Home Office
UK Border Agency

THE GAMBIA

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

9 June 2011

SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 9 June 2011. The report was issued on 9 June 2011.

ii The Report is compiled wholly from material produced by a wide range of external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.

vi As noted above, the Report is a compilation of extracts produced by a number of information sources. In compiling the Report no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term ‘sic’ has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because

they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This Report and the accompanying source material are public documents. All Reports are published on the UKBA website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified are available in electronic form, the relevant weblink has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from COI Service upon request.

ix Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be produced if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.

x In producing this Report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

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INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other COI material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

xii In the course of its work the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at http://icinspector.independent.gov.uk/country-information-reviews/

xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

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Background Information

1. GEOGRAPHY

1.01 Located on the west coast of North Africa, with an area covering 11,295 sq km, The Gambia is surrounded by Senegal with a border stretching some 740km. (Central Intelligence Agency (CIA) World Factbook, last updated 6 May 2011) **[3a] (Geography)**

1.02 The population of The Gambia as at July 2011 was estimated to be 1,797,860. (CIA World Factbook, last updated 6 May 2011) **[3a] (People)** Banjul, the Capital has an estimated population of around 50,000. (Foreign and Commonwealth Office, 26 April 2010) **[4a]**

1.03 The United Nations (UN) Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: [Universal Periodic Review]: Gambia*, published on 20 January 2010, stated that:

"The capital city of Banjul has a population of about 34,828 excluding suburbs (2003 census), but is exceeded in size by both Brikama (42,480 inhabitants in 2003) and Serrekunda (151,450 inhabitants in 1993)… Along with the capital, the country is divided into seven administrative areas; five regions and two municipalities, the City of Banjul and Kanifing municipality. The five regions are the Western Region, Lower River Region, Central River Region, Upper River Region and the North Bank Region." **[11a] (p3)**

1.04 The Mandinka made up the largest ethnic group at 42 per cent followed by Fula 18% per cent, Wolof 16 per cent, Jola 10 per cent and the Serahuli 9 per cent. Other groups made up 4 per cent. (CIA World Factbook, last updated 6 May 2011) **[3a] (People)**

1.05 The US Department of State *Background Note: The Gambia*, updated on 22 April 2011, noted that English was the official language but others spoken included Mandinka, Wolof, Fula, Jola, Sarahule, as well as other indigenous languages. **[2b] (People)**

1.06 An estimated 90 per cent of The Gambia's population are Muslim, with Christians making up eight per cent and two per cent have indigenous beliefs. (CIA World Factbook, last updated 6 May 2011) **[3a] (People)**

1.07 The Europa World Online *Country Profile* on The Gambia, accessed 3 February 2011, noted that public holidays included:

"2011 1 January (New Year's Day); 15 February* (Eid al-Moulid, Birth of the Prophet); 18 February (Independence Day); 2 April (Good Friday); 25 April (Easter Monday); 1 May (Workers' Day); 22 July (Anniversary of the Second Republic); 15 August (Assumption/St Mary's Day); 30 August* (Eid al-Fitr, end of Ramadan); 6 November* (Eid al-Kebir, Feast of the Sacrifice); 5 December (Ashoura); 25 December (Christmas).

"* These holidays are dependent on the Islamic lunar calendar and may vary by one or two days from the dates given." **[1a]**

1.08 The national flag is described by Europa World Online *Country Profile* on The Gambia, accessed 3 January 2011, as having "… red, blue and green horizontal stripes, with two narrow white stripes bordering the central blue band." **[1b] (Country Profile: Location, Climate, Language, Religion, Flag, Capital)**

INFRASTRUCTURE

1.09 The Gambia currently has no rail system but Jane's Security Country Risk Assessment report on The Gambia's infrastructure, updated 19 July 2010, stated that:

"There are 3,700 km of roads, including 850 km of main roads and 520 km of secondary roads. Only about 20 per cent of the road network is surfaced and some roads are impassable during the rainy season. Connections eastwards into the interior are still poor, although the network in the urban southwest is now well developed… At present, there is only one airport in Gambia, located between Brikama and Serrekunda-Banjul in the heart of the urban and tourist west." **[7a] (Infrastructure)**

1.10 Jane's also described The Gambia's coastal port:

"The Gambia Port Authority (GPA) is responsible for the Port of Banjul, which accommodates freighters, oil tankers and cruise ships. Modernised in the early 1990s with the intention of serving as an entrepot for the sub-region, Banjul has been highly successful in attracting trade from across the sub-region: Senegal, Mali, Guinea-Bissau, Guinea and Mauritania. Port security was stepped up in mid-2004 in order to comply with the International Ship and Port Facility Security (ISPS) code.

"River ports and wharves have declined with the growth in road transport. Kaur and Kuntaur in Central River Division are still accessible to smaller ocean-going ships. A national shipping line, for overseas routes, existed briefly in the past, but the Gambia River Transport Co Ltd still operates in inland waters." **[7a] (Infrastructure)**

1.11 Jane's also referred to the River Gambia stating that "Despite being an excellent waterway for much of its length, traffic on the River Gambia has declined in recent decades as roads have been upgraded and groundnut exports moved by lorry rather than barges. As there is no bridge over the river, crossing is provided by two major ferries - Banjul-Barra and Farafenni-Mansakonko (Central River Division) - and several smaller ones. " **[7a] (Infrastructure)**

1.12 Totel Pty Ltd, an independent research and consulting company referred to The Gambia's telecommunications structure on its website, noting that "Gambia has a relatively well developed national backbone network, but fixed-line penetration has remained low at around 3%, which in turn has hindered Internet usage. The introduction of wireless systems is beginning to accelerate developments in both of these market sectors. ADSL broadband services have been available in the country since 2006." **[46a]**

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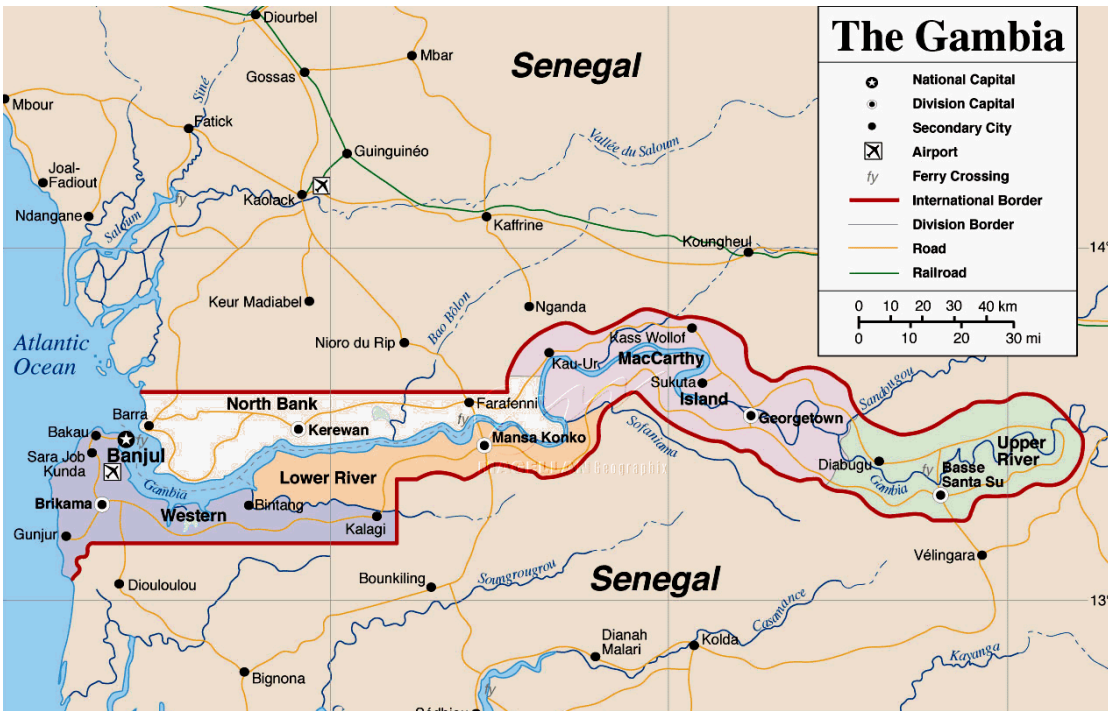
MAP

1.13 Map of The Gambia:



[13a] Gambian government, Department of State for Trade, Industry and Employment (DOSTIE)

Additional maps showing The Gambia can be located on the University of Texas website. **[23a]**

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2. ECONOMY

2.01 The World Bank *Country Brief* on The Gambia, updated September 2010, noted that:

"Despite challenging global, and by extension domestic, conditions, the Gambian economy has performed well in recent years. Real Gross Domestic Product (GDP) grew by an average of 6 percent a year between 2007 and 2009, up from an average of 3.6 percent between 2004 and 2006. Even during the global economic crisis in 2009, real GDP growth was strong at 5.6 percent led by a continued rebound in agricultural production, which helped cushion the impact of sharp drops in tourism and remittances from Gambians working abroad. Inflation fell to 2.8 percent at the end of 2009, edging up marginally in early 2010 to 4.1 percent and reaching 5.4 percent at the end of February 2011." **[8a]**

