



Gambia, The

Country Reports on Human Rights Practices - [2007](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

The Gambia is a multiparty, democratic republic with a population of 1.5 million. In September 2006 President Alhaji Yahya Jammeh was reelected for a third five-year term in an election considered partially free and fair. President Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC), continued to dominate after the National Assembly elections held on January 25, which were considered partially free and fair. In March 2006 a coup attempt was uncovered, and approximately 50 suspects were detained, one of whom remained in detention without charge awaiting trial at year's end. The trial of a second suspect began on December 5 and was ongoing at year's end. While civilian authorities generally maintained effective control of the security forces, there were some instances where security forces acted independently of government authority.

The government's respect for the human rights of its citizens did not improve during the year. Although the constitution and law provide for protection of most human rights, there were problems in many areas. Prison conditions remained poor. Arbitrary arrests and detentions continued. Security forces harassed and mistreated detainees, prisoners, opposition members, and journalists with impunity. Prisoners were held incommunicado, faced prolonged pretrial detention, and were denied due process. The government restricted freedom of speech and press. Women experienced violence and discrimination, and female genital mutilation (FGM) remained a problem. Child labor and trafficking in persons also were problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports that the government or its agents committed arbitrary or unlawful killings. However, on May 9, police volunteer Dodou Janneh stabbed and killed Sheriff Minteh during a police raid in Serrekunda, where officers were searching for youths smoking cannabis. On May 16, Janneh was charged with murder, and the case was ongoing at year's end.

In the case of the March 2006 coup plot, there were no developments in the case of the five detainees earlier held in the case but who the government claimed escaped while being transferred to a minimum security prison in April 2006. The government did not respond to allegations by nongovernmental organizations (NGOs) and online newspapers that the prisoners had been executed.

On May 19, the NGO Commonwealth Human Rights Initiative called for an African Commission on Human and People's Rights investigation of the 2005 deaths of at least eight migrant workers from Ghana, Nigeria, and Togo found dead in Brufut, near Banjul. In January 2006 government authorities announced the launch of an investigation into the deaths after the Ghanaian government and NGOs claimed that the government ordered state security guards to kill the men. No developments were reported by year's end.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

Since the July 2006 disappearance of journalist Ebrima Manneh, the government has denied holding him in custody, and on February 21, the police denied arresting him. On June 20, the Media Foundation for West Africa (MFWA) brought a lawsuit concerning Manneh's disappearance against the government at the Economic Community of West African States Community (ECOWAS) Court. On July 26, Manneh was reportedly sighted seeking medical treatment under police supervision at a hospital in Banjul, but his whereabouts remained unknown at year's end. During the year the ECOWAS

court hearing repeatedly was postponed due to lack of government representation at the proceedings; a hearing was pending at year's end.

On June 7, the defense lawyer in the case of United Democratic Party (UDP) supporter Kanyiba Kanyi filed a writ of habeas corpus at the high court in Banjul ordering the National Intelligence Agency (NIA) and police to release Kanyi. In September 2006 security forces reportedly arrested Kanyi and in October and December 2006 the courts ordered his release. The lawyer maintained that Kanyi was being held by the NIA, but his whereabouts remained unknown at year's end.

On October 12, Tamba Fofana was released without charge from police custody after being arrested in September 2006 on accusations of "anti state" activities. Police had denied knowledge of his whereabouts despite a court order in December 2006 to release him.

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

The constitution and law prohibit such practices; however, there were reports that security forces beat and mistreated persons in custody. Throughout the year, defendants, including those held in connection with the March 2006 coup plot, made credible reports of being tortured while in detention. The torture claims included allegations of electrocution, cigarette burns, plastic bags held over people's heads, knife wounds, cold water treatments, and threats of being shot. The government did not respond to these allegations.

The Indemnity Act continued to prevent victims from seeking redress in torture cases related to official actions taken by military personnel during the country's period of military rule from 1994-1996. The army requests that victims file formal complaints with the courts regarding alleged torture that occurred outside the official military rule. However, there were no known prosecutions in civil courts or military courts of security forces members accused of mistreating individuals during the year. On August 16, at the closing ceremony of a civil-military relations seminar, the military chief of staff publicly announced a zero-tolerance policy for military abuse of civilians, and some reports indicated such abuse may have declined.

On November 29, the MFWA filed a lawsuit against the government at the ECOWAS court over the March 2006 illegal detention and torture of journalist Musa Saidykhan, editor in chief of *The Independent* newspaper. Saidykhan claimed electric shocks were administered to his naked body during his 22-day detention before he was released without charge. No government representative appeared at the ECOWAS hearing, and the government did not respond to the torture allegations by year's end.

There were no developments in the 2005 case in which the Police Intervention Unit—a paramilitary wing of the police--severely beat workers at a hotel construction site for reportedly obstructing a police officer and helping to free a prisoner.

