THE GAMBIA 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Gambia is a multiparty democratic republic. In November 2011 voters reelected President Alhaji Yahya Jammeh to a fourth term in a peaceful, orderly election; however, international observers criticized it as neither free nor fair. President Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC), continued to dominate the political landscape, winning an overwhelming majority of National Assembly seats in the parliamentary elections on March 29. Six of the seven opposition parties boycotted the elections in protest over government intervention and intimidation of opponents. There were instances in which elements of the security forces acted independently of civilian control.

The most serious human rights problems in the country included government interference with the election process; the government's harassment and abuse of its critics; torture, arrest and detention, and sometimes enforced disappearance of its citizens; and executions as a result of a flawed, problematic, and politically charged legal process. Government officials routinely used various methods of intimidation to retain power. These problems resulted in a muzzled, poorly organized press and ineffective opposition groups.

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

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

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

a. Arbitrary or Unlawful Deprivation of Life

There were several reports that the government or its agents committed arbitrary or unlawful killings.

For example, on August 28, the government announced it had executed nine death row prisoners at Mile 2 Prison by firing squad. According to the official press release read over state-owned media, the executions were in response to an alleged rise in the crime rate and fulfilled an earlier threat by President Jammeh to execute all death row prisoners by mid-September. The president made the threat on August 19 during a televised meeting with Muslim religious leaders to mark the end of Ramadan. Many observers had expected the president to issue an amnesty for prisoners, given the holiday. The government last executed a prisoner in 1985. Although the president made similar statements in the past, he had not acted on them. Two of the executed prisoners were Senegalese, one of them a woman. Three others were reported political prisoners--former lieutenant Lamin Jarjou, former lieutenant Alieu Bah, and former sergeant Lamin F. Jammeh--who were convicted of treason for trying to overthrow the government, resulting in several deaths. The government stated that all those executed had exhausted the appeals process. Human rights activists and some international groups questioned the argument's legitimacy, given rule of law and due process issues. Amnesty International, in particular, cited the case of Lamin Darboe, who was serving a commuted life sentence and should not have been executed.

In April 2011 Cherno Alieu Suwareh of Bakau Sanchaba, West Coast Region, died following a confrontation with five officers of the National Drug Enforcement Agency (NDEA). In March 2011the officers raided Suwareh's compound, reportedly found cannabis in his room, and struck Suwareh's head against a wall, resulting in injuries to the forehead, according to Yerro Mballow, a police public relations officer. The Royal Victoria Teaching Hospital in Banjul admitted Suwareh, who died there 11 days later. Suwareh's niece, Isatou Jallow, claimed she was present during the beating and testified in court that her uncle was unable to climb into the vehicle that took him away due to his injuries. In June 2011 the court released three of the five officers arrested in connection with the incident for lack of evidence. In December 2011 a judge acquitted the remaining two officers--Eku P. L. Grant and Ebou Lowe--and discharged them. The magistrate found that there was no direct evidence that Suwareh died as a result of acts perpetrated by the accused persons, noting that Suwareh's relatives had refused an autopsy.

b. Disappearance

There was a report of a politically motivated disappearance during the year. On December 3, two National Intelligence Agency (NIA) officers arrested Imam Baba Leigh, the only religious leader who openly condemned the execution of nine death row prisoners in late August. In an interview with *The Standard* newspaper on

September 13, he described the executions as "un-Islamic" and urged the government to return the bodies to the families for proper burial. Family members and lawyers repeatedly were denied access to the imam, who was said to be held at NIA headquarters in Banjul.

In 2011 the government provided conflicting accounts of the whereabouts of missing journalist "chief" Ebrima Manneh, who was arrested by security officers in 2006 and subsequently disappeared. During a March 16 press conference, President Jammeh stated that his government had nothing to do with "the death of Chief Manneh," the first admission by a government official that Manneh had died. During an October 2011 interview with *The Daily News*, former minister of justice Edward Gomez claimed that Manneh "was alive and was somewhere to be disclosed later." A few days after this declaration, the former justice minister told officials of the Federation of African Journalists that Manneh had "stage-managed his disappearance for mischievous reasons." He went on to state that Manneh had left the country and that the government had evidence from Interpol that he went to the United States. Manneh's family publicly denied the claim. Reporters without Borders (RWB) called on Gomez to quickly produce evidence of his claim that Manneh was still alive out of respect for Manneh, his family, and colleagues, as well as those who had been waiting for news of him for more than five years. In December 2011 the government agreed to an independent, outside investigation into Manneh's death.

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

The constitution and laws prohibit such practices; however, there were reports that security forces tortured, beat, and mistreated persons in custody.

On March 3, a group of military officers severely beat 25-year-old Demba Sidibeh (alias Pa Boy) of Bakau New Town, sending him into a coma for nearly six hours. *The Daily News* newspaper quoted family members as claiming that Sidibeh was protesting the treatment by security officers of football fans who heckled and stoned the national squad after their defeat in a match with Algeria. The newspaper stated that military police officer Lieutenant Bekai Sidibeh visited the victim at the Royal Victoria Teaching Hospital and reportedly assured the family that the soldiers responsible would face justice. There were no further developments by year's end.

On June 11, a Nigerian national, Micheal Ifunaya, on trial for involvement in the alleged murder of a British national, told the judge at the special criminal court that police tortured him to obtain his statements. He showed the court what he stated were scars from cigarette burns on his leg, which he alleged were inflicted by police officer Fansu Sowe. He testified that police beat him on his head and face with a flat hard object after his arms and legs had been tightly handcuffed.

On June 15, outspoken Muslim cleric Imam Bakawsu Fofana, who was detained for nine days without charge by the NIA, stated in an interview with *The Daily News* that he was severely tortured by the NIA while in its custody. On May 31, the NIA arrested Imam Fofana for what he claimed was "no apparent reason," although he had been involved in a long-running verbal dispute with Imam Abdoulie Fatty, the head of the State House mosque. Fofana stated that, during the first night of his detention on May 31, unknown persons took him to a dark room and beat him with sticks and heavy pipes, slapped his face, and punched him. He also stated that, on the second night of his detention, some officers filmed the torture session. He showed the journalist a swollen finger on his left hand. Fofana was reported to have fled to Senegal.

In December 2011 officers of the NDEA arrested Alpha Omar Jobe on suspicion of cannabis trafficking. According to *The Daily News*, Jobe was subsequently tortured and released; he died six days later as a result of his injuries. On March 27, two NDEA officers brought Edrissa Jarju and Edrissa Jaiteh before the Special Criminal Court in Banjul and charged them with Jobe's murder. They were accused of subjecting Jobe to torture while in their custody, leading to his eventual death. They denied the charge, and the trial was ongoing at year's end.