2.02 The Foreign and Commonwealth Office (FCO) *Country Profile on The Gambia*, updated 26 April 2010, stated that:

"The Gambia has no important mineral or other natural resources and has a limited agricultural base. About 75% of the population depend on crops and livestock. Their livelihood is highly dependent on rainfall. Small-scale manufacturing activity includes the processing of groundnuts, fish, and animal hides. Re-export trade to neighbouring

countries makes a significant contribution to the economy, but is dependent on fluctuating relations with Senegal. Tourism, and associated construction industry, are a mainstay of the economy, as are remittances." **[4a]**

2.03 The Central Intelligence Agency (CIA) World Factbook, last updated 6 May 2011, noted that:

"The Gambia has sparse natural resource deposits and a limited agricultural base, and relies in part on remittances from workers overseas and tourist receipts. About three-quarters of the population depends on the agricultural sector for its livelihood. Small-scale manufacturing activity features the processing of peanuts, fish, and hides. The Gambia's natural beauty and proximity to Europe has made it one of the larger markets for tourism in West Africa, boosted by government and private sector investments in eco-tourism and upscale facilities. In the past few years, The Gambia's re-export trade - traditionally a major segment of economic activity - has declined, but its banking sector has grown rapidly. Unemployment and underemployment rates remain high; economic progress depends on sustained bilateral and multilateral aid, on responsible government economic management, and on continued technical assistance from multilateral and bilateral donors. The quality of fiscal management, however, is weak. The government has promised to raise civil service wages over the next two years and the deficit is projected to worsen." **[3a] (Economy)**

2.04 The CIA World Factbook provided additional basic economic data:

- GDP real growth rate, estimated at 5% (2010 est.)
- Inflation rate, estimated at 5.5% (2010 est.)
- Unemployment rate N/A
- Labour force estimated at 777,100 (2007)
- Labour force by occupation: Agriculture 75%, industry 19%, services 6% (CIA World Factbook, last updated 6 May 2011) **[3a] (Economy)**

2.05 The US Department of State *Country Report on Human Rights Practices 2010*, *The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010), observed the minimal wage for workers:

"The lowest national minimum wage according to law was 19.55 dalasi ($0.72) per day for unskilled labor, but in practice the minimum wage was 50 dalasi ($1.85) per day. The national minimum wage did not provide a decent standard of living for a worker and family. The minimum wage law covered only 20 percent of the labor force, essentially those in the formal economic sector, although most such laborers were paid above the minimum wage." **[2a] (Section 7a)**

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3. HISTORY (1965 TO 2011)

The following provides a very brief history of The Gambia. Further information on Gambian history can be found at the following sources: Access Gambia **[29a]** Freedom House **[35a]** Foreign and Commonwealth Office **[4a]** and US Department of State **[2b]**

3.01 The Freedom House report, *Freedom in the World 2011*, The Gambia, covering events in 2010, published on 16 May 2011, stated that:

"After gaining independence from Britain in 1965, The Gambia functioned for almost 30 years as an electoral democracy under President Dawda Jawara and his People's Progressive Party. A 1981 coup by leftist soldiers was reversed by intervention from Senegal, which borders The Gambia on three sides. The two countries formed the Confederation of Senegambia a year later, but it was dissolved in 1989.

"Lieutenant Yahya Jammeh deposed Jawara in a 1994 military coup. The junior officers who led the coup quickly issued draconian decrees curtailing civil and political rights. A new constitution, adopted in a closely controlled 1996 referendum, allowed Jammeh to transform his military dictatorship into a nominally civilian administration.

"Jammeh defeated human rights lawyer Ousainou Darboe in the 2001 presidential election, and the ruling Alliance for Patriotic Reorientation and Construction (APRC) won all but three seats in the 2002 National Assembly elections, thanks to a widespread boycott by opposition parties.

"The government announced in March 2006 that it had foiled an attempted coup, leading to the arrest of dozens of people, including several prominent journalists and senior intelligence and defense personnel. Ten military officers were sentenced to lengthy prison terms in April 2007. Jammeh won a new five-year term in the September 2006 presidential election, taking 67 percent of the vote, and the APRC swept legislative elections in January 2007." **[35a]**

3.02 The Access Gambia website's history page, accessed on 23 February 2011 noted that "Jammeh remains in power and has brought some degree of stability to the country. Tourism is back in a big way, and the Gambian infrastructure is improving, as evidenced by the modern Banjul International Airport and new roads. Expectations among Gambians are high, though it may prove difficult for the government to implement all of its promises." **[29a]**

3.03 The Economist Intelligent Unit (EIU) *Country Report: The Gambia*, April 2011 described the outlook for 2011-12:

"The president, Yahya Jammeh, and the ruling party, the Alliance for Patriotic Reorientation and Construction (APRC), are expected to retain a firm grip on power through a combination of patronage and repression. The opposition will not win a significant share of the vote in the presidential and parliamentary elections in September 2011 and early 2012 respectively, as the APRC continues to co-opt popular opposition members with lucrative job offers while also harassing the more outspoken leaders and intimidating opposition supporters. Following a spate of arrests, almost everyone with the ability to orchestrate a coup is in jail or in exile, but recent events have highlighted the risk of unexpected changes on this front." **[60a] (Summary)**

(See also Section 1: Geography – Infrastructure and Section 12: Death Penalty)

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4. RECENT DEVELOPMENTS (JANUARY 2011 TO MARCH 2011)

4.01 On 5 January 2011 the *Today* online newspaper reported that the World Health Organisation (WHO) warned that HIV still remained a threat in The Gambia and that health institutions need to work harder towards implementing HIV/AIDS and Tuberculosis programmes, although there are HIV/AIDS voluntary counselling and testing (VCT) programmes available throughout the country. **[21d]**

(See also Section 24: Medical issues - HIV/AIDS – anti-retroviral treatment)

4.02 On 13 January 2011, Gambia's Justice Minister, Edward Gomez, issued threats to exiled journalists and rights defenders, saying that they would be prosecuted if they returned for "painting a grim picture" of the country. His reaction came after privately-owned *Daily News* article reported on the human rights violations in The Gambia. **[40c]**

4.03 The *Freedom* newspaper reported on 28 February 2011 that around 800 supporters of the Alliance for Patriotic Reorientation and Construction (APRC), in Sami Constituency, switched their allegiance to the main opposition United Democratic Party, ahead of the country's September 2011 Presidential elections. **[24b]**

(See also Section 14: Freedom of speech and media – Journalists)

4.04 The Independent Electoral Commission (IEC) announced on 30 March 2011 that it would conduct the Presidential Election on 24th November 2011. The Presidential Election will be followed by the National Assembly Election in the first quarter of 2012, and the Local Government Election a year later, in the first quarter of 2013. **[56b]**

(See also Section 6: Political system)

5. CONSTITUTION

5.01 The Europa World Online *Country Profile* on The Gambia, accessed 15 March 2011, stated:

"The Constitution of the Second Republic of The Gambia, which was approved in a national referendum on 8 August 1996, entered into full effect on 16 January 1997. The Constitution provides for the separation of the powers of the executive, legislative and judicial organs of state. Under its terms, the Head of State is the President of the Republic, who is directly elected by universal adult suffrage. No restriction is placed on the number of times a President may seek re-election. Legislative authority is vested in the National Assembly, elected for a five-year term and comprising 48 members elected by direct suffrage and five members nominated by the President of the Republic. The President appoints government members, who are responsible both to the Head of State and to the National Assembly. Tribalism and other forms of sectarianism in politics are forbidden. The Gambia is divided into eight local government areas." **[1c] (Country Profile: Constitution and Government)**

The Constitution of the Republic of The Gambia can be located on the National Council for Civic Education (NCCE) website. **[10a]**

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6. POLITICAL SYSTEM

OVERVIEW

6.01 The Central Intelligence Agency (CIA) World Factbook, last updated 6 May 2011, noted that The Gambia is a multiparty, democratic republic. The Government consists of both Executive and Legislative branches. **[3a] (Government)**

6.02 The Freedom House report, *Freedom in the World 2011*, The Gambia, covering events in 2010, published on 16 May 2011, stated that:

"The Gambia is not an electoral democracy. The 2006 presidential election was marred by serious government repression of the media and the opposition. The ruling party swept the 2007 legislative elections, taking 42 of 46 seats. The president is elected by popular vote for unlimited five-year terms. Of the 53 members of the unicameral National Assembly, 48 are elected by popular vote and the remainder are appointed by the president; members serve five-year terms. The president and the ruling APRC are in clear control, and opposition involvement is largely symbolic." **[35a]**

6.03 The Independent Electoral Commission (IEC), accessed 16 March 2011, stated that "There are currently ten registered political parties in The Gambia. To become a registered political party, organisations must fulfill the guidelines established under section 105 of the Elections Decree of 1996 (Decree No. 78) and complete an application form." **[49a]**