Unlike in the previous year, there were no claims by opposition members that the government trained vigilante groups, known as "green boys", who were suspected of past human rights offenses.

Prison and Detention Center Conditions

Prison conditions generally did not meet international standards, although detention center conditions generally did. The government permitted some visits by independent human rights observers, but they were not allowed to visit detainees and prisoners connected to matters considered politically sensitive.

Local jails were overcrowded, and inmates, including detainees awaiting trial, occasionally slept on the floor. Inmates complained of mistreatment by guards, poor sanitation, and inadequate nutrition, and often relied upon outside sources of food, which was allowed prior to conviction. Prison guards were reluctant to intervene in fights between prisoners, which resulted in injuries.

Although prison officials made attempts to improve prisoners' nutrition and well-being during the year, there were several unconfirmed reports of deaths of prisoners at the Mile 2 prison due to poor diet, health, and living conditions. Prison officials maintained that prisoners had access to round-the-clock medical care.

On July 9, police reported the death in custody of Musa Bah who had been arrested on July 3 on accusations of breaking and entering. A doctor reported that Bah had died of a heart attack. The police denied the Bah family's claim that the body was left in a police station for several days. There were no developments by year's end.

There were unconfirmed reports that women occasionally were held with men.

Pretrial detainees were held together with convicted prisoners.

The government permitted restricted independent monitoring of prison conditions by some local and international human rights groups; neither the media nor the International Committee of the Red Cross (ICRC) was granted access to detainees or prisoners during the year.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, there were instances of police and security forces arbitrarily arresting and detaining citizens.

Role of Police and Security Apparatus

The armed forces are responsible for external defense and report to the secretary of state (minister) for defense, a position held by the president. The police, under the secretary of state for the interior, are responsible for public security. The NIA is responsible for protecting state security, collecting intelligence, and conducting covert investigations, and reports directly to the president. The NIA is not authorized to investigate police abuses, but during the year the NIA often assumed police functions such as detaining and questioning criminal suspects. Security forces generally were corrupt and ineffective. On occasion security forces acted with impunity and defied court orders.

The police's human rights and complaints unit receives and addresses complaints of human rights abuses committed by police officers from both civilians and other police officers. During the year the unit received several complaints, and some police officers faced disciplinary actions as a result.

On August 10, two women claimed they were raped by three men claiming to be police officers. Police denied the allegations, and there was no known investigation or prosecution during the year.

Arrest and Detention

The law requires that authorities obtain a warrant before arresting a person; in practice individuals often were arrested without a warrant. Periods of detention generally ranged from a few hours to 72 hours, the legal limit after which detainees must be charged or released; however, there were several instances of detentions surpassing the limit. There was a functioning bail system; however, on occasion, the courts released accused offenders on bail, while the police or other law enforcement agencies rearrested offenders upon their leaving the court. Detainees generally were not promptly informed of charges against them, nor were they allowed prompt access to a lawyer, and if indigent, to one provided by the state. Detainees were not allowed prompt access to family members. However, unlike in the previous year, prisoners were generally permitted to meet privately with their attorneys.

Military decrees enacted prior to the constitution give the NIA and the secretary of state for the interior broad power to detain individuals indefinitely without charge "in the interest of national security." These detention decrees are inconsistent with the constitution, but they have not been subject to judicial challenge. The government claimed that it no longer enforced the decrees; however, there were several cases during the year of detentions that exceeded the 72-hour limit. There were also reports that some government-employed detainees held at length without conviction were not paid their salaries, although the law provides that civil servants, including military officers, in detention or on trial for criminal offenses be paid half of their salary. The second half is paid to them in the case of acquittal.

Security forces arbitrarily arrested numerous persons for political reasons and the whereabouts of some political detainees, including a journalist and an opposition supporter detained in 2006, remained unknown at year's end.

Security officials arbitrarily harassed and arrested journalists during the year. On June 6, army sergeant Buba Jammeh was released unconditionally from detention after being arrested in May 2006 on accusations of being an informant for the online *Freedom Newspaper*. No charges were filed against him.

On October 6, the NIA arrested and questioned Gambian journalist Yaya Dampha of the pro-opposition newspaper *Foroyaa* and two Amnesty International (AI) researchers. On October 12, they were unconditionally released without charge.

During the year some detainees were held incommunicado for extended periods.

Two suspects in connection with the March 2006 coup attempt remained in detention at year's end. Security force member Yaya Bajinka remained in detention without charge since his arrest in July 2006 in connection to the March 2006 coup plot. Hamadi Sowe was charged with concealment of treason in March 2006. His trial began on December 6 and was ongoing at year's end.

On July 6 and 7, Lieutenant Colonel (retired) Vincent Jatta, Ngorr Secka, and Baba Saho were pardoned and released before their cases went to trial. In July 2006 they originally were charged with concealment of treason in connection with the failed March 2006 coup plot.