The Indemnity Act, which allows the president to grant amnesty to any person, including security force members, accused of misconduct during unauthorized gatherings, continued to deter victims from seeking redress for torture during the country's 1994-96 military rule. The army requires victims to file formal complaints with the courts regarding alleged torture that occurred at other times. During the year there were no known prosecutions in civil or military courts of security force members accused of mistreating individuals.

Prison and Detention Center Conditions

Prison conditions were harsh and life-threatening. According to a press release by the Civil Society Associations Gambia, for example, a prisoner named Amadou

Faal (also known as Njagga) lost an eye due to severe beatings by prison officials on October 16.

Physical Conditions: Prison conditions were poor, and cells were overcrowded, damp, and poorly ventilated. Inmates complained of poor sanitation and food. Inmates occasionally slept on the floor. Officials allowed detainees to receive food from the outside prior to conviction, but not afterwards. Medical facilities in prisons were poor, and authorities sent sick inmates to the Royal Victoria Teaching Hospital in Banjul or nearby health centers for examination and treatment. Former inmates and human rights NGOs reported that the prisoner mortality rate was high. Reports indicated that prisoners died of neglect or lack of access to healthcare. Water supply was adequate, but lighting in some cells was poor. During the summer, temperatures were extremely high, and there were no ceiling fans or other measures to reduce heat.

At year's end there were approximately 1,000 inmates in the prisons, more than double the intended capacity.

On October 27, inmates in the Remand Wing of Mile 2 Central Prison attempted an escape, resulting in a riot, which prison guards brought under control with the help of soldiers from the nearby Hamza barracks. A *Foroyaa* newspaper report stated that the prisoners were demanding longer "rest hours" (when they are allowed out of their cells), a change in their diet, prompt and adequate medical attention, and speedy trials. They also protested prolonged detention without trial and poor conditions in congested cells such as bug infestation. The commissioner of prison administration at Mile 2 Central Prison, Ansumana Manneh, confirmed the attempted escape but denied that prison conditions were as bad as described by the newspaper. On November 7, 29 remand prisoners were brought before the Banjul Magistrate's Court charged with conspiracy to commit a felony and willful damage to property. They pled not guilty, and their trial was ongoing at year's end.

In October 2011 inmates in the security wing of Mile 2 Central Prison went on a hunger strike to protest overcrowding, poor hygiene conditions, poor diet, restrictions on the number of visits by family members, failure by prison authorities to comply with medical recommendations from doctors, and denial of access to television and radio. Prison authorities denied that a hunger strike had occurred.

Authorities occasionally held pretrial detainees with convicted prisoners.

Administration: Officials generally allowed prisoners access to visitors, although there were occasional reports that they denied lawyers and family members access to detainees at Mile 2 Central Prison. Prisoners were permitted religious observance. Prisoners and detainees could transmit complaints to judicial authorities through their lawyer, if they could afford one, or relatives.

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

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

Monitoring: The government did not permit the International Committee of the Red Cross or the media access to monitor prison conditions during the year.

d. Arbitrary Arrest or Detention

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

For example, on October 31, police arrested and detained for days without charge former government minister Mambury Njie before releasing him on bail. Njie, as minister of foreign affairs, reportedly advised against the executions of death row prisoners on August 28 (see section 1.a.). He was dismissed shortly afterwards. On December 14, when he reported to the police as required under his bail conditions, he was taken to court and charged with economic crimes and abuse of office. He was remanded to prison custody and denied bail by a magistrate. No further details were given of the charges against him, and he remained in detention at year's end.

On December 3, authorities arrested prominent lawyer and former president of the Gambia Bar Association Amie Bensouda, reportedly for trying to obtain previous court judgements on land matters for a land governance assessment framework project for the World Bank. Police held her incommunicado for two days before releasing her. Her arrest coincided with the arrest of Imam Baba Leigh, who was thought to have been in the custody of the NIA in Banjul (see section 1.b.).

Role of the Police and Security Apparatus

The Gambia Armed Forces (GAF) are responsible for external defense and report to the minister of defense, a position held by the president. The police, under the Ministry of Interior, are responsible for public security. The NIA, which reports directly to the president, is responsible for protecting state security, collecting intelligence, and conducting covert investigations. The NIA is not authorized to investigate police abuses but often assumed police functions such as detaining and questioning criminal suspects. During the year the NDEA, initially mandated to investigate narcotic crimes, received sweeping powers to protect state security, largely marginalizing the NIA.

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

The newly restructured police prosecution and legal affairs unit has two officers assigned to human rights issues, but they received no complaints of abuses committed by police officers during the year. Observers believed that citizens avoided reporting abuses due to fear of reprisal, lack of substantive redress, and a general mistrust of police. The Office of the Ombudsman appeared to handle most complaints against police officers (see section 5).

Arrest Procedures and Treatment While in Detention

While the law requires authorities to obtain a warrant before arresting a person, police often arrested individuals without a warrant. Periods of detention generally ranged from a few to 72 hours, the legal limit after which detainees must be charged or released; however, there were numerous instances of detentions surpassing the 72-hour limit. Detainees generally were not informed promptly of charges against them. There was a functioning bail system; however, prosecutors customarily opposed applications for bail for detainees charged with misdemeanors and ordered lengthy adjournments to allow additional time to prepare their cases. Judges and magistrates sometimes set bail bonds at unreasonably high amounts.

The courts occasionally released accused offenders on bail only to have police or other law enforcement personnel re-arrest them as they were leaving the court, sometimes to provide the prosecution more time to prepare cases. Officials did not allow detainees prompt access to a lawyer or family members, although convicted prisoners were generally permitted to meet privately with an attorney. Police provided indigent persons accused of murder or manslaughter with lawyers at public expense.

Military decrees enacted prior to the adoption of the constitution give the NIA and the interior minister broad powers to detain individuals indefinitely without charge "in the interest of national security." These detention decrees were inconsistent with the constitution but have not been subject to judicial challenge. While the government claimed that it no longer enforced the decrees, such detentions continued to occur. In one example, in April in Banjul, security force members arrested Mouctar Diallo, a Guinean citizen visiting the country while studying in Cairo. Diallo, who came to The Gambia to study the relationship between West African nomads and globalization, was charged with "threatening national security" but was later cleared by the NIA and allowed to leave the country.

Arbitrary Arrest: Security forces arbitrarily arrested journalists, an Islamic scholar, human rights activists, and other citizens during the year (see sections 1.e., 2.a., and 5).

