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## U.S. Department of State

### The Gambia Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

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#### THE GAMBIA

The Gambia is ruled by President Yahya A.J.J. Jammeh, the former chairman of the Armed Forces Provisional Ruling Council (AFPRC) that seized power in a military coup in 1994, deposing the democratically-elected government of Sir Dawda Jawara. Jammeh resigned his military commission and was elected president in controversial elections in September 1996, which observers considered neither free nor fair. Three of the 13 members of the Cabinet are retired army officers who were Jammeh's allies during or immediately following the coup, and the security forces continue to exert strong influence in the Government. In January 1997, the Constitution of the Second Republic came into effect, restoring formal constitutional government, and citizens chose a National Assembly in elections whose results generally were accepted by the opposition. Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC), won 33 of the 45 Assembly seats filled by election. The Constitution provides for an independent judiciary; however, the judiciary reportedly is subject at times to executive branch pressure, especially at lower levels, but 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 Gambia's population of 1.3 million is divided between a rural majority and a rapidly growing urban minority. Much of the population is engaged in subsistence farming; the country's farmers, a majority of whom are women, grow rice, millet, corn, and groundnuts, the country's primary export crop. The

private sector, led by tourism, trading, and fisheries, has rebounded from a number of external shocks and is experiencing modest growth. A high population growth rate dilutes the positive effect of economic expansion. Per capita gross domestic product is estimated to be \$360.

There continued to be serious problems in the Government's human rights record; the human rights situation improved in a few areas but worsened in others. President Jammeh's dominance and restrictions on opposition parties continued, and in practice citizens still do not have an effective right to change their government. Security forces sometimes beat or otherwise mistreat detainees and prisoners. An agent of the State beat an opposition politician. Two individuals detained, but not charged, for participation in a November 1994 coup attempt were released; however, there were credible reports that these and other individuals accused of security offenses had been subjected to beatings and other harsh treatment while in prison. Prison conditions remained poor. Security forces at times arbitrarily arrested and detained citizens. The courts reportedly are responsive to executive branch pressure, particularly at lower levels, although they demonstrated their independence by ruling against the Government in some instances. However, in March police defied a High Court order to cease denying meeting permits to the leading opposition party (subsequently the police have obeyed the order). The Constitution declares illegal the prosecution of any member of the AFPRC for any official act or omission in the performance of official duties following the 1994 coup. The Government at times infringed on citizens' privacy rights; the right to transfer funds or assets remained restricted for some senior officials of the former Jawara government. The Government significantly limits freedom of speech and of the press. Government intimidation led journalists to practice

self-censorship. The Government restricted freedom of assembly and association. The opposition United Democratic Party (UDP) frequently was denied permission to hold public rallies. Although opposition forces were active and vocal in the National Assembly, a standing order forbade parliamentarians from criticizing the Head of State in their debates or discussing any matter before the courts. Although formal constitutional rule was restored in 1997, some constitutional provisions have not been respected in practice and others have not been tested in the courts. An apparently unconstitutional ban on political activity by some politicians and political parties remains in effect and has not been subject to judicial review. The Government at times limited freedom of movement; the right to travel for some senior officials of the former Jawara government remained restricted. The Government also withheld passports from at least two current opposition politicians, and the Secretary of State for the Interior publicly defended these practices. Discrimination and violence against women persists. The practice of female genital mutilation (FGM) is widespread and entrenched. Child labor is common.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political or other extrajudicial killings.

No action was taken against a group of soldiers who shot and killed a man on a beach in October 1997, despite assurances by the Department of State for Defense that the matter would be "judiciously and expeditiously addressed."

The circumstances of the death of Yaya Drammeh, a rebel accused of treason, in May 1997 have not been explained publicly.

On July 27, the Secretary of State for the Interior told the National Assembly that there had been no progress in his department's investigation of the 1995 death of former Finance Minister Ousman Koro Ceesay.