6.04 The US Department of State *Background Note:* The Gambia, updated 22 April 2011, stated that "Local government in The Gambia varies. The capital city, Banjul, and the much larger Kanifing Municipality have elected town and municipal councils. Five rural regions exist, each with a council containing a majority of elected members. Each council has its own treasury and is responsible for local government services. Tribal chiefs retain traditional powers authorized by customary law in some instances." **[2b] (Government)**

(See Annex B for further a list of Political organisations in The Gambia)

THE EXECUTIVE BRANCH

6.05 The CIA World Factbook noted that Yahya A.J.J. Jammeh has held the position of President since 18 October 1996 and as President, Jammeh also holds the position as Chief of State and Head of Government. The Cabinet are appointed by the President. The President is elected for a five year term, to which there are no term limits. The last election was held on 22 September 2006 when Yahya A.J.J. Jammeh won 67.3 per cent of votes. The next election is due to be held in 2011. **[3a] (Government)**

6.06 The Economist Intelligent Unit (EIU) *Country Report: The Gambia*, October 2010 noted:

The president carried out the sixth cabinet reshuffle in 12 months on July 21st, offering as usual no explanation for his actions. The finance minister, Momodou Foon, was dismissed after only four months in charge and replaced by his predecessor, Abdou Kolley. A former diplomat, Mambury Njie, will replace Mr Kolley as minister at the Ministry of Economic Planning. Yusupha Kah has thus been reassigned from economic planning and was appointed minister of trade, regional integration and employment. The country has grown accustomed to the rapid turnover of cabinet members; the reason appears to be to ensure that ministers cannot build up a power base. **[60b] (Government)**

THE LEGISLATIVE BRANCH

6.07 The CIA World Factbook noted that the unicameral National Assembly had fifty-three seats, forty eight members who are elected by popular vote and five appointed by the President to serve five year terms. The last election was held on 25 January 2007, with the next one due to be held in 2012. **[3a] (Government)**

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Human Rights

7. INTRODUCTION

7.01 The United Nations (UN) Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: [Universal Periodic Review]: Gambia*, published on 20 January 2010, stated that:

"The Gambian Constitution provides in Chapter 4 for the promotion and protection of human rights. Every person in The Gambia, whatever his or her race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status, shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter, but subject to respect for the rights and freedoms of others and for the public interest.

"The fundamental human rights and freedoms enshrined in this Chapter shall be respected and upheld by all organs of the Executive and its agencies, the Legislature and, where applicable to them, by all natural and legal persons in The Gambia, and shall be enforceable by the Courts in accordance with the Constitution." **[11a] (p3)**

7.02 The US Department of State *Country Report on Human Rights Practices 2010, The Gambia*, published on 8 April 2011(USSD Human Rights Report 2010), noted that:

"Human rights problems included government complicity in the abduction of citizens; torture and abuse of detainees and prisoners, including political prisoners; poor prison conditions; arbitrary arrest and detention of citizens, including incommunicado detention; denial of due process and prolonged pretrial detention; restrictions on freedom of speech and press; violence against women and girls, including female genital mutilation (FGM); forced child marriage; trafficking in persons; child prostitution; discrimination against homosexual activity; and child labor." **[2a] (Introduction)**

7.03 The Amnesty International (AI) *Report 2011: The state of the world's human rights*: Gambia, (AI Report 2011) published on 13 May 2011, stated that:

"The government continued to restrict political freedom, stifle freedom of expression and commit human rights violations with impunity. Members of the National Intelligence Agency (NIA), army, police, and shadowy militias close to the President – known as ninjas, drug boys and jugglers – arbitrarily arrested and detained government opponents, human rights defenders, journalists and former security personnel. Torture and other ill-treatment in custody were reported. A second wave of mass arrests took place, culminating in the treason trial of eight prominent men, who were sentenced to death after a grossly unfair trial." **[5a]**

(See also Section8: Security forces - Arbitrary arrest and detention and Section 15: Human rights institutions, organisations and activists)

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8. SECURITY FORCES

OVERVIEW

8.01 The US Department of State *Country Report on Human Rights Practices 2010, The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010) observed:

"The armed forces are responsible for external defense and report to the minister of defense, a position held by the president. The police, under the interior minister, are responsible for public security. The National Intelligence Agency (NIA) is responsible for protecting state security, collecting intelligence, and conducting covert investigations; it reports directly to the president. The NIA is not authorized to investigate police abuses, but during the year, the NIA often assumed police functions such as detaining and questioning criminal suspects. Security forces frequently were corrupt and ineffective. On occasion security forces acted with impunity and defied court orders." **[2a] (Section 1d)**

(Section 8: Security forces – Avenues of complaint and Section 16: Corruption)

POLICE

8.02 The United Nations (UN) Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: [Universal Periodic Review]: Gambia*, published on 20 January 2010, stated that:

"The Gambia Police Force is a law enforcement agency which has the function of the preservation of law and order, the protection of property, the prevention and detection of crime, the apprehension of offenders and the due enforcement of all laws and regulations with which they are charged.

"To ensure compliance with these constitutional requirements and The Gambia's international obligations, training programmes are continuously organized for members of The Gambia Police Force and other security agencies in the country. The Police also have Human Rights and Complaints Unit and a Child Welfare and Vulnerable Person's Unit. The Human Rights and Complaints Unit is the internal investigation mechanism branch of the police dealing with general public complaints against the police, which include police corruption, human rights abuses and related matters. The Child Welfare and Vulnerable Person's Unit also work very closely with NGOs [Non-Governmental organisations] in dealing with issues involving children and vulnerable persons." **[11a] (p14)**

8.03 Access Gambia website's page on Gambia's police force, accessed on 24 February 2011 noted that: "The Gambia, which has one of the lowest crime rates of all the countries in the sub-Sahara region, has a police force which is making all efforts to make the country as crime and drug free as possible… The Gambian Police Force has succeeded in creating and maintaining a generally conductive atmosphere by involving the public in the prevention and detection of crime." **[29b]**

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Structure and reform

8.04 Jane's *Security Country Risk Assessment: The Gambia*, Security and Foreign Forces section, updated 27 July 2010, recorded that in January 2006 president Yahya Jammeh announced that the Gambian Police Force was to become an armed force and would be divided into regional structures. **[7b] (Police)**

8.05 The United Nations (UN) *National report,* published 20 January 2010, reported:

"The Police Act which outlines the duties and functions of the police is a colonial law. The Gambia Government is working towards the amendment of the Act to bring it in line with international standards and best practices on human rights and policing. Government also intends to address the human resources constraints faced by the Human Rights and Complaints Unit and the Child Welfare and Vulnerable Person's Unit of the Police Force by training more police officers, especially on human rights issues, up to university level. The Training Manual for the Gambia Police Force will also be updated to include a section on human rights." **[11a] (p22)**

8.06 The same report further noted:

"… training programmes are continuously organized for members of The Gambia Police Force and other security agencies in the country. The Police also have Human Rights and Complaints Unit and a Child Welfare and Vulnerable Person's Unit. The Human Rights and Complaints Unit is the internal investigation mechanism branch of the police dealing with general public complaints against the police, which include police corruption, human rights abuses and related matters. The Child Welfare and Vulnerable Person's Unit also work very closely with NGOs in dealing with issues involving children and vulnerable persons." **[11a] (p14)**

(See also subsection: Avenues of complaint and Section 22: Children)

ARMED FORCES

8.07 Jane's *Security Country Risk Assessment: The Gambia*, Defence – Armed Forces, section, updated 22 June 2010, stated that:

"Gambia is a small country with a small military which would seem adequate for the size of the country and the absence of any domestic insurgent groups, but it is distrusted and poorly funded. The two-battalion strong Gambia National Army (GNA) accounts for the vast majority of military personnel as the country has no formal air force and the navy is very small. The GNA's main role is internal security, although contributions have been made to UN [United Nations] and ECOMOG [Economic Community of West African States Monitoring Group] missions." **[7c]**

8.08 There is no military conscription but there is voluntary military service for males and females aged 18 and over. (CIA) World Factbook, last updated 6 May 2011) **[3a] (Military)**

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NATIONAL INTELLIGENCE AGENCY (NIA)

8.09 Jane's *Security Country Risk Assessment: The Gambia*, Security and Foreign Forces section, updated 27 July 2010, noted:

"The National Intelligence Agency (NIA) was established in 1995 to replace the previous structure, the National Security Service (NSS), which had been under the control of the deposed head of state. The NIA reports directly to the president and works closely with other security forces. Although the NIA was given leading responsibility for investigations and arrests under 'Operation No Compromise', its personnel have not been exempt from prosecution. In the wake of the alleged coup plot of March 2006, the position of NIA director-general was changed twice in a few months, while restructuring and downsizing of the NIA was also reportedly planned." **[7b] (Security and Foreign Forces)**

HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES

Arbitrary arrest and detention

8.10 The USSD Human Rights Report 2010 stated that "The constitution and law prohibit arbitrary arrest and detention; however, there were numerous instances of police and other security forces arbitrarily arresting and detaining citizens." **[2a] (Section 1d)**

8.11 The Amnesty International (AI) *Report 2011: The state of the world's human rights*: Gambia, (AI Report 2011) published on 13 May 2011, stated that

"In a wave of arrests in March [2010], which followed an earlier wave in November 2009, former government officials were accused of treason or attempts to destabilize the government. In all, several hundred former officials, military officers and civilians were detained. The detainees were overwhelmingly denied access to lawyers and relatives and held in conditions so harsh that they amounted to cruel, inhuman and degrading treatment.

