



Gambia, The

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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. Two of the 13 members of the current Cabinet are retired army officers who were Jammeh's allies during or immediately following the coup, and 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, especially at lower levels, reportedly is subject at times to executive branch pressure, 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 1.384 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 is led by tourism, trading, and fisheries. The high population growth rate has diluted the positive effects of modest economic expansion. Per capita gross domestic product is estimated to be \$240, a decline from recent levels partly due to currency depreciation.

The Government's poor human rights record worsened, and it continued to commit serious abuses. President Jammeh's dominance and restrictions on opposition parties continued. In practice citizens do not have an effective right to change their government. Security forces committed some extrajudicial killings and beat or otherwise mistreated detainees and prisoners. Prison conditions remained very poor. Security forces arbitrarily arrested and detained citizens, particularly opposition politicians and journalists; some of the detainees alleged harsh treatment while being arrested and detained. The courts reportedly are subject to executive branch pressure, particularly at lower levels, although magistrates occasionally demonstrated some independence by ruling against the Government. There were reports of political prisoners. The Government at times infringed on citizens' privacy rights. The Government significantly limited freedom of speech and of the press through intimidation and fear. Journalists practice self-censorship. The Government restricted freedom of assembly and association. The opposition United Democratic Party (UDP) was repeatedly attacked at political rallies by agents of the allegedly disbanded progovernment July 22 youth movement. The Government denied the UDP party permits to hold rallies at several times throughout the year. The Government at times limited freedom of movement. Violence and discrimination against women persisted. The practice of female genital mutilation (FGM) is widespread and entrenched. Child labor was a problem, and there were some instances of child prostitution.

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 politically motivated killings; however, on occasion, security forces committed extrajudicial killings.

On March 9, Ebrima Barry, a student, died after being taken into custody and reportedly beaten by fire department personnel. Security forces killed at least 14 persons during student riots on April 10 and 11 to protest the death of the student (see Section 2.b.). Security forces shot and killed Omar Barrow, a journalist and Red Cross volunteer, while he was working at the Red Cross facility to assist wounded demonstrators. Despite the Government's initial insistence that security forces did not use live ammunition to suppress the riot, student victims and other witnesses alleged otherwise. A government commission of inquiry reportedly concluded that the Police Intervention Unit (PIU) officers were "largely responsible" for many of the deaths and other injuries. The inquiry also revealed that five soldiers of the 2nd Infantry Battalion were responsible for the deaths of two students at Brikama. The Government stated that the report implicated several PIU officers in the students' deaths and injuries. The official coroner's report and commission of inquiry report were not publicized widely by the Government. Three police officers at Brikama were found to have unlawfully searched, arrested, and detained people there. At year's end, no action had been taken against those responsible for the shootings (see Section 1.d.).

On January 15, soldiers shot and killed two military personnel whom they were trying to arrest for allegedly attempting to overthrow the Government (see Section 1.d.).

In January 1999, 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; however, at year's end, the Government had taken no further action in the case.

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 also were reports that security forces beat military and security detainees, and that security prisoners sometimes are threatened with summary execution.

Security forces beat several dozen persons including school children during the April 10 and 11 student demonstrations (see Sections 1.a., 1.d., and 2.a.). Many detained students claimed that armed soldiers beat them with gun butts and iron cables. One student detained at the army barracks claimed that he and other students were abused and harassed while in detention. Credible witnesses reported seeing elementary-school age children released from custody with severe bruises, bleeding cuts, and shaved heads, and stripped of their clothes. Other witnesses reported that a mother, attempting to see her child at the Kairaba police station, was beaten severely with a rifle butt. The students were protesting the death of a student on March 9 while in custody of fire department personnel and the alleged early April rape of a girl by an unidentified man in uniform, whom many believed to be a member of the Government's security forces.

On January 15, Ousman Ceesay, a freelance reporter, claimed to have suffered rough treatment and threats by soldiers in Banjul for interviewing a soldier at the site of an exchange of gunfire between soldiers and units of the State House Guards.