On July 8, former police commissioner Ebrima Camara and army sergeant Buba Mendy were released without charge after being arrested in April 2006 on suspicion of involvement with the coup plot.

On October 12, Ousman Jatta, who had been in detention since September 2006, was released from detention following a third high court order for his release on June 5. Jatta was rearrested twice in 2006 without charge for expressing views in disagreement with the government.

On December 27, detainees Foday Barry and Abdoulie Kujabi, arrested in April 2006 in connection to the coup plot, were released unconditionally, and their charges were dropped without explanation.

The whereabouts of former chief of defense Colonel Ndure Cham, the alleged mastermind of the March 2006 coup plot, remained unknown at year's end.

Backlogs and inefficiency in the justice system resulted in lengthy pretrial detentions. Approximately 30 inmates in the prison system were in pretrial detention, and some had been incarcerated for several years while awaiting trial. Several long-term detainees were released without charge or pardoned during the year.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the courts demonstrated independence on several occasions. However, in practice the courts, particularly at the lower levels, were corrupt and subject to executive pressure at times. There were instances of the government and security forces disregarding court orders.

The government continued to recruit judges and magistrates from other Commonwealth countries that have a similar legal system since foreign judges were generally less susceptible to corruption and executive branch pressure.

The judicial system is composed of the Supreme Court, the court of appeal, high courts, and eight magistrate courts. Cadi courts have jurisdiction over Islamic matters of marriage, divorce, land disputes, and inheritance where Muslim parties are involved. District chiefs preside over local tribunals that administer customary law at the district level. Cadi courts and district tribunals do not offer standard legal representation to the parties involved, since lawyers are not trained in Islamic or customary law. Military tribunals cannot try civilians.

On June 4, a judicial complaints board was established in the Office of the Chief Justice. The board is chaired by the chief justice and includes the attorney general and secretary of state for justice, the secretary of state for the interior, the inspector general of police, the director general of the NIA, the master of the high court, and the judicial secretary. The board reportedly was fully operational and heard several complaints during the year.

Trial Procedures

The constitution and law provide for a fair and public trial, and the judiciary generally enforced this right, although frequent delays and missing or unavailable witnesses, judges, and lawyers often impeded the process. Many cases were also delayed because of adjournments designed to allow the police or NIA time to continue their investigations. Both civilian trials and courts martial are held in public, but occasionally closed-court sessions were held to protect the identity of a witness. No juries are used in the civilian courts, but courts martial proceedings are presided over by a judge advocate assisted by a panel of senior military officers.

Indigent defendants charged with murder or manslaughter have a right to an attorney provided at public expense. The prosecution prepares a case file, including testimonies and evidence, and provides a copy for the defense. Defendants are presumed innocent, have the right to confront witnesses and evidence against them, present witnesses on their own behalf, have the right to an attorney, and appeal judgment to a higher court. The law extends the above rights to all citizens, and there were no groups that were denied these rights.

The judicial system suffered from inefficiency at all levels. Cases continued to be delayed because the court system was overburdened. To alleviate the backlog, the government continued to recruit judges and magistrates from other Commonwealth countries that have a similar legal system. The attorney general oversees the hiring of foreign judges on contract. The government reserves the right not to renew a judge's contract.

The judicial system recognizes customary, Shari'a (Islamic law), and general law. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and other traditional and social relations.

Shari'a was observed primarily in Muslim marriage and divorce matters; it favored men in its provisions. General law, following the British model, applied to felonies and misdemeanors in urban areas and to the formal business sector.

On April 19, the judge in the court martial proceedings of ten military officers suspected in the March 2006 coup plot delivered the verdicts.

Captain Bunja Darboe, Captain Wassa Camara, and Second Lieutenant Pharing Sanyang were convicted on five counts: counseling or procuring persons to commit mutiny; causing or conspiring with others to cause mutiny; mutiny; treason; and conspiracy to commit treason. Captain Yaya Darboe was charged with all five of the same counts, but was acquitted on the second charge and convicted on the remaining four. All four men were sentenced to life imprisonment.

Captain Pierre Mendy, Captain Abdoukarim Jah, Lieutenant Momodou Alieu Bah, Corporal Samba Bah, Lance Corporal Babou Janha, and Private Alhaji Nying were each convicted on three counts: failure to report mutiny; treason; and concealment of treason. Captain Jah and Lieutenant Bah were both sentenced to 25 years in prison for each count, to run concurrently. The remaining four officers were sentenced to ten years for each count, to run concurrently.

On August 9, the judge in the trial of four civilians suspected in the coup plot delivered the verdict.

Tamsir Jasseh, Omar Faal Keita, and Alieu Jobe were convicted on three charges: treason; conspiracy to commit treason; and providing accessory to treason. They were sentenced to 20 years for the first count, 18 years for the second, and two years for the third, to run concurrently with hard labor. Demba Dem was acquitted on all charges.