"The police, NIA and army continued to unlawfully arrest and detain people in violation of national law. Detainees were held in overcrowded and insanitary [sic] conditions in official places of detention such as the Mile 2 Central Prison, the NIA [National Intelligence Agency] headquarters and police detention centres. They were also held in secret detention centres, including military barracks, secret quarters in police stations, police stations in remote areas and warehouses." **[5a]**

8.12 In another example, the Amnesty International (AI) *Report 2010: The state of the world's human rights*: Gambia, (AI Report 2010) published on 27 May 2010, described events which occurred in March 2009:

"…more than 1,000 villagers from Foni Kansala district were taken to secret detention centres by 'witch hunters' from Guinea and Burkina Faso dressed in red hooded outfits. The 'witch hunters' were allegedly brought in by the President and accompanied by Gambian police, soldiers, NIA [National Intelligence Agency] agents and the President's personal guards. The villagers were reportedly forced to drink hallucinogenic liquids and confess to 'witchcraft'. The drinks appeared to cause kidney problems and reportedly led to at least six deaths. Opposition leader Halifa Sallah, who wrote about the 'witchcraft campaign' in the opposition newspaper *Foroyaa*, was detained, charged with treason and held in Mile 2 Central Prison until his case was dropped in late March

[2009]. The 'witchcraft campaign' ceased after it was publicly exposed, but none of those involved in the abuses was brought to justice." **[5c]**

8.13 The Committee to Protect Journalists (CPJ) report, *Attacks on the Press 2010 – Africa Developments*: The Gambia, highlighted the disappearance of detained journalist "Chief" Ebrima Manneh. Missing since 2007, the Gambian government denied having any knowledge of his whereabouts. Although witnesses have said that security agents arrested Manneh in the newsroom of the *Daily Observer* in 2007. **[16c]**

(See also Section 14: Freedom of Speech and media – Journalists for examples of journalists reportedly detained)

8.14 An article by the AllAfrica media website reported on 31 December 2010 on the families that continued to face uncertainty over missing loved ones, those that disappeared under mysterious circumstances and sometimes for no specific reason. Some of those had been missing for many years; and were picked up by men believed to be part of the Gambian authorities, dressed in plain clothes whilst travelling in vehicles without any registration numbers. **[37a]**

(See also Section 10: Arrest and detention – legal rights)

Torture

8.15 The USSD Human Rights Report 2010 noted, with regards to torture, that:

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

"On August 5 [2010], former inspector general of police Ensa Badjie and former commander of the military police unit of the army Lieutenant-Colonel Mam Matarr Secka, who were on trial for corruption, abuse of office, and drug-related offenses, told their lawyer state security agents severely tortured them.

"There were no developments in the following 2008 cases of torture and abuse by security forces: the March stabbing of Amadou Sanyang by members of the police intervention unit; the June torture and beating of five residents of Lamin Daranka during their arrest and transfer to Yundum Police Station; and the torture of Abdoulie Faye over an 18-day period in September by members of the police criminal investigation division." **[2a] (Section 1c)**

8.16 In one reported case of alleged torture the AI Report 2011 noted that Musa Saidykhan, former editor-in-chief of The Independent, a Banjul-based newspaper alleged that he was tortured after state security agents raided the newspaper in 2006. The newspaper was shut it down and the staff imprisoned. Musa Saidykhan was later released and fled to Senegal. **[5a]**

(See also Section 14: Freedom of speech and media - Newspapers, radio, Internet and television)

AVENUES OF COMPLAINT

8.17 The USSD Human Rights Report 2010 observed that "The police human rights and complaints unit receives and addresses complaints of human rights abuses committed by police officers from both civilians and other police officers. During the year [2010],

the unit received several complaints, and some police officers faced disciplinary action as a result." **[2a] (Section 1d)**

8.18 The same report added "The indemnity act continued to prevent victims from seeking redress in torture cases related to official actions taken by military personnel during military rule from 1994-96. The army requires victims to file formal complaints with the courts regarding alleged torture that occurred at other times. However, during the year there were no known prosecutions in civil or military courts of security force members accused of mistreating individuals." **[2a] (Section 1c)**

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9. JUDICIARY

ORGANISATION

9.01 Europa World Online *Country Profile* on The Gambia, accessed 3 March 2011, stated that "The judicial system of The Gambia is based on English Common Law and legislative enactments of the Republic's parliament, which include an Islamic Law Recognition Ordinance whereby an Islamic Court exercises jurisdiction in certain cases between, or exclusively affecting, Muslims." **[1d] (Government and Politics – Judicial System)** The US Department of State *Country Report on Human Rights Practices 2010*, *The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010), added "Islamic, or Cadi, courts have jurisdiction over Islamic matters of marriage, divorce, and inheritance when Muslim parties are involved. District chiefs preside over local tribunals that administer customary law at the district level. Cadi courts and district tribunals do not offer standard legal representation to the parties involved, since lawyers are not trained in Islamic or customary law. Military tribunals cannot try civilians." **[2a] (Section 1e)**

9.02 The USSD Human Rights Report 2010 also noted:

"The judicial system recognizes customary, Sharia (Islamic), and general law. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and other traditional and social relations. Customary law recognizes the rights of all citizens regardless of age, gender, and religion. It does not call for discrimination, but women are expected to show respect for their husbands and children for their parents.

"Sharia was employed primarily in Muslim marriage and divorce matters; it favored men in its provisions. General Law, following the British model, applied to felonies and misdemeanors and to the formal business sector." **[2a] (Section 1e)**

9.03 The US Department of State *Country Report on Human Rights Practices 2009, The Gambia*, published on 11 March 2010 (USSD Human Rights Report 2009), noted that "The judicial system consists of the Supreme Court, the Court of Appeal, high courts, and eight magistrate courts." **[2f] (Section 1e)**

9.04 Europa World Online further described the Court structure:

"The Banjul Magistrates Court, the Kanifing Magistrates Court and the Divisional Courts are courts of summary jurisdiction presided over by a magistrate or in his absence by two or more lay justices of the peace. There are resident magistrates in all divisions. The magistrates have limited civil and criminal jurisdiction, and appeal from these courts

lies with the Supreme Court. Islamic Courts have jurisdiction in matters between, or exclusively affecting, Muslim Gambians and relating to civil status, marriage, succession, donations, testaments and guardianship. The Courts administer Islamic Shari'a law. A cadi, or a cadi and two assessors, preside over and constitute an Islamic Court. Assessors of the Islamic Courts are Justices of the Peace of Islamic faith. District Tribunals have appellate jurisdiction in cases involving customs and traditions. Each court consists of three district tribunal members, one of whom is selected as president, and other court members from the area over which it has jurisdiction." **[1d] (Government and Politics – Judicial System)**

(See also Section 21: Women - Social and economic rights and Marriage and divorce)

9.05 Europa World Online, accessed on 3 March 2011, noted that "The Supreme Court is defined as the final court of appeal. Provision is made for a special criminal court to hear and determine all cases relating to theft and misappropriation of public funds." **[1d] (Government and Politics – Judicial System)**

9.06 A Case Study by the International Records Management Trust (IRMT) on *Legal and Judicial Records and Information Systems in The Gambia*, published in December 2001, found that prior to 1995 the Judiciary's record-keeping had been sub-standard. The report noted:

"Prior to 1995, record-keeping systems throughout the Judiciary were inadequately managed and could not be relied upon to meet the information needs of the courts, government and civil society. Not only were records poorly protected physically, but there was also a general lack of security.

"For example, there was open access to the registries where case records were kept. In the superior courts, inactive case files were piled in heaps in the central registry and 'archive room', and there was no systematic removal of inactive files from current records systems, nor was there any destruction of files and records of no further value… In the magistrate's courts, records were kept in extremely poor conditions, frequently in a state of disorder. Few registers were kept of civil cases. Consequently, much time was spent searching for case records and missing documents.