In one prominent example, authorities arrested and prosecuted Lamin Mboge, a lawyer known for his commitment to human rights, on spurious charges. In January 2011 Mboge, a former magistrate and leading counsel to the Gambia Committee on Traditional Practices Affecting the Health of Women and Children (GAMCOTRAP) in its legal case (see section 5), was arrested and charged with "false swearing" and "uttering false documents" and remanded to Mile 2 Central Prison. The arrest followed a criminal complaint lodged by one of Mboge's clients over land he allegedly sold without lawful authority. Mboge denied the charges and authorities released him on bail; his trial was ongoing at year's end.

In June 2011 Mansa Bah, who was acquitted by a magistrate in Banjul, was rearrested and returned to prison after the prosecutor informed the court that he was "going to appeal" the acquittal. Police charged Bah with drug trafficking and conspiracy, but the court upheld the no-case-to-answer submission filed by his lawyer and ordered his release. However, Bah remained in prison pending appeal at year's end.

Pretrial Detention: Backlogs and inefficiency in the justice system resulted in lengthy pretrial detention. Approximately 27 percent of inmates in the prison system were in pretrial detention, and some had been incarcerated for several years awaiting trial.

Amnesty: A total of 32 prisoners were pardoned during the year. The government freed the largest group in commemoration of the Muslim feast of Eid el-Adha in October.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the courts lacked independence and were inefficient and corrupt. Amnesty International noted that the president's power to remove a judge, nominally in consultation with the Judicial Service Commission, impeded judicial independence. Judges presiding over "sensitive" cases who made decisions not considered favorable to the government risked being fired. Frequent delays and missing or unavailable witnesses, judges, and lawyers often impeded trials. Many cases also were delayed because of adjournments to allow the police or the NIA time to continue their investigations.

To alleviate the backlog, the government continued to recruit judges and magistrates from other Commonwealth countries with similar legal systems. Foreign magistrates and judges, who often presided over sensitive cases, were particularly subject to executive or other outside pressure.

In 2010 High Court judge Moses Richards was dismissed without explanation amid reports he criticized the domination of the bench by Nigerian judges and magistrates. In December 2010 Richards, who had gone into private legal practice, was arrested, denied bail, and charged with sedition and "giving false information to the public servant," a reference to a letter he addressed to the sheriff of the High Court regarding a land dispute in the village of Jabang. On September 19, the Nigerian-born magistrate who presided over the case convicted Richards and sentenced him to two years' imprisonment with hard labor. On October 14, a presidential pardon released Richards following an apology and a plea for mercy he addressed to President Jammeh.

Trial Procedures

The law provides for the presumption of innocence, a fair and public trial without undue delay, and adequate time and facilities to prepare defense. Under the law no one is compelled to testify or confess guilt. Trials were generally open to the public, unless closed-court sessions were necessary to protect the identity of a witness. In one instance, NIA officials denied accredited diplomats entrance to the final session of the Supreme Court appeal hearing regarding seven former government officials sentenced to death for treason (see section 1.e.). Juries were not used. Defendants can consult an attorney and have the right to confront witnesses and evidence against them, present witnesses and evidence on their own behalf, and appeal judgment to a higher court. The law extends these rights to all citizens, and no persons were denied these rights during the year; however, detainees were rarely informed of their rights or the reasons for their arrest or detention, according to Amnesty International. For example, outspoken Muslim cleric Imam Bakawsu Fofana, who was arrested on May 31 and held for nine days without charge, was never informed of the reason he was detained.

Military tribunals cannot try civilians. Court-martial proceedings are presided over by a judge advocate assisted by a panel of senior military officers. On December 27, *Foroyaa* newspaper reported that three soldiers of the GAF had been charged with beating and abusing two female army recruits. Lieutenant Serigne Jallow, Sergeant Manlafi Jarju, and Corporal Karamo Jatta, all instructors at the GAF Training School, were brought before a court martial presided over by Justice Mikailu Abdullahi as judge advocate. The offences were reportedly committed in 2009. The trial was ongoing at year's end.

The judicial system also recognizes customary law and Sharia (Islamic law).

Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and other traditional and social relations. District chiefs preside over local tribunals that administer customary law at the district level. Customary law recognizes the rights of all citizens regardless of age, gender, and religion; however, it requires women to show respect for their husbands and children for their parents.

Sharia applies in domestic matters, including Muslim marriage, divorce, and inheritance. Islamic, or Qadi, courts discriminated against women. Qadi courts and district tribunals do not offer standard legal representation to the parties in a case, since lawyers are not trained in Islamic or customary law.

Political Prisoners and Detainees

During the year there were credible reports that the government held civilians based on their political views or associations, and some were held incommunicado for prolonged periods. There were nearly 30 reported political prisoners in detention at year's end. Most were former military personnel accused of involvement in plots to overthrow the government. They were held in the security wing of Mile 2 Central Prison, but were occasionally allowed visits from family members. The government did not allow international human rights organizations to have regular access to these detainees.

On January 17, former minister of information Dr. Amadou Scattred Janneh and three associates--Modou Keita, Ebrima Jallow, and Michael C. Uche Thomas--were convicted on charges of treason, conspiracy to commit treason, and seditious acts in connection with the printing and distribution of 100 T-shirts bearing the inscriptions "Coalition for Change--The Gambia" and "End Dictatorship Now." Dr. Janneh, a dual Gambian-American citizen, was sentenced to life imprisonment while the other defendants were sentenced to three years in prison. One of them, Michael C. Uche Thomas, a Nigerian national, died on July 29 after spending a week in a hospital. The cause of death was not disclosed, but *The Daily News* reported earlier in the year that he was suffering from pneumonia and tuberculosis. On September 17, authorities pardoned Dr. Janneh and former director of immigration Tamsir Jasseh, a dual Gambian-American national who was serving a 20-year sentence, and sent them into exile.

On October 28, authorities pardoned Modou Keita and Ebrima Jallow and released them together with other prisoners.

Three Gambian journalists living in exile--former Gambian Press Union (GPU) president Ndey Tapha Sosseh, columnist Mathew Jallow, and Famara Demba--indicted in absentia with Dr. Janneh, still had charges of treason and sedition pending against them.

The case of four terrorism suspects--Alasana Thomas Jarju, Maulud Badjie, Lasana (Prosper) Sambou, and Ousman Jarju--was still before the court at year's end. The individuals, presumed to be from Senegal, were part of a larger group of 16 arrested in 2009 on terrorism charges in an unspecified location. In May 2011 the Special Criminal Court in Banjul acquitted and discharged 12 of them, including Gambian citizens Kemo Conteh, army staff sergeant Sam Kambai, NIA officer Kebba Seckan, and Samsudeen Jammeh, and eight Senegalese citizens.