Political Prisoners and Detainees

During the year there were credible reports that the government held civilians based on their political views or associations and that some were held incommunicado for prolonged periods. The government also arrested and detained opposition members who publicly criticized or who expressed views in disagreement with the government.

Civil Judicial Procedures and Remedies

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

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

The constitution and law prohibit such actions, but the government did not always respect these prohibitions in practice. Decree 45, which provides constitutional safeguards against arbitrary searches and the seizure of property without due process, remained in effect, and the government generally enforced it.

Observers believed the government monitored citizens engaged in activities that it deemed objectionable.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and the press; however, the government limited these rights by intimidation, detention, and restrictive legislation. Although the independent press practiced a degree of self-censorship, opposition views regularly appeared in the independent press, and there was frequent criticism of the government in the private media.

The government published one newspaper, *The Gambia Daily*. The privately owned *Daily Observer* favored the government in its coverage. There were five other independent newspapers, including one published by an opposition political party that remained highly critical of the government. There was one independent biweekly magazine. *The Independent*, shut down by the government in March 2006, remained closed at year's end.

During the year one government-owned and four private radio stations broadcast throughout the country. During most of the year the government-owned Gambia Radio and Television Services (GRTS) gave very limited coverage to opposition activities. Local television stations rebroadcast the BBC, Radio France Internationale, the Voice of America, and other foreign news reports, and all were available via shortwave radio. GRTS television, foreign cable, and satellite television

channels broadcasting independent news coverage were available in many parts of the country, and the government allowed unrestricted access to such networks.

The Senegalese-owned radio station SUD FM, whose license was revoked by the government in 2005, remained closed during the year.

The deterioration of the country's media environment continued during the year. The government harassed journalists who wrote articles it considered inaccurate or investigated cases it considered sensitive. Several journalists reportedly went into hiding out of fear of government retaliation.

On March 28, Fatou Jaw Manneh, a Gambian journalist and political activist living overseas, was detained upon arrival in the country. After being held for six days, beyond the 72-hour legal limit, she was charged on April 3 with three counts of sedition, based on remarks she made during a 2004 interview with an online newspaper. On April 4, she was released on bail, and, on June 19, she received a fourth charge of uttering seditious words. During the year the question of the proper jurisdiction for the case led to trial delays, as the case was transferred between three district courts. On December 7, a high court justice ruled the trial should be relocated to the Kanifing magistrate court, where initial hearings were held; the trial was ongoing at year's end.

On September 9, Malik Jones, a GRTS radio producer, and Mamsait Ceesay, a press officer at the Office of the President, were arrested and then charged on September 12 under the Official Secrecy Act for passing information deemed harmful to state security to a foreign journalist. Their arrest was reportedly linked to a September 6 story carried by *The Daily Observer* and retracted on September 8. The original story erroneously reported the replacement of a senior official at the Office of the President. On September 18, Ceesay was released on bail, and on September 21, Jones was released on bail; both were subsequently fired from their jobs. The presiding judge ordered a stay of prosecution pending directions from the attorney general's office to proceed with the case; the case remained suspended at year's end.

Journalist Yaya Dampha was arrested without charge on October 6 and released on October 12 along with two AI researchers. Dampha was reportedly questioned separately from and more frequently than the researchers. After his release, he and his family were reportedly harassed by security forces, and Dampha reportedly went into hiding in Senegal.

On June 5, Lamin Fatty, journalist for *The Independent*, was convicted of "willfully, negligently, or recklessly publishing false information" in March 2006. Fatty was sentenced to an optional fine of \$2,174 (50,000 dalasi) or a one-year prison term. After a journalists' organization contributed a loan to pay the fine, Fatty was released on the same day, June 5. Several international NGOs criticized the verdict and trial, which began in June 2006 after he was originally arrested and held without charge for 63 days. Fatty's appeal of the verdict was pending at year's end.

In some cases journalists from certain independent newspapers were denied access to state-sponsored events and press conferences due to official disapproval of their editorial stance.

During the three-week campaign period before the January 25 legislative election, opposition parties were allotted television time slots, but coverage of opposition rallies was limited. Contrary to the code of conduct adopted by the media for election coverage, the ruling APRC party received more coverage than the opposition, including on the "no campaigning" day prior to the election.

Internet Freedom

Although there were no reports that the government monitored e-mail or Internet chatrooms, the government continued to block access to *The Freedom* newspaper Web site during the year. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail. Although many citizens are illiterate and most did not have computers or Internet connections at home, Internet cafes were popular in urban areas.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

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

Societal Abuses and Discrimination

In late April there was an altercation between a Catholic priest and a group of Muslims in the town of Brikama, reportedly due to noise coming from the Catholic church during Muslim prayers at a nearby mosque. The government reportedly ordered an investigation, and the Christian Council and Supreme Islamic Council met to work on reconciliation efforts, but no results were made public during the year.