In May a journalist from the Democratic Republic of the Congo (DRC) reported that he was arrested, detained, beaten, and denied medical treatment by immigration authorities (see Section 1.d.).

Armed soldiers at times harassed and detained citizens and foreigners at gunpoint, particularly at the Denton Bridge checkpoint outside of Banjul (see Section 2.d.).

No action was taken in the 1999 case when police allegedly severely beat and tortured an opposition politician who was arrested and detained for 2 days. 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 have said that they have not been contacted. No one has been arrested, and no results of the investigation have been made public.

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 were 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; juveniles are housed with adults.

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.

Local nongovernmental organizations (NGO's) generally are permitted to visit prisons upon request. A member of the African Commission on Human and Peoples' Rights and the U.N. Special Rapporteur on Prisons and Conditions of Detention in Africa visited the three prisons during the year. The International Committee of the Red Cross visited local prisons several times 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 January military officials arrested and detained Lieutenant Landing Sanneh and at least 10 other military personnel accused of attempting to overthrow the Government on January 15. Lieutenant Almamo Manneh and Corporal Momodou Dumbuya, also implicated in the alleged plot, were shot and killed by soldiers who were trying to apprehend them. The treason hearing of Lieutenant Sanneh opened on May 12 at the High Court, but the other detained soldiers were not brought before a military or civilian court by year's end. In September the army announced that some of the soldiers who had been detained at the Yundum Barracks in connection with the January 15 alleged coup were released and returned to active duty. At year's end, at least one soldier, the alleged coup leader, was still detained without charge.

On February 4, police arrested Momodou Wallom Jallow, an independent National Assembly member, in his constituency in Niamina district and detained him at the NIA headquarters in Banjul for 4 days without charge. Jallow's political opponents allegedly reported him to the police for making favorable comments regarding the alleged coup attempt.

In April police arrested five UDP activists of Tambakoto village, North Bank Division and detained them at the Janjanburay prison for several days following a fight with the village head, who subsequently seized their farm lands (see Section 1.f.). The five claimed wrongful arrest and detention, and complained about poor prison conditions and inadequate food (see Section 1.c.).

Following a demonstration on April 10 (see Sections 1.a., 1.c., and 2.b.), security forces arrested hundreds of students and detained them at police stations, military barracks, and the NIA headquarters between April 10 and 15. Some students were held incommunicado for over 72 hours, often with little food or water. Student leaders were held for longer periods; some were held over 2 weeks. Parents were denied access to their children. On May 18 the Supreme Court ordered the release of all students. One student detained at the army barracks claimed that he and other students were abused and harassed while in detention. Credible witnesses report seeing elementary-school age children released from custody with severe bruises, bleeding cuts, and shaved heads, and stripped of their clothes.

On April 12, police arrested a UDP National Assembly member, Buba Samura, in Brikama while he was traveling to Banjul. He was detained incommunicado at the Brikama Police station for several days without charge. Allegedly Samura was arrested after he was overheard commending the students for their actions during the April 10 and 11 demonstrations and stating that President Jammeh's misrule caused the riots.

In May Mohamad Mboyo, a visiting journalist from the DRC, reported that he was arrested unlawfully and detained for more than 24 hours by the police. Mboyo was arrested by an immigration officer at the Banjul

ferry terminal and accused of "being a Nigerian" despite his identification papers to the contrary. He allegedly was beaten, detained, and denied medical treatment.

On June 17, during a country-wide political campaign, UDP leader Ousainou Darboe, 80 UDP supporters, and journalist Madi Ceesay were detained at the Basse police station for 3 days following a clash between supporters of the ruling APRC and the UDP in which an APRC supporter allegedly was killed. Police denied the UDP party permits to hold rallies in Upper River Division after the incident. Darboe, 24 UDP supporters, and Ceesay were charged with the murder of the APRC supporter Alieu Njie. The Supreme Court dismissed the charges against 19 UDP members and journalist Madi Ceesay in October; however, the murder charge against UDP leader Darboe and 4 of his closest associates remained in effect, and Darboe's trial began on November 1. No decision had been made on the case by year's end.