On October 19, the Supreme Court dismissed the appeals of seven of eight men convicted of plotting to overthrow the government in 2009 and sentenced to death in 2010. The seven were former GAF chief of defense staff General Lang Tombong Tamba; former GAF director of operations and training Brigadier General Omar Bun Mbye; commander of the army unit in the president's home village Lieutenant Colonel Kawsu Camara; head of GAF intelligence Major Momodou Lamin Bo Badjie; former deputy inspector general of police Momodou Gaye; former diplomat Ngorr Secka; and real estate dealer Abdoulie Joof. The eighth man, businessman Yusuf Ezziden, appealed separately but did not appear in court and was reportedly allowed to leave the country. In April 2011 the Court of Appeal dismissed the appeal of the seven men, who have exhausted the appeals process and awaited possible execution.

In May 2011 Tamba and former chief of naval staff Rear Admiral Sarjo Fofana, were convicted of concealment of treason and sentenced to 20 years' imprisonment in connection with an unsuccessful coup plot in 2006. Tamba, who originally was credited with foiling the plot when he alerted the president and mobilized loyal forces to arrest officers said to be involved, was charged with concealment of treason in 2010.

In November 2011 authorities finally charged two men detained for five-and-a-half years following disclosure of the abortive 2006 coup plot. Alieu Lowe, nephew of the fugitive coup leader, and Abdoulie Njie were charged with concealment of treason and perjury. They denied the charges at their first court hearing; their trial was ongoing at year's end. The trial of a third detainee, Hamadi Sowe, also charged with concealment of treason relating to the 2006 coup plot, continued at year's end.

Men believed to be state security agents arrested and held without charge United Democratic Party (UDP) supporter Kanyiba Kanyi shortly before the 2006 presidential elections; he remained in prison at year's end. The government has not permitted Kanyi's lawyer or international humanitarian organizations to have access to Kanyi. In 2008 Kanyi's lawyer, who maintained that the NIA was holding Kanyi, filed an application to force the state to comply with the 2006 high court rulings to free him. In 2009 the judge presiding over the case returned the case file to the Office of the Chief Justice in an apparent attempt to recuse himself from the trial; the judge provided no explanation. A relative reportedly sighted Kanyi in 2008 at the Royal Victoria Teaching Hospital, where he was being escorted by wardens from Mile 2 Central Prison.

In 2011 the government provided conflicting accounts of the whereabouts of missing journalist "chief" Ebrima Manneh, who was arrested by security officers in 2006 and subsequently disappeared (see section 1.b.).

Civil Judicial Procedures and Remedies

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

The government did not comply with the 2008 ruling of the Economic Community of West African States (ECOWAS) Court to release missing journalist "chief" Ebrima Manneh and pay compensation of $100,000. The government also refused to comply with a 2010 ruling by the same court to pay $200,000 in compensation to exiled journalist Musa Saidykhan, who alleged that security agents tortured him during his detention in 2006.

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

The constitution and law prohibit such actions, but the government did not respect these prohibitions. The government generally enforced Decree 45, which applies constitutional safeguards against arbitrary searches and the seizure of property without due process. Observers believed the government monitored citizens engaged in activities that it deemed objectionable.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press; however, the government restricted these rights. According to the Observatory for the Protection of Human Rights Defenders, "the environment for independent and opposition media remained hostile, with numerous obstacles to freedom of expression, including administrative hurdles, arbitrary arrest and detention, intimidation and judicial harassment against journalists, and the closure of media outlets, leading to self-censorship."

Freedom of Speech: Individuals who publicly or privately criticized the government or the president risked government reprisal.

For example, in June 2011 security forces arrested without charge Alhaji Ismaila Manjang, a prominent Islamic scholar and imam in the coastal town of Gunjur. The arrest followed Manjang's graduation speech at his Islamic institute in which he condemned practices that could be considered idolatrous, such as visits to shrines to seek blessings. Manjang was subsequently held incommunicado at NIA headquarters for four days. As of year's end, Manjang had not been charged with any offense but was required to report frequently to the NIA.

Freedom of Press: Laws that impose excessive bonds on media institutions require newspapers to reregister annually, and mandate harsh punishment for the publication of so-called false information undermined constitutional protections. According to Freedom House, these provisions gave authorities great power to silence dissent.

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

The government published *The Gambia Info* newspaper, formerly called *The Gambia Daily*. The privately owned *Daily Observer* newspaper favored the government in its coverage. There were seven other independent newspapers, including one published by an opposition political party that remained highly critical of the government. There was one independent biweekly magazine dealing with political and economic issues.

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

Violence and Harassment: Media restrictions tightened during the year, and the government continued to harass and detain journalists. Numerous journalists remained in self-imposed exile due to government threats and harassment.
On December 9, journalist Abdoulie John, Banjul editor of the online newspaper *JollofNews* and correspondent for Associated Press, was arrested by the NIA at an event marking the release of eight Senegalese security personnel captured by

forces of the Movement of Democratic Forces of the Casamance (MFDC), a rebel group seeking independence for the southern Senegalese region of Casamance. John was arrested after an argument with a State House photographer who questioned his authorization to be at the event. John was held overnight and released after signing a bail bond for 50,000 dalasi ($1,470) and relinquishing his travel documents.

In June 2011 police arrested and detained overnight at Police Intervention Unit (PIU) headquarters Ahmed Alota, executive director of the Gambia Press Union (GPU), following the transmission by Skype of a statement made by Ndey Tapha Sosseh, the union's exiled former president, at the GPU Congress. In July 2011 journalist Madi S. Njie, the newly elected secretary general of the GPU, was arrested at the offices of *The Standard* newspaper. Njie reportedly was questioned about a report on Alota's arrest sent to the Ghana-based media watchdog Media Foundation for West Africa and the underground civil society organization The Coalition for Change, of which Sosseh was a member. Both Alota and Njie were released without charge.

Journalists from news outlets perceived to be critical of the government were routinely denied access to public information and were excluded from covering official events at certain venues.

On October 16, journalists Binta Bah of *The Daily News* and Sainey Marenah of *The Standard* newspaper were removed from a courtroom in Banjul where they went to cover the proceedings in the appeal case of former general Lang Tombong Tamba and others. NIA officers at the court asserted they received instructions from the Office of the President not to allow the two journalists to cover the proceedings because their newspapers were barred from publishing.