On December 7, a group of evangelical Christians stated that they were harassed by Muslims who reportedly threw large rocks into the Christians' compound. The police ordered an investigation, but there were no further developments by year's end.

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

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, but allow for "reasonable restrictions." Restrictions were made on foreign travel for many people released from detention, often because their travel documents were temporarily confiscated at the time of their arrest or soon afterwards.

During the year Musa Dibba was obligated to report to the NIA every week. In April 2006 the government confiscated Dibba's travel documents after he was briefly arrested for suspected involvement in the March 2006 coup plot attempt.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the World Food Program, and other humanitarian organizations in assisting refugees and asylum seekers with integration efforts. UNHCR coordinated government efforts with the International Organization for Migration, the Gambia Red Cross Society and other agencies to provide protection and assistance to refugees, returning refugees, and asylum seekers.

The law prohibits forced exile, and the government did not use it.

Protection of Refugees

Neither the constitution nor the law provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has established a system for providing such protection to refugees. The government granted refugee status during the year. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. Approximately 10,000 Senegalese refugees remained in the country during the year.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation

On January 25, National Assembly elections were held. The two largest opposition political parties, the UDP and the National Reconciliation Party, continued to run as a separate alliance. The ruling APRC won 42 of the 48 elected seats, and President Jammeh appointed five nominated members, including the speaker. In September 2006 President Jammeh was reelected for a third term, winning approximately 67 percent of the vote. The main opposition political party, the UDP, challenged the election; however, in October 2006, the courts upheld the election results.

Individuals representing political parties or running as independents could freely declare their candidacy if their nomination was approved according to the rules of the Independent Electoral Commission.

International observers declared the presidential and National Assembly elections partially free and fair with shortcomings, noting under-age voting, voting by non-nationals, and biased media coverage in favor of President Jammeh. There were reports of security officers demonstrating partisan support while on duty in the days before the January 25 elections.

However, observers agreed that both election results represented the will of the people. Opposition parties criticized these irregularities and stated that the APRC did not adhere to the code of conduct in the political memorandum of understanding brokered by The British Commonwealth in 2005.

The government arrested members of the opposition and an opposition candidate during the year. On January 7, Nfamara Bojang, a UDP candidate in the National Assembly election, was reportedly arrested due to a 2005 case involving possession of faked Gambian currency notes amounting to \$1.52 (35 dalasi).

There were five women in the 53-seat National Assembly; two were elected and three were nominated by the president. At year's end there were four women in the 18-member cabinet, including the vice president.

There were no statistics available on the percentage of minorities who compose the legislature or the cabinet. President Jammeh and many members of his administration were from the previously marginalized minority Jola ethnic group.

Government Corruption and Transparency

The law provides criminal penalties for official corruption. The World Bank's worldwide governance indicators reflected that corruption was a serious problem, although there were some government efforts to curb it during the year. The president often spoke against corruption, and leading political and administrative figures faced harsh sentences on charges of corruption and wrongdoing. On March 12, the National Assembly adopted a code of conduct in an effort to allow for greater accountability and transparency in the legislature.

On October 24, former Mayor of Banjul Pa Sallah Jeng was acquitted and discharged by the High Court on six charges of abuse of office. In March 2006 Jeng was charged with the same allegations of corruption, abuse of office, and unauthorized spending for which he had been acquitted in 2005.

Public officials were not subject to financial disclosure laws, and no specific government agency was responsible for combating corruption.

The constitution and law do not provide for public access to government information. Under the Official Secrets Act, civil servants are not allowed to divulge information about their department or to speak to the press without prior clearance with their head of department.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Some members of domestic human rights groups reportedly practiced self-censorship in matters related to the government. Several groups expressed concern over the situation of detainees held incommunicado, but the government did not respond. The government allowed visits by the UN and other international governmental organizations, such as the Commonwealth Secretariat, but offered no response to reports issued after the visits.

The Office of the Ombudsman operated the National Human Rights Unit (NHRU) to promote and protect human rights and to support vulnerable groups. During the year the unit's reports focused on social and economic issues, such as gender, welfare, and child labor, and were not critical of the government.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, religion, sex, disability, language, or social status, and the government generally enforced these prohibitions.

Women

The law prohibits rape, and the government enforced it effectively, although rape remained a widespread problem. The penalty for rape of an adult is life in prison, and the maximum penalty for attempted rape is seven years imprisonment. The law against spousal rape was difficult to enforce effectively, as many did not consider spousal rape a crime and failed to report it. Domestic violence, including spousal abuse, was a problem although underreported due to the stigma

surrounding such violence. Police considered reported incidents to be domestic issues outside of their jurisdiction. There was no law prohibiting domestic violence; however, cases of domestic violence could be prosecuted under laws prohibiting rape, spousal rape, and assault.