"In a typical court, routine criminal cases were kept together in monthly files but numbered inconsistently, and all cases finalised were filed together by month, causing difficulties in retrieval… Court exhibits were stored haphazardly and without any security; frequently cases could not proceed because vital exhibits were missing…

"Between 1998 and 2001, records systems in the superior courts were restructured or improved." **[48a] (p7-9)**

9.07 The United Nations (UN) Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: [Universal Periodic Review]: Gambia*, published on 20 January 2010, stated that:

"The Judiciary of The Gambia has recorded many achievements over the years. To decentralize the court system, High Court complexes were built in three provincial regions. The Alternative Dispute Resolution Act was also passed in 2005 and an Alternative Dispute Resolution Secretariat set up with the aim of affording litigants the opportunity to settle their disputes amicably without resorting to litigation. To further enhance the independence of the judiciary the judiciary was granted financial autonomy and the salary of judges significantly improved." **[11a] (p15)**

The Gambia Ministry of Justice (MoJ) website provides further information on their Justice Departments. **[54a]**

INDEPENDENCE

9.08 The USSD Human Rights Report 2010 stated:

"The constitution and law provide for an independent judiciary; however, the courts, particularly at the lower levels, were corrupt and subject to executive pressure. AI [Amnesty International] noted that the presidential power to remove a judge, nominally in consultation with the Judicial Service Commission (JSC), impeded judicial independence. During the year [2010] the president removed two high court judges without consulting the JSC.

"Judges presiding over 'sensitive' cases who made decisions not considered favorable to the government risked being fired. For example, on June 8, the president dismissed Chief Justice Abdoukarim Savage without explanation. In June 2009 the president also terminated the appointment of Justice Haddy Roche, regarded as an independent thinker in legal circles; Roche had been dismissed from the bench twice previously. Several judges were dismissed under similar circumstances in 2008." **[2a] (Section 1e)**

9.09 The Amnesty International (AI) *Report 2009: The state of the world's human rights*: Gambia, (AI Report 2009) published on 280May 2009, referred to the three judges that had been "unconstitutionally" removed from their positions in 2008 by order of the President. It was noted that no reasons were given for their removal from office, but later the same year they were reinstated. **[5b]**

(See also Section 16: Corruption)

FAIR TRIAL

9.10 The USSD Human Rights Report 2010 stated:

"The constitution and law provide for a fair and public trial, and the judiciary generally enforced this right, although frequent delays and missing or unavailable witnesses, judges, and lawyers often impeded the process. Many cases also were delayed because of adjournments designed to allow the police or NIA [National Intelligence Agency] time to continue their investigations…

"The judicial system suffered from inefficiency at all levels. Cases continued to be delayed because the court system was overburdened. To alleviate the backlog, the government continued to recruit judges and magistrates from other commonwealth countries that have similar legal systems. The attorney general oversees the hiring of foreign judges on contract. The government reserves the right not to renew a judge's contract." **[2a] (Section 1e)**

(See also Section 21: Women – Legal rights)

10. ARREST AND DETENTION – LEGAL RIGHTS

10.01 Chapter IV, Section 19, Protection of Right to Personal Liberty, of the Constitution states that "Every person shall have the right to liberty and security of right to person. No one shall be subjected to arbitrary, arrest or Personal liberty detention. No one shall be deprived of his or her liberty except on such grounds and in accordance with such

procedures as are established by law." (National Council for Civic Education (NCCE), accessed 14 April 2010) **[10a]**

10.02 The US Department of State *Country Report on Human Rights Practices 2010*, *The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010), stated: "The constitution and law prohibit arbitrary arrest and detention; however, there were numerous instances of police and other security forces arbitrarily arresting and detaining citizens…

"The law requires that authorities obtain a warrant before arresting a person; however, in practice individuals often were arrested 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 detention surpassing the 72-hour limit. Detainees generally were not informed promptly of charges against them. There was a functioning bail system; however, the courts occasionally released accused offenders on bail only to have police or other law enforcement personnel rearrest them as they were leaving the court. Detainees were not allowed prompt access to a lawyer or family members; convicted prisoners were generally permitted to meet privately with their attorneys. Indigent persons accused of murder or manslaughter were provided a lawyer at public expense.

"Military decrees enacted prior to the adoption of the constitution give the NIA [National Intelligence Agency] 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. The government claimed it no longer enforced the decrees; however, there were numerous detentions during the year that exceeded the 72-hour limit." **[2a] (Section 1d)**

10.03 The Freedom House report, *Freedom in the World 2011*, The Gambia, covering events in 2010, published on 16 May 2011, stated "A 1995 decree allows the NIA to search, arrest, or seize any person or property without a warrant in the name of state security. Individuals are often arrested without warrant, including journalists, and some individuals are held incommunicado by the government for their political views or associations… Impunity for the country's security forces, particularly the NIA, is a problem." **[35a]**

The US Department of State *Country Report on Human Rights Practices 2010, The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010), provided examples of arrest and detention incidents. **[2a] (Section 1d)**

(See also Section 8: Security forces - Arbitrary arrest and detention and Section 9: Judiciary - Fair trial)

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11. PRISON CONDITIONS

11.01 The US Department of State *Country Report on Human Rights Practices 2010*, *The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010), stated:

"Prison conditions were poor, and cells were overcrowded, damp, and poorly ventilated. Inmates complained of poor sanitation and food. Unlike in previous years, there were no reports that guards were reluctant to intervene in fights between prisoners. Local

prisons were overcrowded, and inmates occasionally slept on the floor. Prior to conviction, detainees were allowed to receive food from outside, but not after conviction. Medical facilities in prisons were poor; inmates who fell ill often were taken to the Royal Victoria Teaching Hospital in Banjul or nearby health centers for examination and treatment. Water supply was adequate but lighting in some cells was poor. During the summer months temperatures are extremely high and there were no ceiling fans to reduce the heat." **[2a] (Section 1c)**

11.02 The same report noted:

"Unlike during the prior year [2009], no prisoners at the Mile 2 Central Prison died during the year as a result of poor food or inadequate medical care. In March 2009 Benedict Jammeh, former police inspector general and current director at the National Drug Enforcement Agency (NDEA), testified at Musa Suso's trial that inmates at Mile 2 Central Prison were fed tainted meat that resulted in the deaths of several prisoners; a committee of senior police officers subsequently confirmed the report. In May 2009 David Colley, the director general of prison services, testified in the same trial that 23 inmates in 2006 and 40 in 2007 died in prison, primarily as a result of chronic anemia, abdominal infection, and food poisoning.

"Pretrial detainees occasionally were held with convicted prisoners. At year's end [2010], there were more than 800 inmates in the country's prisons. Women and men were held in separate wings, as were juveniles and adults." **[2a] (Section 1c)**

11.03 The United Nations (UN) Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: [Universal Periodic Review]: Gambia*, published on 20 January 2010, stated that:

"Overcrowding is one the major problems faced by the prisons. This has seriously affected the lives of the inmates in maintaining a good health standard. Lack of resources coupled with the problem of overcrowding means most of the facilities provided are overstretched. Another problem is long pre-trial detentions. Many criminal cases get adjourned due to lack of enough judicial personnel to preside over them. Prison officials also need training, especially on international best practices. Other constraints faced by the prison services include lack of enough medical doctors and nurses to provide proper and timely medication and lack of adequate recreational and sporting facilities." **[11a] (p19-20)**

11.04 An article in *Jollofnews* online, dated 15 April 2010, reported on the conditions prisoners faced at the State Central Prison, Mile 2. The article noted:

"Sources close to the prisons have described the situation in there as often 'psychologically depressing and mentally torturing' for the prisoners, who spend 17 (seventeen) hours each day in solitary confinement, struggling to put up with extremely poor ventilation in their cells. According to a source who spoke to Jollof News, it is extremely difficult for sick prisoners to access medical attention as they are the subject of utter disregard by prison authorities. As a result, the source added, this has often caused medical complications in the cases of some sick prisoners. 'Most often prisoners have to send medical prescriptions to family members to buy relevant medicines for their treatment,' the source said. 'Some prisoners die largely due to lack of prompt and proper medical treatment.'" **[14a]**

11.05 The same *Jollofnews* article added:

"The meals are of poor and low quality and so insufficient, yet prisoners are not allowed to receive supplementary food from their relatives', a source noted. Our sources also disclosed that convicted prisoners are allowed to see families or loved ones once a month for only 30 minutes and only three people are allowed to visit a prisoner. There have been reports of late of people kept in remand for years without either being charged or taken to court… According to the source many prisoners in Mile 2 have undergone various surgical operations due to complications that resulted from their long stay there. Many prisoners are steadily losing their sight and some suffering from paralysis." **[14a]**

11.06 In contrast to the *Jollofnews* report, the UN report published on 20 January 2010 noted the achievements and best practice of the Prison Service:

"…all efforts are made to treat prisoners in a humane and dignified manner from the time of admission to the time of discharge. Prisoners are informed of the regulations governing them, their rights and obligations while in prison. Training, seminars and workshops are routinely conducted for members of the Gambia Police Force and Prison Services on juvenile justice administration and on international conventions such as the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and the above-named instruments on the protection of prisoners." **[11a] (p14)**

11.07 The same UN report further noted:

"The Gambia Prison Services has been taking practical steps to promote the reformation and social rehabilitation of prisoners, by education, vocational training and useful work. The State Central Prison, for example, has a multi-purpose workshop where prisoners are trained in different livelihood skills such as tailoring, carpentry, building construction. The other two prisons also have facilities built for educational purposes. A qualified teacher is provided by the Ministry of Basic Education to teach children detained at the Juvenile Wing at Old Jeshwang on a daily basis.