Censorship or Content Restrictions: Private media outlets generally practiced self-censorship for fear of reprisal by the government, and many refrained from publishing content deemed contrary to the principles of Islam or offensive to other religions and sects. Nevertheless, opposition views regularly appeared in the independent press, and there was frequent criticism of the government in the printed English-language private media.

On August 14, officers from the NIA stormed the studios of a community radio station, Taranga FM in the village of Sinchu Alhaji, and ordered the proprietor, Ismaila Ceesay, to shut down the station. They also demanded the names and telephone numbers of the members of the station's board of directors as well as the

station's operational license. The NIA officers gave no reason for the closure, but the action came only days after the station carried a lengthy interview with outspoken opposition politician Omar Jallow. This was the third time that Taranga FM was forced to cease operation. It was first ordered off the air for 32 days in January and February 2011 for translating newspaper articles into local languages, a valued service for the largely illiterate segment of the population. The station was subsequently allowed to resume broadcasting on condition that it did not review opposition newspapers. It was again closed in August 2011 when NIA officers ordered the station to suspend its press reviews. The Committee to Protect Journalists (CPJ) condemned the action as an "illegal act of political censorship designed to silence Taranga FM ahead of the November presidential elections. The station remained closed at year's end.

On September 14, three NIA officers led by officer Modou Ceesay walked into the offices of independent newspapers *The Daily News* and *The Standard* and ordered the editors to cease publication immediately. They gave no reason but simply stated that the orders were from the Office of the President, which oversees the NIA. The publishers of the two newspapers visited NIA headquarters to determine the reason for the closures but received no explanation. They told the CPJ that they were convinced they were targeted for the extensive coverage they gave to the execution of nine death row prisoners in August, including interviews, letters from readers, and public statements opposing and supporting the executions.

Libel Laws/National Security: The NIA was involved in arbitrary closure of media outlets and the extrajudicial detention of journalists; however, there were no reports of torture during the year.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail. However, Internet users reported they could not access the Web sites of foreign online newspapers *Freedom*, *The Gambia Echo*, *Hellogambia*, and *Jollofnews*, which criticized the government. According to the International Telecommunications Union, 10.87 percent of individuals used the Internet in 2011.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, police systematically refused requests for permission to hold demonstrations, even peaceful ones, and occasionally refused to issue permits to opposition parties wishing to hold political rallies.

For example, on September 6, police arrested two journalists, Baboucarr Ceesay, first vice president of the GPU, and freelance journalist Abubacarr Saidykhan for requesting a permit to stage a peaceful demonstration against the execution of nine death row prisoners in August. On September 10, authorities charged them with conspiracy to commit a felony. Ceesay later had a charge of "seditious publication" added to his indictment; Saidykhan was further charged with "inciting violence." The court granted bail of 250,000 dalasis ($7,350). On October 23, the government dropped the charges. The two journalists later reported intimidation and death threats, and Saidykhan left the country.

In October 2011 police denied a permit to members of the Gambia Bar Association seeking to protest the conviction and imprisonment of lawyer Moses Richards (see section 1.e.). The inspector general of police stated that he denied the permit on grounds of public security and safety.

Unlike in previous years, there were no reports that opposition leaders were imprisoned for organizing political rallies without permits.

Freedom of Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to assist internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern. The UNHCR coordinated government efforts with the International Organization for Migration, the Gambia Red Cross Society, and other agencies to provide this protection and assistance.

Foreign Travel: Restrictions were imposed on foreign travel for many persons released from detention, often because their travel documents were temporarily confiscated at the time of their arrest or soon afterwards. As a rule, all government employees were required to obtain permission from the Office of the President before traveling abroad.

Protection of Refugees

Access to Asylum: Neither the constitution nor law provides for granting of asylum or refugee status, but the government has established a system for providing such protection to refugees and granted refugee status during the year.

The UNHCR reported 9,401 refugees in the country, of whom 9,042 were Senegalese who fled the Casamance conflict in Senegal. The UNHCR provided assistance with basic needs and services and implemented livelihood programs. During the year the number of refugees from Cote d'Ivoire decreased from 305 to 284. The country also hosted smaller numbers of refugees from Togo, the Democratic Republic of the Congo, Somalia, Eritrea, Sudan, Guinea-Bissau, Rwanda, and Cameroon. The general cessation of refugee status of Liberians, who previously represented the second largest group of refugees in the country, entered into force in June.

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

The constitution and law provide citizens the right to change their government peacefully; however, citizens were unable to exercise this right in the November 2011 presidential election due to the government's intimidation of voters and ruling party control of the media.

Elections and Political Participation

Recent Elections: In November 2011 voters reelected President Jammeh to a fourth term with 72 percent of the vote. The election was peaceful and orderly, and more than 83 percent of voters participated. UDP leader Ousainu Darboe came in second with 17 percent, and independent candidate Hamat Bah received 11 percent. Prior to the election, ECOWAS stated that its investigations found "an opposition and electorate cowed by repression and intimidation." Explaining its decision not to send election observers, ECOWAS added that the preparations and political environment were not conducive to the conduct of free, fair, and transparent polls. Mustapha Carayol, the chairman of the Independent Electoral Commission (IEC), characterized the ECOWAS criticism as lies. Other government sources claimed the ECOWAS boycott was the result of a personal dispute rather than a factual one. The Commonwealth Observer Team also criticized the shortened campaign period and what it termed the "abuse of incumbency." The opposition criticized government control of the state-owned media, a shortened official campaign period, use of state resources by the ruling party, and overt participation in political activity by government officials and members of the security forces. However, the UDP and its alliance partners did not challenge the election results in court, claiming they were not given sufficient time to do so.

On March 29, voters elected members of the National Assembly. Six of the seven opposition parties boycotted the poll after the IEC refused to accept the demands they had submitted, including for a postponement of the election. President Jammeh's party, the APRC, won 43 seats, the opposition National Reconciliation Party one seat, and independent candidates four seats.

Political Parties: The APRC held 43 of 48 elected seats in the National Assembly and continued to maintain tight control over the political landscape. APRC membership conferred advantages, such as expediting government transactions, facilitating access to certain documents, and securing employment contracts.

Participation of Women and Minorities: There were four women in the 53-seat National Assembly; three were elected and the president nominated one. At year's end there were six women in the 18-member cabinet, including the vice president.

No statistics were available on the percentage of minority members in the legislature or the cabinet. However, President Jammeh and many members of his administration were from the minority Jola ethnic group.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively. The World Bank's most recent worldwide governance indicators reflected that corruption was a serious problem.

