments criticized the election as not being free and fair, primarily because of government intimidation, restrictions imposed by the Government on opposition campaign efforts, and limited access to the government-owned media prior to the election.

Government-owned media continued to deny news coverage and other access to opposition politicians and engaged in a number of other practices that restricted political activity (see Section 2.a.). In September an opposition politician was arrested, detained, and reportedly beaten for allegedly insulting President Jammeh and other government authorities (see Section 1.d.). The Government frequently refused to authorize opposition meetings (see Section 2.b). Decree 89 bans three former political parties and all persons who held the offices of president, vice president, and minister since 1965 from involvement in politics until 2024 (see Section 2.b.). Although Decree 89 apparently is unconstitutional, it has not been challenged in the courts and remained in effect. The severe penalties for violating the decree have inhibited challenge, since most cases would have to be brought by a person who violated the decree. During the year, the Government thwarted an opposition effort to have the National Assembly repeal Decree 89.

In January 1997, the Constitution of the Second Republic came into effect, and citizens chose a new National Assembly in elections whose results were accepted by the opposition. President Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC) won 33 of 45 assembly seats filled by election; 4 members are appointed by the President. Procedural methods are used to restrict debate within the National Assembly.

The Constitution provides for the democratic election of the President every 5 years. National Assembly elections are held 3 months after the presidential elections. Presidential elections are scheduled for 2001. Local elections originally scheduled for 1998 were postponed; no new date has been fixed yet.

There are no obstacles to the participation of women in government; however, they are underrepresented in government and politics. Only 1 of 45 members of the National Assembly is a woman. The Vice President (who is also Minister of Health) is a woman and there are three female ministers in the Cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are several organizations whose mandates provide for human rights monitoring. The AFPRC's Decree 81 of 1996 requires NGO's to register with the National Advisory Council, which has the authority to deny, suspend, or cancel the right of any NGO to operate (including that of international NGO's). However, the Government did not take action against any NGO's during the year.

There are three major organizations whose primary mandate is the promotion of human rights--the International Society for Human Rights (ISHRA), the African Center for Democracy and Human Rights Studies (ACDHRS), and the Institute for Human Rights and Development (IHRD). Both the ISHRA and the ACDHRS have conducted training in democratic rights and civic education. The IHRD is a new organization and focuses principally on the operations of the African Commission on Human and Peoples' Rights, an organ of the Organization of African Unity based in Banjul.

In May President Jammeh appointed the first government ombudsman as required in the Constitution. On May 3, the National Assembly approved the appointment. The ombudsman's office, which began operations during the year is charged with investigating allegations of mal-administration, mismanagement, or discrimination.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status, and the Government generally respects these prohibitions.

Women

Domestic violence, including abuse, occasionally is reported, and its occurrence is believed to be fairly common. Police tend to consider these incidents to be domestic issues outside of their ordinary jurisdiction.

Rape and assault are crimes under the law. The law does not differentiate between married and unmarried women in this regard. Any person who has carnal knowledge of a girl under the age of 16 is guilty of a felony (except in the case of marriage); incest is also illegal. These laws generally are enforced.

Neither sexual harassment nor de facto sexual discrimination are believed to be widespread, although individual instances have been noted.

Traditional views of women's roles result in extensive societal discrimination in education and employment. Families frequently educate male children before female children. Females constitute about 40 percent of primary school students and roughly 1/3 of high school students.

Employment in the formal sector is open to women at the same salary rates as men. No statutory discrimination exists in other kinds of employment; however, women generally are employed in endeavors such as food vending or subsistence farming.

Shari'a law usually is applied in divorce and inheritance matters for Muslims, who make up approximately 90 percent of the population. Women normally receive a lower

proportion of assets distributed through inheritance than do male relatives. Marriages often are arranged and, depending on the ethnic group, polygyny is practiced. Women in polygynous unions have property and other rights arising from the marriage. They have the option to divorce, but not a legal right to approve or be notified in advance of subsequent marriages.

Active women's rights groups exist, which are focused primarily on economic issues and the elimination of female genital mutilation (FGM).

Children

The Government is committed to children's welfare. The Department of Education and the Department of Health, Social Welfare, and Women's Affairs are the two most generously funded departments. However, the lack of resources limits state provision of both education and health services.

The Constitution mandates free compulsory primary education, but in view of the current state of the educational infrastructure, this provision represents a goal and not an accomplishment. There is no effective compulsory education. However, in February 1998, the President announced an end to fees for the first 6 years of schooling, and the Government has implemented the decision. Opportunities for secondary education are even more limited. The participation of girls in education is very low; there is approximately a two to one ratio of boys to girls enrolled in school at all levels. The enrollment of girls is particularly low in rural areas where a combination of poverty and socio-cultural factors influence parents' decisions to not send girls to school.

The care and welfare of children in distress is considered primarily a family responsibility. In cases of divorce, the Department of Social Welfare attempts to require periodic financial support by fathers; however, there is no criminal prosecution when fathers fail to provide financial support.

Authorities generally intervene when cases of child abuse or mistreatment are brought to their attention, however, there is no societal pattern of abuse against children. Serious cases of abuse and violence against children are subject to criminal penalties. There are a few instances of child street begging. The tourist industry has stimulated a small amount of child prostitution, which is prosecuted vigorously. In rural areas, most children assist their families in farm and housework. In urban areas, many children work as street vendors or taxi and bus assistants.