Between June 22 and 23, security agents arrested and detained four civilians (Ebrima Yabo, Ebrima Barrow, Momodou Marenah, Modou Saho) and two security officers (lieutenants Lalo Jaiteh and Omar Darboe) on suspicion of attempting to violate state security. Persons claiming to be security forces abducted the civilians from their homes; initially, both the NIA and police denied knowledge of their arrests and detentions. After 3 weeks of complaints by their families, the Inspector General of Police revealed that the four civilians and two security officers had been arraigned before a Magistrates' Court on July 14 on charges of treason. According to their attorneys, the accused were not charged within the constitutionally required 72 hours. At year's end, some of the individuals were released, but others continued to be detained pending a trial.

In June army and NIA officers arrested, detained, and held incommunicado a local employee of a foreign embassy. He was questioned for 2 days in regard to his official duties and ultimately released without charge.

On July 25, the police arrested the editor in chief and a journalist from the Independent newspaper and detained them at the Banjul police station for reporting on a hunger strike at Mile 2 Prison (see Sections 1.c. and 2.a.).

On September 2, police arrested Omar Kebba Mass, a UDP National Assembly member, and 16 UDP supporters and detained them at the Mansaknoko police station for approximately 13 hours without charge. The UDP officials allegedly were detained because of a fight with APRC supporters at a football match; the APRC supporters were not detained.

In January charges of "libel against the President" were dropped for three journalists from The Independent newspaper.

Police arrested and detained several opposition militants. Three opposition National Assembly members and supporters were arrested and detained during the year, some for more than 72 hours, without charge.

The Government did not use forced exile; 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 remained 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. For example, following the April riots, the Supreme Court ruled that the continued detention of Gambia Student Union leaders was illegal. Also the Supreme Court required that chieftaincy elections be held in the Saami district in November, ruling that a presidentially appointed chief was installed unconstitutionally following the President's dismissal of the previous chief.

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 at year's end, the case was pending before the Supreme Court.

The judicial system comprises the Court of Appeal, high courts, eight magistrate's courts and a Supreme Court, which began operations in 1999. 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.

Persons have been held extended periods without trial. For example, Suwandi Camara was arrested in Senegal in March 1997 and extradited to the Gambia in July 1997. Subsequently, he was interrogated by the NIA and taken to Mile 2 prison; no charge was brought against him, and in December the Government objected to his request for bail. However, on December 14, the High Court ruled that Camara's arrest and continued detention was unlawful and unconstitutional, and it ordered his immediate and unconditional release.

The 1998 trial of three men accused of complicity in a July 1997 coup attempt concluded in October 1998 with the conviction of treason of the three; they were 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. The commissions were closed in December 1999; however, no findings were made public by year's end.

There are reports of a small number of political prisoners, including the former AFPRC vice chairman, Lieutenant Sana Sabally, held at Mile 2 prison in Banjul. International and domestic human rights organizations were not permitted access to these individuals.

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 possibly 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.

Following the student demonstrations, security forces undertook a search to arrest students suspected of participating in the demonstrations (see Sections 1.d. and 2.b.).

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

In April the Tambakoto village head illegally seized the land of five UDP activists; by year's end, the lands had not been returned.

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 limited the full exercise of these freedoms by using intimidation, police pressure, regulatory scrutiny, and laws that inhibit the media. The Government also employed arrest, detention, and interrogation to intimidate journalists and newspapers that published articles that it considered inaccurate or sensitive (see Section 1.d.). As a result, journalists practice a significant degree of self-censorship.

In January President Jammeh dropped the libel charges against the Independent Newspaper's editor in chief Baba Galleh Jallow, managing editor Alhagie Yoro Jallow, and a journalist. The Independent staff were arrested and charged for "libel against the President" following an article they wrote in December 1999 that questioned the stability of Jammeh's marriage. However, the editors of The Independent claimed that the Government continued to harass and intimidate their staff and families after the charges were dropped. On June 20, immigration officers questioned Baba Galleh Jallow and Alhagie Yoro Jallow regarding their citizenship. On July 25, Baba Galleh Jallow and reporter Alhagie Mbye were taken to Banjul Police headquarters and detained for 7 hours because of an article that they published regarding a hunger strike at Mile 2 prison (see Section 1.c.).