The president spoke against corruption on numerous occasions during the year. The financial intelligence unit, which was established in 2009, is responsible for combating corruption. There were several prosecutions for corruption of senior police, military, and civilian officials during the year.

On July 8, police arrested the Director of Operations at the National Drug Law Enforcement Agency (NDEA), Mbye Njie, and charged him with official corruption, extortion, and abuse of office. Authorities accused him of accepting 20,000 dalasi ($588) for releasing a suspect and preventing his prosecution. The case was ongoing at year's end.

In July 2011 a court sentenced former inspector general of police Ensa Badjie to life imprisonment for armed robbery, abuse of office, and other crimes. Former chief superintendent of prisons Ali Ceesay, also accused in the case, paid a 30,000 dalasi ($882) fine.

The trial of Ensa Badjie, former commander of the military police unit of the army, Lieutenant Colonel Mam Matarr Secka, and Major Kuluteh Manneh continued at year's end. Police charged the three defendants with corruption, abuse of office, involvement in drug-related crimes, and armed robbery.

On May 16, a court convicted four former senior NDEA officers on charges of corruption, drug-related offenses, and abuse of office and sentenced each to a cumulative term of 18 years' imprisonment. A fifth officer, Marie Sanneh, was fined 200,000 dalasi ($5,880) or in default of payment was ordered to serve five years in prison. The officers had been dismissed and arrested in 2010.

Public officials were subject to financial disclosure laws, but these laws were seldom enforced.

The constitution and law do not provide for public access to government information. Under the law civil servants are not allowed to divulge information about their departments or speak to the press without prior clearance from their department heads.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated despite government restrictions, investigating and publishing their findings on human rights cases. However, government officials were seldom cooperative or responsive to their views. According to Annual Report 2011 of the Observatory for the Protection of Human Rights Defenders, the legal and institutional environment in the country continued to limit nongovernmental organizations (NGOs) and human rights monitoring activities. The NGO Decree of 1996 imposes a cumbersome registration process, allows the government to reject valid NGO registration, and requires annual submissions of budgets and work programs. The 2010 decision to place supervision of NGO activities under the Office of the President resulted in increased restrictions. Human rights organizations censored themselves and focused on nonsensitive problems. Several groups expressed concern over detainees held incommunicado, but the government did not respond.

The government harassed, arrested, and detained human rights workers.

In 2010 the Immigration Department arrested and detained for three days Edwin Nebolisa Nwakaeme, the founder and program director of Africa for Democracy and Good Governance (ADG), for allegedly lying about the nature of his organization on a registration form. The Serious Crimes Unit at police headquarters in Banjul later rearrested him, and he was subsequently charged with "giving false information to public officials" for claiming in a letter to the Office of the President that ADG was an NGO, despite the fact that it was registered as a charity. In the letter, Nwakaeme had requested President Jammeh's daughter to accept her nomination as an ADG ambassador. In September 2010 Nwakaeme was sentenced to six months' imprisonment with hard labor and a fine of 10,000 dalasi ($294). The court also banned him from operating ADG in the country and ordered him to surrender all documents, including the license, pertaining to the

organization. In December 2010 the Banjul High Court upheld on appeal Nwakaeme's conviction. In January 2011 Nwakaeme was released from jail and deported to Nigeria, his native country.

On November 12, the magistrate's court in Banjul acquitted and discharged two prominent women's rights activists and campaigners against female genital mutilation/cutting (FGM/C), Isatou Touray, executive director of the NGO GAMCOTRAP, and the agency's program coordinator, Amie Bojang Sissoho. Touray and Sissoho were arrested in 2010 and charged with mismanaging a 30,000 euro ($39,600) grant by the Spanish NGO Yolocamba Solidaridad. The two were subsequently denied bail and spent eight days in prison before their trial could proceed. The charges of theft were reportedly based on the findings of an investigative panel that looked into GAMCOTRAP's management of the Yolocamba grant. A previous panel set up by the Office of the President in 2010 concluded that the allegations of mismanagement were unfounded. In January 2011, during a hearing at Banjul Magistrate's Court, the director of the Spanish NGO denied accusing anyone associated with GAMCOTRAP of theft. Both Touray and Sissoho continued their work with GAMCOTRAP during the year.

UN and Other International Bodies: The government allowed visits during the year by the UN and other international governmental organizations, such as ECOWAS and the Commonwealth Secretariat; however, the government offered no public response to reports issued after the visits.

Government Human Rights Bodies: The governmental Office of the Ombudsman operated a national human rights unit (NHRU) to promote and protect human rights and to support vulnerable groups. During the year the unit addressed complaints regarding unlawful dismissal, termination of employment, unfair treatment, and illegal arrest and detention. According to its 2011 report, presented to the National Assembly on November 27, the Office of the Ombudsman received 73 complaints, most of which involved the prison service, police force, and the Ministry of Education. Most of the cases were resolved in favor of complainants.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, religion, gender, disability, language, or social status, and the government generally enforced these prohibitions. However, discrimination against women remained a problem.

Women

Rape and Domestic Violence: The penalty for rape is life imprisonment; however, rape, including spousal rape, was a widespread problem. The maximum penalty for attempted rape is seven years' imprisonment. At least six rape cases reported to police during the year were prosecuted; most prosecutions resulted in conviction. The law against spousal rape was difficult to enforce effectively, as many did not consider spousal rape a crime and failed to report it. Police generally considered reports of spousal rape to be domestic issues outside of their jurisdiction.

The law prohibits any form of violence against women; however, domestic violence was a problem. Domestic violence was underreported due to social stigma, and family elders usually settled incidents.

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

For example, on February 14, the Special Criminal Court in Banjul convicted and sentenced to death 81-year-old Sheriff Aba Hydara of Bakalarr village for shooting and killing his wife in 2010. Hydara stated his late wife had angered him over her control of his garden and that he had no regrets killing her.

On July 30, Libelley Ceesay of Kantong Kunda village was arrested for hitting his wife with a hoe, leading to her death. Police stated that the incident happened during a fight over a bag of rice that Ceesay intended to divide between his two wives. His trial was ongoing at year's end.

GAMCOTRAP, one of the leading women's rights NGOs in the country, included gender-based violence in its training modules for combating FGM/C. Another group, the Female Lawyers' Association of The Gambia, educated women on their rights and represented them, often pro bono, in domestic violence cases.

Female Genital Mutilation/Cutting (FGM/C): See section 6, Children.