Prostitution is illegal, and it was a problem particularly in the tourist areas. Unlike in the previous year, there were no reports that the government expelled foreign prostitutes. Suspected prostitutes were arrested in periodic raids; those who pled guilty to charges of being rogues and vagabonds were sentenced to fines or imprisonment for seven to 30-days. The Tourism Offences Act deals with tourism-related offenses, including sex tourism, which were reportedly increasing. The act prohibits child prostitution, trafficking, and pornography. No known prosecutions or convictions were made under the act during the year.

There are no laws against sexual harassment, although it was reportedly widespread.

Traditional views of women's roles resulted in extensive societal discrimination in education and employment. Employment in the formal sector was open to women at the same salary rates as men. No statutory discrimination existed in other kinds of employment; however, women generally were employed in such pursuits as food vending or subsistence farming.

Shari'a law is applied in divorce and inheritance matters for Muslims, who make up more than 90 percent of the population. Women normally received a lower proportion of assets distributed through inheritance than males. The appropriate church and the Office of the Attorney General settled Christian and civil marriage and divorce matters.

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

During the year a reproductive health campaign funded by the World Health Organization, and conducted by the National Reproductive and Child Health Unit of the Department of State for Health and Social Welfare, was conducted to encourage men to become involved with sexual and reproductive health issues. On July 31, the president declared that all maternal health care services would be provided free of charge in government-run hospitals.

Children

The government was committed to children's welfare; however, budgetary constraints limited resources available to support education, health, and social services.

The constitution and law mandate free, compulsory primary education up to eight years of age, but the inadequate educational infrastructure prevented effective compulsory education, and children paid fees to attend school. During the year the government estimated that 75 percent of children were enrolled in primary schools. Another 15 percent were enrolled in the Islamic schools called "madrassas." Girls constituted approximately 51 percent of primary school students and roughly one-third of high school students. The enrollment of girls was low, particularly in rural areas, where a combination of poverty and cultural factors influenced parents' decisions not to send girls to school. As part of the government's ongoing initiative to get girls in school, the government continued a countrywide program to pay basic school fees for all girls. However, in two urban regions, girls still were required to pay for books, school fund contributions, and exam fees.

The law protects and promotes the welfare of children, and curbs abuses against children, including trafficking in persons. In February 2006 the first of five regional children's courts was established. The courts have jurisdiction to hear all adoption, custody, maintenance, parentage, special, and most criminal cases affecting children.

The authorities generally enforced laws when cases of child abuse or mistreatment were brought to their attention. There was no societal pattern of abuse against children. Carnal knowledge of a girl under the age of 16 is a felony except in the case of marriage, which can be as early as 12 years of age. Incest also is illegal. Serious cases of abuse and violence against children were subject to criminal penalties. For example, on November 1, a foreign national was convicted and fined for offenses related to child pornography under the Tourism Offenses Act, and on November 16, a man was sentenced to three years imprisonment under the constitution for sexually abusing a child.

In July 2006 a government shelter for children, including victims of trafficking, began operating in the Banjul area. During the year the Department of Social Welfare indicated it was able to admit only 100 children to the shelter at a time, although the shelter only housed a few children at year's end.

On March 14, the Department of Social Welfare organized a national conference to adopt a national strategic plan of action on orphans and vulnerable children. The department adopted the plan during the year.

The law does not prohibit female genital mutilation (FGM), and the practice remained widespread and entrenched. Between 60 and 90 percent of women have undergone FGM, and seven of the nine major ethnic groups reportedly practiced FGM at ages varying from shortly after birth until age 16. FGM was less frequent among the educated and urban segments of those groups. Some religious leaders publicly defended the practice. There were unconfirmed reports of incidences of health-related complications, including deaths, associated with the practice of FGM; however, no accurate statistics were available. Several NGOs conducted public education programs to discourage the practice and spoke out against FGM and harmful traditional practices in the media. One NGO led a campaign to mobilize practitioners of FGM to abandon the practice, and approximately 50 had done so by year's end. The government publicly supported efforts to eradicate FGM and discouraged it through health education. During the year the National Assembly Select Committee on Women and Children continued its campaign against FGM and other harmful traditional practices affecting women and children.

Trafficking in Persons

Trafficking in persons occurred, and the government considered it a serious problem. The Children's Act prohibits trafficking in children. On September 6, the National Assembly passed the Trafficking in Persons Act prohibiting all forms of trafficking in persons. On October 5, President Jammeh signed the act into law.

The penalty for trafficking in children under the age of 18 is life in prison and a substantial monetary fine. Enforcement of the Children's Act is primarily the responsibility of the Tourism Security Unit, a unit of the national army created specifically to enhance security in the tourism sector and keep minors out of the resort areas. There were no prosecutions under this law during the year. Under the new Trafficking in Persons Act, the minimum prison term for trafficking an adult is 15 years and a substantial monetary fine. No prosecutions were made under this law during the year.