In July President Jammeh threatened to discharge the staff of the state-owned Gambia Radio because he suspected them of being opposition sympathizers. Jammeh made the threat during a meeting with APRC youth wing members on the anniversary of the July 22 coup that brought him to power. He claimed that members of the Radio Gambia staff misrepresented his speeches in their news bulletins, and he warned that anybody "bent on disturbing the peace and stability of the nation will be buried 6 feet deep". Private journalists and the general public condemned Jammeh's threat and accused him of intimidating journalists of the public radio and television.

Decrees 70 and 71, enacted in 1996, remained in effect and continued to inhibit free reporting. The decrees require all newspapers to post a \$6,500 (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 was frequent, and opposition views appeared in the independent press. English, French, and other foreign newspapers and magazines were 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. Only one private radio station produced independent news broadcasts throughout the year. In 1998 the Kanifing Magistrates Court seized the independent Citizen FM radio station and its equipment for failure to pay licensing fees. On July 3, the High Court ruled that the Government had seized Citizen FM radio station wrongly and ordered that the station's assets be returned to the station's proprietor. The station resumed broadcasting in October. Occasionally there were public affairs broadcasts on at least two independent radio stations. The British Broadcasting Corporation, Radio France International, and other foreign news reports sometimes are rebroadcast by local stations, and all are available via shortwave radio. Senegalese television and radio are available in many parts of the country. Wealthy residents also used television satellite systems for independent news coverage.

On August 10, a group of unidentified arsonists attempted to burn the private radio station, Radio 1 FM. Owner George Christensen, a radio announcer, and a watchman were injured while trying to extinguish the fire. Christensen reported that he had been alerted 2 days earlier that some persons were planning to attack the radio station, and he had informed a senior army officer about the matter. On August 14, a group of unidentified persons again attempted to burn the house of a Radio 1 announcer.

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

There was convenient, inexpensive Internet access through Internet cafes and private accounts. The Government did not restrict Internet access or operation.

There were no reports of any government restrictions on academic freedom. There is one national college, a university extension program, and several smaller, private, postsecondary educational institutions.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. The authorities interfered with efforts by the principal opposition party, the UDP, to organize public meetings.

On April 10, Gambia Student Union members attempted to hold a peaceful demonstration to protest the alleged mishandling of the investigation into the death of a student while in the custody of fire officers (see Section 1.a.). The students also were protesting the alleged rape of a 13-year old school girl by an unidentified

man in uniform (see Section 1.c.). When police attempted to stop the demonstration, the student demonstrators burned tires and threw stones. In response security forces used live ammunition against the students, killing and injuring many students and arrested hundreds of students (see Sections 1.a., 1.c., and 1.d.).

In June and July, the Government denied the UDP permits to hold rallies following a clash between a group of former-July 22 APRC Movement members and UDP supporters on June 17. The UDP was blamed for violating conditions of the Public Order Act by using abusive words against government authorities and individuals at public rallies. However, after July the UDP held several rallies in the greater Banjul area without government intervention.

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 \$65,000 (1 million Dalasis) 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.

In May 1998, the imam of the largest mosque in Brikama was arrested together with a leading opposition party politician and eight others in a dispute over minor construction work at a mosque that reportedly was financed by supporters of the ruling party. In February 1999, the High Court acquitted all of the defendants of destruction of property and discharged the case. However, the Government filed an appeal in the High Court for the imam and three others to be retried. The imam's lawyer filed a writ of summons in the High Court, which ruled that it had no jurisdiction over the matter and referred the case to a district tribunal. Subsequently, the case was filed at the Court of Appeal, but the case was adjourned until April. At year's end, it had not been heard. In November the imam was reinstated at the Brikama mosque and was leading prayers.