Sexual Harassment: The law prohibits sexual harassment and provides for a one-year mandatory prison sentence for offenders. No cases were reported during the year, but sexual harassment remained an ongoing problem.

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

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

Discrimination: The law provides equal rights to men and women and prohibits discrimination on grounds of gender; however, women experienced a wide range of discrimination in matrimonial rights, property ownership, and inheritance rights. Employment in the formal sector was open to women at the same salary rates as men, and no statutory discrimination existed in other kinds of employment, access to credit, or owning and managing a business; however, societal discrimination lingered, and women generally were employed in such pursuits as food vending or subsistence farming.

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

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

Children

Birth Registration: Citizenship is derived by birth within the country's territory and from one's parents; however, not all births were registered. To access health care and treatment at public health centers, children were required to have a clinic card, which was available without birth registration. Birth certificates often were required to enroll in school, and they could easily be obtained.

Education: The constitution and law mandate compulsory, tuition-free primary education between the ages of six and 12, but families often had to pay tuition as well as fees for books, uniforms, lunch, school fund contributions, and examination fees. During the year the government estimated that primary schools enrolled 75 percent of children. Islamic schools (madrassas) enrolled another 15 percent. Girls constituted approximately 51 percent of primary school students and one-third of high school students. The enrollment of girls was lower in rural areas, where poverty and cultural factors often led parents to decide against sending their daughters to school. As part of the government's initiative to increase the numbers of girls in school, the government ensured that tuition for female students was waived consistently.

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

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

There were at least five convictions for rape and one conviction for sexual abuse during the year: on February 15, Alasana Touray received a 10-year prison sentence for rape of an underage girl in Banjulunding; on June 3, driver Mohammed Sambou was sentenced to 25 years in prison for rape and robbery of a 20-year-old woman in Bijilo; on June 11, Wuyeh Keita was sentenced to 25 years in prison for the rape of an 11-year-old girl in Mariama Kunda village; and on December 20, 45-year-old Norwegian national Sevien Age Sandaker was convicted of sexual abuse, child pornography, and sexual exploitation of children in 2009 and 2010 in Brufut village. In the latter case, Sandaker was fined 450,000 dalasi ($13,200) and ordered to pay 250,000 dalasi ($7,350) in compensation to the three victims. Other cases involving child rape that remained before the courts

included that of Italian national Regnoni Renato, charged with raping a 13-year-old.

Child Marriage: Carnal knowledge of a girl under the age of 16 is a felony except in the case of marriage, which can be as early as age 12. There are no laws against forced marriage, and in many villages girls were forced to marry at a young age.

Harmful Traditional Practices: The law does not prohibit female genital mutilation/cutting (FGM/C), and the practice remained widespread. A 2005-06 survey by UNICEF found that almost 80 percent of girls and women between the ages of 15 and 19 had undergone FGM/C and that seven of the nine major ethnic groups practiced FGM/C on girls from shortly after birth until age 16. Type 1 was the most prevalent. FGM/C was less frequent among educated and urban groups. Some religious leaders publicly defended the practice. There were reports of health complications, including deaths, associated with FGM/C; however, no accurate statistics were available. Several NGOs conducted public education programs to discourage the practice and spoke out against FGM/C in the media.

During the year several district chiefs, ward councilors, members of councils of elders, religious leaders, female leaders, and female circumcisers attended GAMCOTRAP seminars on the harmful effects of FGM/C. GAMCOTRAP continued its campaign for a law prohibiting FGM/C. According to a 2011 report, 586 communities had announced their commitment to abandon FGM/C.

Sexual Exploitation of Children: The law provides for 14 years' imprisonment for commercial sexual exploitation of children and a five-year prison term for child pornography. The minimum age for consensual sex is 18. Children in prostitution worked in some brothels, often to support their families or because they were orphans. A small number of children were also trafficked for forced commercial sexual exploitation. NGOs believed that some tourists living in remote guesthouses and motels were involved in the sexual exploitation of children. Authorities instructed security forces in the tourism development area to turn away all minors who approached the main resort areas without an acceptable reason.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The constitution prohibits discrimination or exploitation of disabled persons, particularly as regards access to health services, education, and employment, and these provisions were effectively enforced. Access to air travel and other transportation are not specifically mentioned. There were no laws to ensure access to buildings for persons with disabilities, and very few buildings in the country were accessible to them. Neither the constitution nor laws explicitly prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. The law also requires that judicial proceedings involving a person with disabilities take into account the disability. There were no laws or programs to ensure that persons with disabilities had access to information or communications.

Persons with severe disabilities experienced discrimination and subsisted primarily through private charity. Persons with less severe disabilities encountered less discrimination, including in employment for which they were physically and mentally capable.

The Department of Social Welfare is responsible for protecting the rights of persons with disabilities and worked with the Gambia Organization for the Visually Impaired and the School for the Deaf and Blind to help educate children with disabilities and to promote relevant skills. The department also worked with international donors to supply wheelchairs to some persons with disabilities. Several NGOs sought to improve awareness of the rights of persons with disabilities and encouraged their participation in sports and other physical activities. The NHRU specifically sought to promote the rights of women with disabilities. Persons with disabilities were given priority access to polling booths on election days.

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

The law establishes prison terms ranging from five to 14 years for any man who commits in public or private "any act of gross indecency," engages a male sex worker, or has actual sexual contact with another man. There was no similar law applicable to women. There were antidiscrimination laws, but they did not apply to LGBT individuals.

On April 6, police arrested 18 men and two women for alleged same-sex sexual conduct at a dance ceremony for tourists at the village of Kololi. Members of the group were predominantly Gambian but also included one Nigerian and one Senegalese. The dance in question reportedly involved men dressing up as women, and police charged the group with ''unnatural offences" and "conspiracy to commit a felony"; all pled not guilty. Authorities detained them for two weeks and later granted bail of 100, 000 dalasi ($2,940) each. After a trial lasting several weeks, on August 1, the state withdrew the charges due to lack of evidence.

In a January 2011 speech to army officers, President Jammeh announced he wanted a professional army "free of gays and saboteurs."

There was strong societal discrimination against LGBT individuals, further enhanced by statements by President Jammeh and the enforcement of a law, nicknamed Operation Bulldozer, designed to enforce harsh penalties for criminals but also directed at gay men. There were no LGBT organizations in the country.