"Prisoners and detainees also have access to information. Televisions, for example, are installed in all cells, thereby giving prisoners access to information regarding the country and even beyond. Lawyers who have clients in the prison are given access to visit them without conditions. The department of Social Welfare had designated a member to each of the prisons to help the inmates in their social matters. Qualified doctor visits the prisons on a daily basis to provide treatment for sick prisoners." **[11a] (p14)**

11.08 The USSD Human Rights Report 2010 noted "There were occasional reports of lawyers' and family members being denied access to detainees at Mile 2 Central Prison, but generally all prisoners had access to visitors. Prisoners were free to observe any religion. Prisoners and detainees who had complaints could transmit them through their lawyers or relatives, who could take up the complaints with judicial authorities." **[2a] (Section 1c)**

11.09 The same report added:

"Authorities sometimes investigated credible allegations of inhumane conditions, as was the case in the reports of prisoners in Mile 2 being fed tainted beef in 2006. A Prisons Visiting Committee, which comprises several government agencies, is empowered to monitor detention center conditions, but it was thought to be inactive during the year [2010].

"The Office of the Ombudsman can investigate all reports brought before it, including bail conditions, pretrial detention, and confinement of juvenile offenders. However, it is not involved in negotiating alternatives for suspects facing the law. The Office of the Ombudsman did not publish findings of any investigations it conducted during the year.

"The government permitted limited independent monitoring of prison conditions by some local and international human rights groups and diplomatic missions; however, neither the media nor the International Committee of the Red Cross (ICRC) was granted access to detainees or prisoners during the year." **[2a] (Section 1c)**

(See also Section 8: Security forces - Arbitrary arrest and detention and Section 10: Arrest and detention – legal rights)

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12. DEATH PENALTY

12.01 Chapter IV, Section 18, Protection of Right to Life, of the Constitution states that:

"(1) No person shall be deprived of his or her life intentionally of right to life [sic] except in the execution of a sentence of death imposed by a court of competent jurisdiction in respect of a criminal offence for which the penalty is death under the Laws of The Gambia as they have effect in accordance with subsection (2) and of which he or she has been lawfully convicted.

"(2) As from the coming into force of this Constitution, no court in The Gambia shall be competent to impose a sentence of death for any offence unless the sentence is prescribed by law and the offence involves violence, or the administration of any toxic substance, resulting in the death of another person.

"(3) The National Assembly shall within ten years from the date of the coming into force of this Constitution review the desirability or otherwise of the total abolition of the death penalty in The Gambia" **[10a]**

12.02 The United Nations (UN) Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: [Universal Periodic Review]: Gambia*, published on 20 January 2010, stated that:

"The death penalty was abolished in 1993 by the Death Penalty (Abolition) Act 1993 but reinstated in 1995 by Decree No. 52 entitled the Death Penalty (Restoration) Decree, 1995. Among the reasons given for the restoration of the death penalty were that 'since the abolition of the death penalty in The Gambia there has been a steady increase of cases of homicide and treasonable offences which, if not effectively checked, may degenerate into a breakdown of law and order' and that the duty dawned on the 'State to provide adequate mechanisms for the security of life and liberty of its citizenry thereby maintaining law and order and ensuring greater respect for individual human rights.'

"The application of the death penalty is limited only to murder and treasonable offences. Even with that, it can only be imposed where the offence resulted in death, or the administration of any toxic substance, resulting in the death of another person.' Thus, the fact that the death penalty is limited to these offences means it is quite an exceptional measure meant for 'most serious crimes'. The courts have imposed death

sentences on accused persons convicted of murder since 1995 but none is [sic] executed yet.

"Furthermore, Gambian law prescribes that the procedural guarantees, including the right to a fair hearing by an independent tribunal, the presumption of innocence, the minimum guarantees for the defence, and the right to review by a higher tribunal prescribed must be observed before the death penalty can be imposed. These rights are applicable in addition to the particular right to seek pardon or commutation of the sentence." **[11a] (p3-4)**

12.03 On 4 April 2011 Hands Off Cain reported on the amendments to the law abolishing the death penalty for drug-related offences:

"… Gambian lawmakers approved new amendments, presented before the National Assembly members by Attorney General and minister of Justice, Edward Gomez, abolishing the death penalty for drug-related offences and replacing it with life imprisonment.

"The legislators had in October 2010 approved a law that imposes the death penalty on people convicted of being in possession of cocaine or heroine amounting to or more than 250 grams.

"Presenting three bills for amendment - the Drugs Control (Amendment) Act 2011, Trafficking in Person (Amendment) Act 2011 and Criminal Code (Amendment) Act 2011 - Justice minister Edward Gomez acknowledged that the amendment of the Drug Control Act in 2010 overlooked Section 18 (2) of The Gambia Constitution of 1997 which stipulates that no court in the country 'shall be competent to impose a sentence of death for any offence unless the sentence is prescribed by law and the offence involves violence, or the administration of any toxic substance, resulting in the death of another person.'" **[47a]**

12.04 The Amnesty International (AI) *Report 2011: The state of the world's human rights*: Gambia, (AI Report 2011) published on 13 May 2011, stated that "At least 20 people were believed to be on death row at the end of the year [2010]. No executions were reported; the last known execution was in the 1980s." **[5a]**

12.05 In June 2010 prosecutors in The Gambia charged former navy chief Sarjo Fofona and ex-army chief of staff Gen Langtombong Tamba of being part of a 2006 alleged coup attempt overthrow President Yahya Jammeh. (BBC, 18 June 2010) **[6b]** On 23 May 2011the former chief of defence staff Lt General Lang Tombong Tamba and former chief of naval staff rear Admiral Sarjo Fofana were convicted of treason and sentenced to 20 years imprisonment after being found guilty of the aborted coup in March 2006. Lang Tombong Tamba is currently serving a death sentence in connection with a 2009 coup plot. **[56c]**

12.06 The Gambia abolished the death sentence in 1981 but had it reinstated in 1995. Two dozen people have been sentenced to death since then but no executions have reportedly been carried out. **[37d]**

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13. POLITICAL AFFILIATION

This section should be read in conjunction with Section 14: Freedom of speech and media and Section 15: Human rights institutions, organisations and activists.

FREEDOM OF POLITICAL EXPRESSION

13.01 The US Department of State *Country Report on Human Rights Practices 2010*, *The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010), stated "The constitution and law provide citizens [with] the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage." **[2a] (Section 3)**

13.02 Observing President Yahya Jammeh's intolerance of any form of criticism, the British Broadcasting Corporation (BBC) Country Profile: The Gambia, updated 4 May 2011, noted that "Many Gambians privately disapprove of the iron-fisted nature of his rule, which has seen political opponents and journalists imprisoned without charge, but say he has done much to improve schools, hospitals and roads." **[6a]**

13.03 The Freedom House report, *Freedom in the World 2011*, The Gambia, covering events in 2010, published on 16 May 2011, stated that "Throughout 2010, Jammeh sought to tighten his grip on power ahead of the 2011 presidential elections. In a tour of the country in July 2010, the president threatened to withhold government services to voters who fail to support him in the 2011 elections. In a July celebration of the 1994 coup that brought him to power, Jammeh declared that he would rule The Gambia for as long as he wished." **[35a]**

13.04 The Amnesty International (AI) *Report 2011: The state of the world's human rights*: Gambia, (AI Report 2011) published on 13 May 2011, stated, "The government continued to restrict political freedom, stifle freedom of expression and commit human rights violations with impunity. Members of the National Intelligence Agency (NIA), army, police, and shadowy militias close to the President – known as ninjas, drug boys and jugglers – arbitrarily arrested and detained government opponents, human rights defenders, journalists and former security personnel. **[5a]**

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FREEDOM OF ASSOCIATION AND ASSEMBLY

13.05 The USSD Human Rights Report 2010 stated that: "The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice. However, police sometimes refused to issue permits to opposition parties wishing to hold political rallies." **[2a] (Section 2b)**

13.06 Chapter IV, Section 25 of the Constitution states:

"(1) Every person shall have the right to- …

(d) freedom to assemble and demonstrate peaceably and without arms;

(e) freedom of association, which shall include freedom to form and join associations and unions, including political parties and trade unions;…" **[10a]**

13.07 The USSD Human Rights Report 2010 stated, "The opposition UDP [United Democratic Party] reported that police did not issue permits for a July 2009 meeting in Serrekunda or an August 2009 meeting in Bakau; the August meeting, however, proceeded without police permission.

"… on April 1 [2010], leading opposition activist Femi Peters was sentenced to one year in prison and fined 10,000 dalasi ($360) for organizing a political rally and using a loudspeaker without a police permit as required under the Public Order Act. Peters, who was the campaign manager of the UDP, was arrested in October 2009 after the UDP held a rally in Serrekunda without prior police authorization. The opposition said the police were using the issue of a permit to stifle their legitimate right to hold meetings. Peters appealed his conviction; it was dismissed by the court of appeal on August 5 [2010]." **[2a] (Section 2b)**

13.08 With regards to workers the USSD Human Rights Report 2010 added:

"The law provides that workers are free to form associations, including trade unions, without previous authorization or excessive requirements, and workers exercised this right in practice. Military personnel, police officers, and other civil service employees are prohibited from forming unions. Unions must register to be recognized, but there were no cases in which registration was denied to a union that applied. Approximately 20 percent of the work force was employed in the formal wage sector, where unions were most active.