The practice of female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is widespread and entrenched. Reports place the number of women having been subjected to FGM at between 60 and 90 percent. Seven of the nine major ethnic groups practice FGM at ages varying from shortly after birth until 18 years old. In recent years, the Government publicly has supported efforts to eradicate FGM and discourages FGM through health education. However, the Government has not passed legislation against FGM, and FGM is not considered a criminal act. In February President Jammeh stated publicly that the Government would not ban FGM, and that FGM is a part of the country's culture.

People with Disabilities

There are no statutes or regulations requiring accessibility for the disabled. No legal discrimination against the physically disabled exists in employment, education, or other state services. Severely disabled individuals subsist primarily through private charity. Less severely disabled individuals are accepted fully in society and encounter no discrimination in employment for which they are physically capable.

Section 6 Worker Rights

a. The Right of Association

The 1990 Labor Act, which applies to all workers except civil servants, specifies that workers are free to form associations, including trade unions, and provides for their registration with the Government. It specifically prohibits police officers and military personnel, as well as other civil service employees, from forming unions or striking. About 20 percent of the work force is employed in the modern wage sector, where unions are most active. Approximately 30,000 workers are union members, constituting about 10 percent of the work force.

The Gambian Worker's Confederation and the Gambian Workers' Union are the two main independent and competing umbrella organizations. The Government recognizes both organizations.

The Labor Act authorizes strikes but requires that unions give the Commissioner of Labor 14 days' written notice before beginning an industrial action (28 days for essential services). It prohibits retribution against strikers who comply with the law regulating strikes. Upon application by an employer to a court, the court may prohibit industrial action that is ruled 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. Because of these provisions and the weakness of unions, few strikes occur.

Unions may affiliate internationally, and there are no restrictions on union members' participation in international labor activities. The country applied in 1995 to join the International Labor Organization. It has been accepted in principle but must make modifications to its labor and employment laws before gaining full membership; however, the Government took no action during the year to modify its labor and employment laws.

b. The Right to Organize and Bargain Collectively

The 1990 Labor Act allows workers to organize and bargain collectively. Although trade unions are small and fragmented, collective bargaining takes place. Each recognized union has guidelines for its activities specified by the appropriate industrial council established and empowered by the Labor Act. Union members' wages exceed legal minimums and are determined by collective bargaining, arbitration, or agreements reached between unions and management after insuring that the agreements are in compliance with labor law. No denial of registration has been reported. The act also sets minimum contract standards for hiring, training, terms of employment, and provides that contracts may not prohibit union membership. Employers may not fire or discriminate against members of registered unions engaged in legal union activities.

The Government is attempting to establish an export processing zone at the port of Banjul, but no manufacturer has begun operations yet.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits compulsory labor, and it is not known to occur. Although the law does not prohibit specifically forced or bonded labor by children, it is not known to occur. Most children performing customary chores or who are engaged in petty trading do so as a part of an extended family.

d. Status of Child Labor Practices and Minimum Age for Employment

The statutory minimum age for employment is 18 years. There is no effective compulsory education, and because of limited secondary school openings, most children complete formal education by age 14 and then begin work. Employee labor cards, which include a person's age, are registered with the Labor Commissioner, but enforcement inspections rarely take place. Child labor protection does not extend to youth performing customary chores on family farms or engaged in petty trading. In rural areas, most children assist their families in farming and housework. In urban areas, many children work as street vendors or taxi and bus assistants. The tourist industry has stimulated a small amount of child prostitution (see Section 5).

Although the law does not prohibit specifically forced or bonded labor by children, it is not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

Minimum wages and working hours are established by law through six joint industrial councils: Commerce; Artisans; Transport; Port Operations; Agriculture; and Fisheries.

Labor, management, and the Government are represented on these councils. The lowest minimum wage is about \$1.04 (12 dalasis) per day for unskilled labor. This minimum wage is not sufficient to provide a decent standard of living for a worker and family. Only 20 percent of the labor force, essentially those workers in the formal economic sector, are covered by the minimum wage law. The majority of workers are employed privately or are self-employed, often in agriculture. Most citizens do not live on a single worker's earnings but share resources within extended families.

The basic legal workweek is 48 hours within a period not to exceed 6 consecutive days. A 30-minute lunch break is mandated. Nationwide, the workweek includes 4 8-hour workdays and 2 4-hour workdays (Friday and Saturday). Government employees are entitled to 1 month of paid annual leave after 1 year of service. Private sector employees receive between 14 and 30 days of paid annual leave, depending on length of service.

The Labor Act specifies safety equipment that an employer must provide to employees working in designated occupations. The Factory Act authorizes the Ministry of Labor to regulate factory health and safety, accident prevention, and dangerous trades, and the Ministry is authorized to appoint inspectors to ensure compliance with safety standards. Enforcement is inconsistent due to insufficient and inadequately trained staff. Workers may demand protective equipment and clothing for hazardous workplaces and have

recourse to the Labor Department. Workers may refuse to work in dangerous situations without risking loss of employment.

f. Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked in, to, or from the country.

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