The country was a source, transit point, and destination for trafficked persons. The number of persons, mostly children, trafficked for commercial sexual exploitation was small but significant.

Victims of trafficking were children of both sexes, normally under 18 years of age. Trafficking victims mostly came from conflict-ravaged countries, such as Liberia and Sierra Leone. Victims from Senegal, Guinea Bissau, and Sierra Leone told the NGO Child Protection Alliance (CPA) that foreign residents obtained permission from their families to employ them as bar waitresses or domestic maids. After their arrival in the country the local employers informed the victims that their duties entailed commercial sex work.

Some child prostitution victims stated they worked to support their families or because they were orphans and their guardian/procurer supported them.

There was no evidence of government involvement at any level in trafficking in persons.

While the government had no established victim care and health facilities for trafficked persons, it provided temporary shelter and access to medical and psychological services to reported victims of trafficking.

The government's multi-agency trafficking in persons taskforce, which also included representatives from UNICEF, the National Assembly, and the CPA, met once during the year. The new Trafficking in Persons Act provides for a national agency against trafficking to be established; however, it was not formed by year's end. A dedicated officer for trafficking issues continued to operate at the Department of State for Justice. NGOs were active in raising awareness about trafficking.

Persons with Disabilities

Although the constitution protects persons with disabilities against exploitation and discrimination, no government agency is directly responsible for protecting persons with disabilities. The Department of State for Health and Social Welfare dealt mainly with supplying some persons with disabilities with wheelchairs received from international donors. There is no legal discrimination against persons with physical disabilities existed in employment, education, or other state services; however, there was some societal discrimination. Persons with severe disabilities subsisted primarily through private charity. Persons with less severe disabilities were accepted fully in society, and they encountered little discrimination in employment for which they were physically capable. There were no laws to ensure access to buildings for persons with disabilities, and very few buildings in the country were specifically accessible to persons with disabilities.

During the year government removed many beggars with disabilities from the streets in an effort to end the problem of street begging, which it viewed as a public nuisance. The issue of the rights of persons with disabilities attracted press coverage throughout the year, and several NGOs sought to improve awareness of these rights, including encouraging the participation of persons with disabilities in sports and physical activities. The NHRU specifically sought to promote the rights of women with disabilities. Persons with disabilities were given priority access to polling booths on voting day.

Other Societal Abuses and Discrimination

There was evidence of societal discrimination against persons infected with the HIV/AIDS virus. Stigma and discrimination hindered disclosure and led to rejection from partners and relatives. The government took a multisectoral approach to fighting HIV/AIDS through its national strategic plan, which provides for care, treatment, and support to persons living with, or affected by, HIV/AIDS, and the protection of the rights of those at risk of infection. In April the National AIDS Secretariat collaborated with The Gambia Chamber of Commerce and Industry to develop a business coalition response to HIV/AIDS using workplace policies to destigmatize AIDS and allow workers to feel comfortable asking for information. Public discourse about HIV/AIDS increased during the year, as President Jammeh launched an herbal treatment program for the virus. Throughout the year, the secretary of state for health urged persons to undergo voluntary HIV/AIDS counseling and testing.

There were no discriminatory laws based on sexual orientation; however, there was societal discrimination based on sexual orientation, which remained a social taboo. In an October 13 speech to commemorate the end of Ramadan, the president condemned homosexuality as un-Islamic.

Section 6 Worker Rights

a. The Right of Association

On September 3, the National Assembly passed a revised Labor Act, which the President authorized on October 17. The act incorporates principles set out in various ILO Conventions that deal with the abolition of forced labor, the minimum age for employment, the elimination of the worst forms of child labor, the right to organize and collective bargaining, and discrimination in employment and occupation. The act applies to all workers, including foreign or migrant workers and specifies that workers are free to form associations, including trade unions, and workers exercised this right in practice. However, the act specifically prohibits police officers and military personnel, as well as other civil service employees, from forming unions. Unions must register to be recognized, and there were no cases where registration was denied to a union that applied for it. Approximately 20 percent of the work force was employed in the modern wage sector, where unions were most active.

Employers may not fire or discriminate against members of registered unions for engaging in legal union activities, and the government intervened to assist workers who were fired or discriminated against by employers.

b. The Right to Organize and Bargain Collectively

The law permits unions to conduct their activities without interference; however, the government interfered with unions' right to strike in practice. Unions were able to negotiate without government interference; however, in practice the unions lacked experience, organization, and professionalism and often turned to the government for assistance in negotiations. The law allows workers to organize and bargain collectively, and although trade unions were small and fragmented, collective bargaining took place. Union members' wages, which generally exceeded legal minimums, were determined by collective bargaining, arbitration, or agreements reached between unions and management. The Labor Act also sets minimum contract standards for hiring, training, and terms of employment and provides that contracts may not prohibit union membership.