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. Following the alleged January 15 coup attempt, armed soldiers harassed and detained citizens and foreigners at the Denton Bridge checkpoint for not carrying their identification cards. However, the Army Chief of Staff, at a press conference on January 19, apologized to the victims and called on the public to understand that the soldiers only were conducting their duties for security reasons. There were no reported harassments and detentions thereafter.

The authorities prohibited those under investigation for corruption or security matters from leaving the country. A few politicians associated with the opposition UDP also were denied passports, although they were not facing corruption or security charges. 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 U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Although there was no available estimate of the numbers involved, the Government provides first asylum and provided it to persons from Senegal and Guinea-Bissau during the year. The Government works with the UNHCR and local NGO's in processing refugee claims. The country hosts approximately 8,000 refugees from Sierra Leone, Senegal, Guinea-Bissau, Liberia, and other countries. The Government continued to host approximately 3,500 Senegalese refugees from the troubled Casamance region. There were no further UNHCR repatriations to the Casamance as in previous years.

There were no reports of the forced return of persons with a valid claim to refugee status to a country where they feared persecution.

There were reports that on occasion, immigration authorities harassed and detained immigrants and others (see Sections 1.c., 1.d., and 2.a.).

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.). 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.

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 legal obstacles to the participation of women in government; however, they are underrepresented in government and politics. One of the 45 members of the National Assembly is a woman. The Vice President (who is also Minister of Women's Affairs) is a woman, and there are two 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 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. Other human rights groups included the African Society of International and Comparative Law with two full-time staff members and the Foundation for Research on Women's Health, Productivity, and the Environment organized in 1991 to work on issues pertaining to woman's health and productivity with two full-time staff working on FGM.

In May 1999, President Jammeh appointed the first government ombudsman as required in the Constitution. On May 3, 1999, the National Assembly approved the appointment. During the year, the office of the ombudsman began operations and was charged with investigating allegations of maladministration, mismanagement, or discrimination; however, it did not take significant action in these areas.

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, is a problem; it is reported occasionally, and its occurrence is believed to be common. Police tend to consider these incidents to be domestic issues outside of their ordinary

jurisdiction. Rape and assault are crimes under the law; rape is not common. The law does not differentiate between married and unmarried women in this regard. Sexual harassment is not 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. 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; they 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 the state of the educational infrastructure prevents 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 more limited. The participation of girls in education is very low. Females constitute about 40 percent of primary school students and roughly one-third of high school students. The enrollment of girls is particularly low in rural areas where a combination of poverty and socio-cultural factors influence parents' decisions not to 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. 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, which can be as early as 12 years of age; incest is also illegal. These laws generally are enforced. 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 low level 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 (see Section 6.d.).

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 16 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 1999, 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 they 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 country became a full member of the International Labor Organization (ILO) in 1995; however, it has not ratified any ILO conventions.

The Gambian Worker's Confederation and the Gambian Workers' Union (GWU) 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.

In July there was a brief strike for higher wages at a Banjul soft-drink factory; the strike was resolved, but details of the settlement were not disclosed.

Unions and union confederations may affiliate internationally, and there were no restrictions on union members' participation in international labor activities. The GWU is a member of the International Confederation of Free Trade Unions.

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 exceeded 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 for engaging in legal union activities.

The Government established an export processing zone (EPZ) at the port of Banjul and the adjacent bonded warehouses. Several companies, including peanut oil exporters, began operation in the EPZ in August.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and it is not known to occur. The law does not prohibit specifically forced or bonded labor by children; however, 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 (see Section 6.d.).

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 assisted their families in farming and housework. In urban areas, many children worked as street vendors or taxi and bus assistants. The tourist industry has stimulated a low level of child prostitution (see Section 5).

On November 8, the National Assembly approved ILO Convention 182 on the worst forms of child labor; however, as of year's end, the Government had not completed formal ratification procedures. The Department of State for Labor is responsible for implementing the terms of the convention.

The law does not prohibit specifically forced or bonded labor by children; however, such practices are 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 \$0.80 (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 they 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 was 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 to, from, through, or within the country.

[End.]