"The law allows the right to strike; however, the government interfered with unions' right to strike. The government places restrictions on the right by requiring unions to give the commissioner of labor written notice 14 days before beginning an industrial action (28 days for essential services). The law specifically prohibits military personnel, police officers, and other civil service employees from striking. Police and military personnel had access to a complaints unit, and civil servants could take their complaints to the public service commission or the personnel management office." **[2a] (Section 7a)**

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

13.09 The USSD Human Rights Report 2010 noted "Political parties generally operated without restriction; however, police sometimes refused to issue permits for opposition parties to hold public meetings…

"Individuals representing political parties or running as independents could freely declare their candidacy, if their nominations were approved according to the rules of the independent electoral commission." **[2a] (Section 3)**

(See also Section 6: Political system, Section 14: Freedom of speech and media and Annex B for list of Political organisations

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14. FREEDOM OF SPEECH AND MEDIA

OVERVIEW

14.01 Chapter IV, Section 25 (1a) of the Constitution: Freedom of Speech, Conscience, Assembly, Association and Movement, stated that:

"(1) Every person shall have the right to-

"(a) freedom of speech and expression, which shall, include freedom of the press and other media…" **[10a]**

14.02 The Freedom House (FH) report, *Freedom of the Press 2010*, The Gambia, covering events from 1 January 2009 to 31 December 2009 stated that "A revised 2005 Press Law guarantees the right of citizens to obtain information and prohibits censorship. However, there are broad restrictions on any content that is 'contrary to the principles of Islam or offensive to other religions and sects.'" The report added that "Media outlets are occasionally fined or warned for broadcasting 'un-Islamic material,' resulting in self-censorship and the arrest of journalists." **[35b]**

14.03 The United Nations (UN) Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: [Universal Periodic Review]: Gambia*, published on 20 January 2010, stated that:

"The 1997 Constitution also introduced a special chapter on the media by providing, inter alia, that 'the freedom and independence of the Press and other information media are hereby guaranteed.' This chapter provides, inter alia, that the Press and other information media shall, at all times, be free to uphold the principles, provisions and objectives of this Constitution, and the responsibility and accountability of the Government to the people of The Gambia and that 'all state owned newspapers, journals, radio and television shall afford fair opportunities and facilities for the presentation of divergent views and dissenting opinion.'" **[11a] (p5)**

14.04 Reporting on the rights to freedom of speech and expression the US Department of State *Country Report on Human Rights Practices 2010, The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010), stated that "In a July 2009 television interview, President Jammeh warned that journalists who tarnished the country's image would be 'severely dealt with.' Although the independent press practiced self-censorship, opposition views regularly appeared in the independent press, and there was frequent criticism of the government in the private media… The deterioration of the country's media environment continued during the year [2010]." **[2a] (Section 3)**

14.05 The Amnesty International (AI) *Report 2011: The state of the world's human rights*: Gambia, (AI Report 2011) published on 13 May 2011, stated that "Freedom of expression continued to be severely limited. Journalists faced threats and harassment if they wrote stories deemed unfavourable to the authorities or if they were believed to have provided such information to media outlets." **[5a]**

14.06 The Committee to Protect Journalists (CPJ) Country Summary, *Attacks on the Press 2010 – Africa Developments*: The Gambia, 15 February 2011, stated:

"In September [2010], pro-government media reported that President Yahya Jammeh had received two awards and a letter of congratulations from U.S. President Barack Obama. White House officials told CPJ the claim was untrue. Jammeh had also claimed

two other awards, one from a German group whose existence CPJ could not verify. The other, an honorary, tongue-in-cheek 'admiralship' bestowed by the U.S. state of Nebraska, was withdrawn by the governor following CPJ's inquiries. The pro-government media's credulous reporting on the purported awards reflected a pervasive climate of repression, CPJ's Washington Representative Frank Smyth wrote on the CPJ Blog." **[16c] (Gambia)**

14.07 When describing President Yahya A.J.J. Jammeh's attitude toward the media, a Reporters sans Frontières' (RSF) press release on *Predators of press freedom*, dated 2 May 2009 stated:

"A 29-year-old army sergeant when he seized power in 1994, Yahya Jammeh boasts of his contempt for journalists. His palace guard and intelligence services enforce repressive policies. His first few years as president were marked by extraordinary aggressiveness towards whose who questioned his style of government… The president usually takes full responsibility for the behaviour of his security services although Gambia is the headquarters of the African Commission on Human and People's Rights. He continues to insist that: 'If I want to shut down a newspaper, I will.'" **[18a] (p2)**

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NEWSPAPERS, RADIO, INTERNET AND TELEVISION

14.08 The FH report *Freedom of the Press 2010*, The Gambia, stated:

"The Gambia has eight private newspapers and nine private radio stations. While many are subject to official pressure, the private media continued to criticize the government and cover opposition viewpoints in 2009. However, most businesses avoid advertising with them for fear of government reprisals… The government owns the *Gambia Daily* newspaper, a national radio station, and the only national television station. Political news coverage at these outlets generally toes the official line… About 7.6 percent of the population was able to access the internet in 2009." **[35b]**

14.09 The British Broadcasting Corporation (BBC) *Country Profile* on The Gambia, updated 4 May 2011 stated:

"Gambia's private media face severe restrictions, with radio stations and newspapers having to pay large licence fees. A commission with wide-ranging powers, from issuing licences to jailing journalists, was set up under a 2002 media law. It was seen by critics as a threat to press freedom. Further legislation introduced in late 2004 provided jail terms for journalists found guilty of libel or sedition. Deyda Hydara, one of the press law's leading critics and the editor of private newspaper *The Point*, was shot dead days after the law was passed." **[6a]**

14.10 In January 2011 Taranga FM, a community radio station based in Sinchu Alhagie village, southwest of Banjul, and the only independent radio station that had continued to broadcast news bulletins, was shut down by the authorities. An article by the Committee to Protect Journalists (CPJ) on 14 January 2011 noted that "Journalists told CPJ the ban was in reprisal for the station's 'news review' program in which local newspaper stories were read on the air in English and local languages. It was unclear what story or stories prompted the ban." The article added "Several independent news outlets have been shuttered by the government in recent years, including Citizen FM,

Radio 1 FM, a local bureau of Senegalese station Sud FM, and *The Independent* newspaper, according to CPJ research." **[16a]**

14.11 In December 2010 the CPJ reported that the Gambian government was ordered to pay Musa SaidyKhan, editor-in-chief of the now-banned biweekly *The Independent* US$ 200,000 compensation by a West African regional court. SaidyKhan was detained for three weeks in 2006 by state security agents and subject to torture, including "electric shocks on his body including his genitals in order to extract a self-incriminating confession of involvement in the purported coup." The article added "Saidykhan fled into exile after his release and resettled in the United States. Authorities have blocked *The Independent* from reopening since raiding and sealing of[f] its offices in 2006. The paper was known for its critical reporting on the government." **[16b]**

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JOURNALISTS

14.12 The USSD Human Rights Report 2010 observed:

"Security forces arbitrarily arrested and detained numerous journalists during the year [2010]. For example, on August 9, *The Point* newspaper deputy editor in chief Abba Gibba and reporter Sainey Marenah were summoned by a high court judge presiding over the trial of former inspector general of police Ensa Badjie following publication in *The Point* of a report headlined 'My Client Was Tortured to Obtain Statement.' The article quoted defense lawyer Borry Touray as saying in court that his client had told him he was tortured severely by his interrogators before they took his 'voluntary' statement. Justice Emmanuel Amadi questioned the journalists over the source of the article, saying no such statement was made in court. However, Touray immediately came to their defense, saying he indeed made the statement in court. They were released immediately." **[2a] (Section 3)**

14.13 The CPJ Country Summary, *Attacks on the Press 2010*, when referring to The Gambia, stated:

In a February [2010] submission to the U.N. Human Rights Council, the Gambian government denied having any knowledge about the whereabouts or condition of detained journalist 'Chief' Ebrima Manneh. Witnesses have told CPJ and a regional human rights court that security agents arrested Manneh in the newsroom of the *Daily Observer* in 2007 in connection with his plans to run a critical news story. The journalist was seen a handful of times since then in state custody, witnesses said, but the government has refused to disclose his location, legal status, or health. 'The government has investigated his whereabouts, but to no avail,' Gambian officials said in a report submitted to the Human Rights Council as part of its periodic review. In March [2010], four U.S. senators urged Commonwealth of Nations Secretary-General Kamalesh Sharma to launch an investigation into Manneh's disappearance." **[16c] (Gambia)**

14.14 The same source added.

"Abdoulie John, a correspondent for the U.K.-based website Jollof News, said he received telephone death threats in May after writing a critical story about remarks given by Justice Minister Edward Gomez. In comments made to the African Commission on Human and Peoples' Rights, Gomez denied that Gambian officials had committed

human rights violations and blamed the country's poor reputation on 'sensational and fabricated' reporting, according to local journalists and news reports. John's story noted that the remarks were greeted with skepticism." **[16c] (Gambia)**

14.15 On 3 February 2011, *Daily News* journalist Saikou Ceesay was reportedly threatened outside his home after he was believed to have published an article in the *Daily News* denouncing the opening of a scam private university in The Gambia, which aimed to swindle money from prospective students. He managed to escape into the safety of his home. The police opened an investigation. (The International Federation for Human Rights (FIDH), 9 February 2011) **[44a]**

The US Department of State *Country Report on Human Rights Practices 2010, The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010) provided further examples where journalists had been arbitrarily arrested and detained. **[2a] (Section 2a)**

The International Federation of Journalists (IFJ) website reported on media workers who have been subject to physical harm, intimidation, abducted, detained or killed. **[17a]** The Committee to Protect Journalists (CPJ) **[16c]** and the Reporters sans Frontières' (RSF) **[18]** websites included further details of journalists attacked, threatened, abducted and imprisoned.