Other Societal Violence or Discrimination

Societal discrimination against persons infected with HIV/AIDS hindered identification and treatment of persons with the disease and resulted in their rejection by partners and relatives when their condition became known. The government took a multisectoral approach to fighting HIV/AIDS through its national strategic plan, which provided for care, treatment, and support to persons living with or affected by HIV/AIDS. The plan also included HIV prevention programs for high-risk populations. Throughout the year the Ministry of Health urged voluntary HIV/AIDS counseling and testing.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides that workers are free to form and join independent unions, conduct legal strikes, and bargain collectively. Military personnel, police officers, and other civil service employees are prohibited from forming unions or going on strike. Unions must register to be recognized. The law maintains a minimum membership requirement of 50 workers for the registration of a trade union. The law also provides that the registrar of unions may verify financial accounts of workers' associations without cause.

The law restricts the right to strike by requiring unions to give the commissioner of labor written notice 14 days before beginning an industrial action (28 days for actions involving essential services). Police and military personnel had access to a complaints unit, and civil servants could take their complaints to the public service commission or the government's personnel management office. An employer may apply to a court for an injunction to prohibit industrial action that is deemed to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. The law prohibits retribution against strikers who comply with the law regulating strikes. Employers may not fire or discriminate against members of registered unions for engaging in legal union activities, and the law provides for reinstatement of workers fired for union activity. The law also sets minimum contract standards for hiring, training, and terms of employment and provides that contracts may not prohibit union membership. No category of workers is excluded from relevant legal protections.

Although there was minimal contentious union activity or labor disputes, the government effectively enforced the law when necessary. Enforcement procedures were subject to lengthy delays and appeals.

Authorities respected freedom of association and the right to collective bargaining in practice. Worker organizations are independent of the government and political parties. There were no instances of government interference in union activities, including the targeted dissolving of unions or the use of excessive force to end strikes or protests. There were no cases in which authorities denied registration to a union that applied. There were no incidents of violence, threats, or other abuses targeting union leaders or members by government or employers.

Although trade unions were small and fragmented, collective bargaining took place. Unions were able to negotiate without government interference; however, in practice they lacked experience, organization, and professionalism and often turned to the government for assistance in negotiations. Collective bargaining, arbitration,

or agreements reached between unions and management determined union members' wages, which generally exceeded legal minimums. The Department of Labor registered most collective agreements, which remained valid for a period of three years, after which they could be renewed.

The government intervened to assist workers whose employers had fired or discriminated against them. For example, the Department of Labor and the Gambia Workers Union supported the case of a female employee of a local company, Shyben A. Madi and Sons Limited, who took the company to court for wrongful termination, claiming damages of 9.3 million dalasi ($274,000). The employee, Ida Suso-Fay, claimed that her supervisor repeatedly harassed her after she became pregnant in 2010 and fired her without explanation while she was on maternity leave. The case continued at year's end.

There were no reports of violations of collective bargaining rights or of employers refusing to bargain, bargaining with unions not chosen by workers, or using other hiring practices to avoid hiring workers with bargaining rights. There were no reports of antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced or compulsory labor, including by children, but the government did not effectively enforce these laws.

While officials took part in a number of programs designed to increase their sensitivity to the problem and educate them on ways to investigate and combat the problem, forced labor continued to occur. Women and children were primary targets subjected to trafficking and forced prostitution.

During the year a number of Quranic teachers, known as "marabouts," forced their students, known as "almudus," to sell items on the streets; however, the practice rarely occurred after police began intervening and ordered marabouts to stop.

See also the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The constitution prohibits economic exploitation of children under the age of 16, and the law prohibits exploitive labor or hazardous employment of children under

the age of 18. The Children's Act sets the minimum age for light work at 16 years and at 12 years for apprenticeship in the informal sector. Most children completed their formal education by the age of 14 and then began work. The law implicitly applies only to the formal sector.

The Department of Labor is responsible for enforcing child labor laws and conventions on the worst forms of child labor but did not effectively do so. The government took no action to prevent or combat child labor during the year. Employee labor cards, which include a person's age, were registered with the labor commissioner, who was authorized to enforce child labor laws. Nevertheless, enforcement inspections rarely took place.

Child labor in the informal sector was difficult to regulate. Rising costs of school fees combined with stagnating incomes prohibited some families from sending their children to school, contributing to child labor. In urban areas, some children worked as street vendors, domestic laborers, or taxi and bus assistants. There were a few instances of children begging on the street. Other sectors where children between the ages of 14 and 17 worked included carpentry, masonry, plumbing, tailoring, and auto repair. Children in rural areas worked on family farms.

The government passed a Trafficking in Persons Act in 2007, increased penalties under the act in 2010, and created a national action committee tasked with coordinating the government response to trafficking in persons. From June through December, authorities placed 172 children who were at risk of being trafficked, including children on the move, in temporary protective care. Despite collaboration on the problems between many government agencies and a number of national and international agencies that focused on the area, government funding was inadequate and authorities relied heavily on international donations. Implementation and prosecution of suspected offenders also remained infrequent.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The minimum wage was 50 dalasi ($1.47) per day, although this only covered the 20 percent of the workforce employed in the formal sector. The government considered the national poverty baseline to be 38 dalasi ($1.12) per person per day. Most workers were paid above the minimum wage. The Department of Labor is responsible for enforcing the minimum wage. A majority of workers were

employed in the private sector or were self-employed, often in agriculture. Most citizens did not live on a single worker's earnings and shared resources within extended families.

The basic legal workweek is 48 hours within a period not to exceed six consecutive days. 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 of excessive compulsory overtime. A 30-minute lunch break is mandated. Government employees are entitled to one month of paid annual leave after one year of service. The government did not pay most government employees overtime. However, government workers holding temporary positions and private sector workers received overtime pay calculated per hour. Private sector employees received between 14 and 30 days of paid annual leave, depending on length of service. There was no exception for foreign or migrant workers.

The law specifies the safety equipment 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 occupational safety and health standards. 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. The law protects foreign workers employed by the government; however, it only provides protection for privately employed foreigners if they have a currently valid work permit.

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

In October 2011 the Department of Labor, working with the six joint industrial councils, submitted recommendations for national minimum wage levels for each of the occupations represented by the councils, namely commerce, artisans, transport, port operations, agriculture, and fisheries. At year's end, the Ministry of Trade, Industry, Regional Employment, and Employment had the proposals under review.

There was no specific government action during the year to prevent violations of workers' rights or to improve working conditions, particularly for hazardous sectors or vulnerable groups.

Workers could not refuse to work in dangerous working conditions without risking loss of employment.

During the year there were no reports of violations of wage, overtime, or health and safety standards; no reports that a particular group of workers was subject to hazardous or exploitative working conditions; and no reports of workplace fatalities and accidents or major industrial accidents in which workers were injured or killed.