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

#### 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. In May an agent of the State severely beat opposition politician Lamin Waa Juwara in the presence of police. There were also reports that security forces beat military and security detainees, and that security prisoners sometimes are threatened with summary execution. For example, one of three former soldiers who staged an abortive raid on a military post in 1997 claimed that while in detention he was threatened with execution, tied and beaten, and burned with cigarettes by his interrogators. The court rejected these allegations. Two soldiers released in October after being held without charges since 1994 (see Section 1.d.) reportedly were beaten and treated harshly while in detention.

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

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

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

Conditions in one representative local jail were reportedly unsanitary and overcrowded. Inmates slept on cement benches or the floor with no blankets. There was one water tap in the cell area, but often no water.

The International Committee of the Red Cross visited Mile 2 prison in 1998. Local NGO's also generally are permitted to visit prisons upon request, but by year's end there were no visits by the African Center for Democracy and Human Rights Studies.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution includes provisions to provide protections 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. Two soldiers held without charges since 1994 for suspected

involvement in a coup attempt were released in October. However, there were credible reports that they had been subjected to beatings and other harsh treatment.

The Government has not revoked formally military decrees enacted prior to the current Constitution, which give the NIA and the Secretary of State for Interior power to detain individuals indefinitely without charge. The Government has stated that it no longer enforces these decrees, and in general, the Government appears not to enforce them. However, the Constitution provides that such decrees remain in effect unless inconsistent with its provisions. The decrees appear to be inconsistent with constitutional guarantees, but have not yet been subject to judicial challenge. In some instances, the Government did not respect the constitutional requirement that detainees be brought before a court within 72 hours.

In February the proprietor of the Independent Citizen FM radio station was held without charges for 4 days (see Section 2.a.). In May 10 persons, including UDP leader Lamin Waa Juwara and the imam of the largest mosque in Brikama, were arrested in a politically charged dispute over minor construction work at a mosque in Brikama. None of those arrested was charged within the constitutionally required 72-hour period. Charges against five of those detained were dropped, although four still face charges of damaging public property. At year's end, the four were not in detention, and their trial was ongoing. UDP party leader Ousainou Darboe was detained for several hours on May 20 while security agents searched his vehicle for illegal weapons. In August three journalists were detained for questioning about a newspaper story, but they were released without charges within 72 hours. (see Section 2.a.). In November six members of the UDP were arrested and detained for holding a political meeting without a permit, but they were released within 24 hours (see Section 2.b.).

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

The Government did not exile opponents. However, former President Jawara remains outside the country under threat of arrest and detention on corruption charges if he returns. Other senior officials of the former government, for example., Vice President Saihou Sabally, and Secretary General Abdou Sara Janha, also remain outside the country but do not face official charges. A Nigerian journalist whose work appeared frequently in the independent observer newspaper was detained and deported in June (see Section 2.a.).

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary is reportedly subject at times to executive branch pressure, especially at the lower levels. There was one instance in which the police defied a High Court order to permit a meeting by the opposition UDP. The courts nevertheless have demonstrated their independence on several occasions. 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 is appealing this decision to the Privy Council in London. In March the High Court ordered the Inspector General of Police to cease denying meeting permits to the leading opposition party because doing so violated constitutional provisions of free assembly and expression. Nevertheless, police prevented one rally from taking place after the court issued its order (see Section 2.b.); but subsequently the court's order was honored, and the UDP has held meetings without incident. The High Court also dismissed charges against some of the defendants in the politically-charged dispute concerning a mosque in Brikama (see Section 1.d.). The Court of Appeal also overturned several criminal convictions in less publicized cases.

The judicial system comprises a Judicial Committee of the Privy Council (based in London), the Court

of Appeal, high courts, and the eight magistrate's courts. The Constitution provided for a reconfiguration of the courts in October in which a Supreme Court would replace the Privy Council as the ultimate court of appeal. At year's end, the Government was establishing such a court. Village chiefs preside over local courts at the village level.