The law authorizes strikes but also places restrictions on strikes by requiring unions to give the commissioner of labor 14 days' written notice before beginning an industrial action (28 days for essential services); no strikes occurred during the year. The law specifically prohibits police officers and military personnel, as well as other civil service employees, from striking. The police and military had access to a complaints unit, and civil servants could take their complaints to the Public Service Commission or the Personnel Management Office.

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. It prohibits retribution against strikers who comply with the law regulating strikes.

On April 11, the Gambia Dock and Maritime Workers Union claimed that the parastatal Gambia Ports Authority (GPA) was not providing dockworkers adequate compensation or access to protective clothing. On May 9, the GPA notified all dock workers of their imminent termination, noting a severance package was being negotiated. On June 21, the union protested and threatened to strike if the mass termination was not rescinded. On July 16, the Office of the President issued a press release warning against interference in the recruitment of replacement dockworkers or in the port services. On July 19, the GPA invited the union workers to a sensitization meeting to discuss the severance package. The GPA also informed workers that it would establish a new register on July 27 and take over recruitment of dock workers on August 1, despite union opposition. In early August the GPA reportedly dismissed 250 dockworkers without termination letters; the union subsequently informed the GPA that they would call a strike for September 1. On August 20, the NIA informed union leaders that their proposed strike was a threat to the peace and security of the country and would not be tolerated. The NIA gave the union a deadline of August 24 to call off the strike, which it did.

There is a government-established export-processing zone (EPZ) at the port of Banjul and the adjacent bonded warehouses. The labor code covers workers in the EPZs, and they were afforded the same rights as workers elsewhere in the economy.

c. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for forced sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor was a problem, although the constitution protects children less than 16 years of age from economic exploitation, and the Children's Act protects children, defined as those under the age of 18, from exploitative labor or hazardous employment. The act also sets the minimum age of 16 years for light work and 12 years for engaging in apprenticeships in the informal sector. Due to limited secondary school openings and no effective compulsory education, most children completed formal education by the age of 14 and then began work. Child labor protection does not extend to youth performing customary chores on family farms or engaged in petty trading, as child labor in informal sectors is difficult to regulate and laws implicitly apply only to the formal sector. In urban areas many children worked as street vendors or taxi and bus assistants. There were a few instances of children begging on the street. The tourist industry stimulated a low level of child prostitution. Other sectors where children between the ages of 14 and 17 were known to work include carpentry, sewing, masonry, plumbing, tailoring and auto mechanics.

The Department of Labor was responsible for enforcing child labor laws and conventions on the worst forms of child labor. Employee labor cards, which include a person's age, were registered with the labor commissioner, who was authorized to enforce child labor laws; however, enforcement inspections rarely took place. The Tourism Offences Act incorporates the International Labor Organization provisions outlawing child prostitution and pornography; however, the government was consistently ineffective in enforcing those provisions, and trafficking in children was a problem.

e. Acceptable Conditions of Work

Minimum wages and working hours are established by law through six joint industrial councils, comprising representatives from labor, management, and the government. The lowest minimum wage according to law was approximately \$0.85 (19.55 dalasi) per day for unskilled labor, but in practice the minimum wage was approximately \$2.17 (50 dalasi). The national minimum wage did not provide a decent standard of living for a worker and family. The minimum wage law covered only 20 percent of the labor force, essentially those workers in the formal economic sector, although most laborers were paid above the minimum wage. Minimum wage laws covered foreign or migrant workers. A majority of workers were employed privately or were self-employed, often in agriculture. Most citizens did not live on a single worker's earnings and shared resources within extended families. The Department of Labor is responsible for enforcing the minimum wage and it did so when cases of underpayment were brought to its attention.

The basic legal workweek is 48 hours within a period not to exceed six consecutive days. Nationwide, the workweek included four eight-hour workdays and two four-hour workdays (Friday and Saturday). There are no limits on hours worked per week and no prohibition on excessive compulsory overtime. A 30-minute lunch break is mandated. Government employees are entitled to one month of paid annual leave after one year of service. Most government employees were not paid overtime. However, government workers holding temporary positions and private sector workers received overtime calculated per hour. Private sector employees received between 14 and 30 days of paid annual leave, depending on length of service.

The law specifies safety equipment that an employer must provide to employees working in designated occupations. The law also authorizes the Department of Labor to regulate factory health and safety, accident prevention, and dangerous trades, and to appoint inspectors to ensure compliance with 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. The law provides that workers may refuse to work in dangerous situations without risking loss of employment; however, in practice authorities did not effectively enforce this right.

The law protects foreign workers employed by the government; however, it only provides protection for privately employed foreigners if they have a current valid work permit.