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

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

The junta that took power in 1994 appointed four commissions to investigate individuals and organizations suspected of corruption during the First Republic. These commissions had powers similar to a grand jury, with additional authority to recommend the seizure of assets, to imprison and fine for contempt, and to imprison or demand bond from individuals considered likely to abscond. Three of the commissions completed their work in March. The fourth commission has completed its investigation but has yet to submit a final report.

There were no reports of political prisoners.

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

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

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

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

There have been no credible reports of reprisals against family members of individuals accused of

involvement in countercoups or other forms of political opposition.

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

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

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

In February the NIA closed the country's leading independent radio station Citizen FM after the station broadcast reports that a senior NIA official had been dismissed for involvement in a counterfeit money scheme. The station's owner and news editor were detained (in the owner's case for longer than the constitutionally permitted period of 72 hours) but later were released without charge. However, the station was charged with failure to pay its licensing fees. Despite the controversy over licensing fees, a government press release when the station was closed made it clear that the station's editorial policies were a principal reason for the government action. The press release called the station's reporting "deceptive and irresponsible" and warned other radio stations that there would be "disciplinary measures" for reporting "allegations and unconfirmed rumors." In July a magistrate's court ordered that the station be forfeited to the Government for failure to pay the licensing fees, despite repeated offers by the station's ownership to pay past due accounts. The station is appealing this order, and at year's end, the case had not been resolved.

The country's leading independent newspaper, The Daily Observer, also experienced significant governmental interference. In April government officials raided the newspaper's offices and questioned those who could not show adequate documentation. In June a Nigerian journalist whose work often appeared in the newspaper was detained and deported for alleged immigration irregularities. In August two editors and a reporter for the newspaper were detained for questioning after publishing a story about the collapse of a wall on the grounds of State House. The three were released without charges within 72 hours. The Government posted immigration officers at The Daily Observer's offices for several periods. The officers reportedly demanded to see immigration documents for all non-Gambians entering the premises and also asked for identity documents from citizens. The newspaper complained that these activities interfered with its business operations, and by year's end the officials had been withdrawn. Several Daily Observer journalists have been deported for alleged immigration irregularities in previous years.

The Government employed arrest, detention, and interrogation to intimidate journalists and newspapers that published articles that it considered inaccurate or sensitive (see Section 1.d.). Decrees 70 and 71, enacted in March 1996, remained in effect and continued to inhibit free reporting. The decrees require all newspapers to post a \$10,000 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. These decrees and the fear of reprisals and government action have had a chilling effect. Although still independent, the nongovernment press practices a significant degree of self-censorship. However, strong criticism of the Government is nonetheless frequent, and opposition views appear in the independent press. English, French, and other foreign newspapers and magazines are available.

Radio broadcasts from the government station and private stations normally reach listeners in the eastern part of the country. Private radio stations simulcast news provided by Radio Gambia, the government station. After the closure of Citizen FM, only one private radio station produced independent news broadcasts. However, there were occasional public affairs broadcasts on at least two independent radio

stations. The British Broadcasting Corporation, Voice of America, Radio France International, and other news reports sometimes are rebroadcast by Gambian stations, and all are available via short-wave radio. Senegalese television and radio are available in many parts of the country. Wealthy residents also use television satellite systems.

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

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

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

The Constitution provides for freedom of assembly; however, the Government restricts this right in practice. The authorities interfered with efforts by the principal opposition party, the United Democratic Party (UDP), to organize public meetings. In several instances, the Government denied UDP requests for permits to hold political rallies or sent security services to break up the rallies. In one well-publicized incident, the Government defied a court judgment ordering the police to permit the UDP to hold rallies and broke up a UDP gathering near the principal mosque in central Banjul. Despite these incidents, the UDP was able to hold several well-attended rallies at which leaders made statements highly critical of the Government.

In another incident, members of the July 22nd Movement, a group allied with the ruling APRC, disrupted a workshop on local government reform held in Mansakonko in July. The movement members demanded the ejection of UDP politician Lamin Waa Juwara from the workshop. Police then escorted Juwara to a neighboring village where he was released unharmed. The Department of State for Local Government and Lands, the government ministry that sponsored the workshop, released a statement "dissociating" the Government from the acts of the July 22nd Movement. However, the office of the President effectively retracted this statement in August, when it accused Juwara of attempting to incite an ethnic rebellion and called the July 22nd Movement's actions "conscious and responsible."

In November authorities arrested and detained six members of the UDP for holding a political meeting without a permit; they were released within 24 hours.

The Constitution provides for freedom of association; however, the Government restricted this right in practice. Decree 89 banned three major opposition political parties, all former presidents, vice presidents, and ministers from political activity; the decree's penalty of life imprisonment for an individual or a \$100,000 (1 million dalasi) fine for an organization considerably restricted 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 challenge, as 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 done so.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. Adherents of all faiths are free to worship without government restriction. The expatriate leadership and expatriate staff members of the Ahmadi Islamic sect, who left the country in 1997 claiming fear of persecution after criticism by the imam of the mosque at Statehouse, have not returned. The Statehouse

imam made no further criticism of the Ahmadi sect.

In May the imam of the largest mosque in Brikama was arrested in a dispute over minor construction work at the mosque, which reportedly was financed by supporters of the ruling party. The imam, a largely apolitical figure who is nevertheless believed by many to oppose the ruling party, ordered a halt to the construction. Subsequently, he was arrested, together with a leading opposition party politician and eight others. After protracted legal proceedings, charges for destruction of property still are pending against the imam and three others, including the opposition politician. The imam no longer leads prayers at the mosque, although it is not clear whether this is from personal choice or government pressure.

#### 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. Although freedom of movement for ordinary citizens was unimpeded, the authorities prohibited those under investigation for corruption or security matters from leaving the country. Two 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 Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provided first asylum for approximately 3,000 persons from Senegal and Guinea-Bissau during the year. There were no reports of the forced expulsion of those having a valid claim to refugee status. The Government works with the UNHCR and local NGO's in processing refugee claims. The Gambia hosts approximately

8,000 refugees from Sierra Leone, Senegal, Guinea-Bissau, Liberia, and other countries. The Government continues to host approximately 3,500 Senegalese refugees from the Casamance region.

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

Despite a new Constitution and legislative elections in 1997, in practice citizens still do not have an effective right to change their government. 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 free and fair primarily because of government intimidation and restrictions imposed by the Government on opposition campaign efforts and 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, as most cases would have to be brought by a person who violated the decree. During the year, the Government thwarted an opposition effort to have the National Assembly repeal Decree 89.

In January 1997, the Constitution of the Second Republic came into effect, and citizens chose a new National Assembly in elections whose results were accepted by the opposition. President Jammeh's

party, the Alliance for Patriotic Reorientation and Construction (APRC) won 33 of 45 Assembly seats filled by election; 4 members are appointed by the President. Procedural methods are used to restrict debate within the National Assembly.

President Jammeh and his associates frequently made threats against political opponents that significantly inhibited normal political activity. In a speech in July commemorating the 1994 coup, Jammeh stated that those who attempt to destabilize The Gambia would be denied court proceedings and "never see any face on earth" again. In May Jammeh threatened to "chop up" his opponents. He added that those who want The Gambia to go backward would be "buried like dogs" and that those who insult him would "never see the sun." In February he criticized those who "seek refuge behind the curtain of constitutionality." Opposition speakers also occasionally made personal attacks on the President's religious beliefs, ethnic background, and other matters.

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 until 1999.

There are no obstacles to the participation of women in government; however, they are underrepresented. Only 1 of 45 members of the National Assembly is a woman; however, the Vice President (who is also Minister of Health) is a woman and 3 other ministers in the Cabinet are women.

#### **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 nongovernmental organizations to register with a National Advisory Council, which has the authority to deny, suspend, or cancel any NGO's right to operate (including that of international NGO's). However, the Government did not take action against any NGO's during the year.

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

#### **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. The Government generally respects these prohibitions.

##### **Women**

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

Shari'a law usually is applied in divorce and inheritance. Marriages often are arranged, and polygyny is practiced. Women normally receive a lower proportion of assets distributed through inheritance than do

male relatives.

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, although women generally are employed in endeavors such as food vending or subsistence farming.

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

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

Depending on the ethnic group, some marriages are arranged. 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.

Neither sexual harassment nor de facto sexual discrimination are believed to be widespread. Individual instances have been noted. Active women's rights groups exist, which are focused primarily on economic issues and the elimination of female genital mutilation (FGM).

## **Children**

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

The Constitution mandates free compulsory primary education, but given the current state of the educational infrastructure, this provision represents a goal and not an accomplishment. There is no effective compulsory education. However, in February the President announced an end to fees for the first 6 years of schooling and the Government has implemented the decision. Opportunities for secondary education are even more limited. The care and welfare of children in distress are considered primarily a family responsibility. In case of divorce, the Department of Social Welfare attempts to require periodic financial support by fathers; however, there is no criminal prosecution. Authorities intervene when cases of abuse or mistreatment are brought to their attention. Serious cases of abuse and violence against children are subject to criminal penalties.

There are a few instances of child street begging. The tourist industry has stimulated a small amount of child prostitution, which is prosecuted vigorously.

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 anywhere from 60 to 90 percent. Seven of the nine major ethnic groups practice FGM at ages varying from shortly after birth until 18 years old. The Government in recent years publicly has supported the eradication of FGM and discourages FGM through health education. However, FGM carried out with parental consent is not considered a criminal act. The Government has not passed legislation against FGM and, in the absence of legislation, the judiciary is not prepared to address the problem.

## 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 fully accepted in society and encounter no discrimination in employment for which they are physically capable.

## Section 6 Worker Rights

### a. The Right of Association

The Labor Act of 1990, 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. Roughly 30,000 workers are union members, constituting about 10 percent of the work force.

The Gambian Worker's Confederation and the Gambian Workers' Union are the two main independent and competing umbrella organizations. Both organizations are recognized by the Government.

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

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

### b. The Right to Organize and Bargain Collectively

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

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

### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits compulsory labor, and it is not known to occur.

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

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

The statutory minimum age for employment is 18 years. There is no effective compulsory education, and because of limited secondary school openings most children complete formal education by age 14 and then begin work. Employee labor cards, which include a person's age, are registered with the Labor Commissioner, but enforcement inspections rarely take place. Child labor protection does not extend to youth performing customary chores on family farms or engaged in petty trading.

In rural areas, most children assist their families in farm and housework. In urban areas, many children work as street vendors or taxi and bus assistants.

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

### e. Acceptable Conditions of Work

Minimum wages and working hours are established by law through six joint Industrial Councils--Commerce, Artisans, Transport, Port Operations, Agriculture, and Fisheries.

Labor, management, and the Government are represented on these councils. The lowest minimum wage is about \$1.16 (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, is covered by the minimum wage law. The majority of workers are privately or self-employed, often in agriculture. Most citizens do not live on a single worker's earnings but share resources within extended families.

The basic legal workweek is 48 hours within a period not to exceed 6 consecutive days. A 30-minute lunch break is mandated. Nationwide, the workweek includes 4 8-hour workdays and 2 4-hour work days (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 to appoint inspectors to ensure compliance with safety standards. Enforcement is spotty due to insufficient and inadequately trained staff. Workers may refuse to work in dangerous situations without risking loss of employment. They may demand protective equipment and clothing for hazardous workplaces and have recourse to the Labor Department.

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