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15. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

15.01 The US Department of State *Country Report on Human Rights Practices 2010, The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010), stated:

"A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Some members of domestic human rights groups reportedly practiced self-censorship in matters related to the government. Several groups expressed concern over detainees held incommunicado, but the government did not respond.

"The government allowed visits during the year by the UN [United Nations] and other international governmental organizations, such as ECOWAS [Economic Community Of West African States] and the commonwealth secretariat; however, the government offered no response to reports issued after the visits. The government denied prison access to the ICRC [International Committee of the Red Cross] during the year [2010].

"The office of the ombudsman operated a national human rights unit (NHRU) to promote and protect human rights and to support vulnerable groups. The office was established by the government and receives government funding. During the year [2010] the unit received complaints regarding unlawful dismissals, termination of employment, unfair treatment, and illegal arrest and detention." **[2a] (Section 5)**

15.02 In May 2010 the World Organisation Against Torture (OMCT) reported:

"An international fact-finding mission of the Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), which was carried out last

week in Dakar (Senegal) and Banjul (The Gambia), confirm the existence of a climate of fear for human rights defenders in The Gambia…

"Although direct reprisals seem to have decreased since the harsh repression that hit human rights defenders in 2009, the mission found that there is an obvious climate of fear prevailing in the country and among the community of human rights defenders, who are seen as enemies by the authorities, which explains why people seem to exercise self censorship." **[59a]**

15.03 On 10 November 2009 an article on the International Federation for Human Rights (FIDH) website reported that "On September 21, 2009, appearing on state-owned radio and television, the President of the Gambia, Yahya Jammeh, threatened to kill anyone who sought to sabotage and destabilise his government, in particular human rights defenders and those who support them." **[44b]**

15.04 FIDH responded in the article by saying that:

"Our organisations are deeply concerned about the hostile context in which human rights defenders and journalists operate in the Gambia where hindrances to freedom of expression, arbitrary arrests and detentions, murders and judicial harrassment [sic] against them are recurrent. FIDH recalls that the murder of the renowned Gambian journalist, M. Deyda Hydara, has not yet been solved. These violations blatantly contravene to previous resolutions of the ACHPR [African Commission on Human and Peoples' Rights] on the human rights situation in the Gambia, which called on the national authorities to respect the rights of journalists and other human rights defenders." **[44a]**

15.05 Front Line – The International Foundation for the Protection of Human Rights Defenders reported in December 2010 on the court case of Mr Edwin Nebolisa Nwakaeme, a human rights defender who was accused of providing false information to a public officer in March 2010. The article noted:

"On 17 December 2010, human rights defender Mr Edwin Nebolisa Nwakaeme had his appeal dismissed by Justice Emmanuel E A Amadi of the Banjul High Court and his conviction upheld. On 6 September 2010, Mr Nebolisa Nwakaeme was tried and sentenced to six months in prison at the Banjul Magistrates' Court on charges of providing false information to a public officer in March 2010…

"The sentence imposed in September also required that Mr Nwakaema pay a fine of D10,000, however, during the appeal hearing, Justice Amadi reduced a [sic] fine to D500. The D500 fine was paid to the registrar of the High Court after the judgment was read by the appeal judge. Justice Anadi also informed the court that in order to renew the licence for the African Democracy for Good Governance, which had been revoked, a formal application would have to be presented before the court." **[57a]**

15.06 An article on the Women Living Under Muslim Laws (WLUML) website highlighted the arrest of Women's Human Rights Defenders Dr. Isatou Touray and Ms. Amie Bojang-Sissoho on 11 October 2010 by the National Intelligence Agency. WLUML added that reports suggest they were subjected to threats and harassment prior to their arrest. The article added:

"The two women were arrested and detained for an alleged misappropriation of 30,000 euros. Their request for bail was denied on Tuesday, October 12 and they were ordered to spend eight days in prison before appearing before the court on Wednesday

20 October. According to reports received in the last hours, their lawyers, have applied to the High Court for bail and the matter is set to be heard Friday 15 October at 09:30am." **[58a]**

15.07 In January 2011, WLUML reported that the trial continued. **[58b]**

(See also Section 7: Human Rights – Introduction)

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16. CORRUPTION

16.01 In its 2010 Corruption Perceptions Index (CPI), accessed on 15 April 2011, Transparency International ranked The Gambia at joint 91 out of 178 countries, giving it a CPI score of 3.2. (CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt). **[19a]**

16.02 The Freedom House report, *Freedom in the World 2011*, The Gambia, covering events in 2010, published on 16 May 2011, stated, "Official corruption remains a serious problem, although President Yahya Jammeh's recent focus on economic development policies has led to increased anticorruption efforts, including the establishment of an Anti-Corruption Commission. In March 2010, the government prosecuted and dismissed several high ranking security officials for corruption and drug-related charges." **[35a]**

16.03 The US Department of State *Country Report on Human Rights Practices 2010, The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010), stated:

"The law provides criminal penalties for official corruption; however, the government did not implement the law effectively. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem.

"The president spoke against corruption on numerous occasions during the year [2010], and on July 22 formally enunciated a policy of 'zero tolerance for drugs and corruption.' The financial intelligence unit, which was established in 2009, is responsible for combating corruption.

"During the year [2010] the government prosecuted several senior police, military, and civilian officials for corruption. For example, on March 2, former inspector general of police Ensa Badjie, former commander of the military police unit of the army Lieutenant-Colonel Mam Matarr Secka, and Major Kuluteh Manneh were dismissed from their positions; they had been detained on numerous criminal charges including corruption, abuse of office, involvement in drug related crimes and armed robbery. Their trial continued at year's end." **[2a] (Section 4)**

The US Department of State *Country Report on Human Rights Practices 2010, The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010) provided further examples of individuals who were accused of corruption. **[2a] (Section 4)**

(See also Section 8: Security forces and Section 9: Judiciary)

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17. FREEDOM OF RELIGION

17.01 Chapter IV, Section 25, Freedom of Speech, Conscience, Assembly, Association and Movement, of the Constitution states that:

"(1) Every person shall have the …

"(c) freedom to practise any religion and to manifest such practice;…" **[10a]**

17.02 The US Department of State *International Religious Freedom Report 2010*, The Gambia, covering events from 1 July 2009 to June 30 2010, released 17 November 2010 (USSD IRF Report 2010) noted that

"The constitution establishes Qadi courts in such places as the chief justice determines. The two Qadi courts sit in Banjul and Kanifing. Their jurisdiction applies only to marriage, divorce, and inheritance questions for Muslims where they apply traditional Islamic law. In 2007 the government established a five-member Qadi appeals panel to deal with appeals against decisions of the Qadi courts and district tribunals that relate to Shari'a (Islamic law)." **[2c] (Section II)**

17.03 The Foreign and Commonwealth Office (FCO) *Country Profile on The Gambia*, updated 26 April 2010, stated that "The Gambia is predominantly Muslim, but there is a significant Christian community and indigenous beliefs are also practised. Religious tolerance is good." **[4a]**

17.04 The USSD IRF Report 2010 noted that in practice, the government "… generally respected religious freedom." **[2c] (Section II)** and there were "… no reports of societal abuses or discrimination based on religious affiliation, belief, or practice." **[2c] (Section III)** Furthermore, the same source observed that "The government permits religious instruction in schools. Both public and private schools throughout the country provide Biblical and Qur'anic studies without government restriction or interference. The government funded religious instruction in public schools, but this instruction was not mandatory." **[2c] (Section II))**

17.05 With regard to marriage between different religious groups The USSD IRF Report 2010 noted: "Intermarriage between Muslims and Christians was very common. In some areas, Islam and Christianity syncretize with animism." **[2c] (Section I)**

17.06 The USSD IRF Report 2010 also noted "The Inter-Faith Group for Dialogue and Peace, comprised of representatives of the Christian, Muslim, and Baha'i communities, continued to meet regularly to discuss matters of mutual concern such as religious freedom and the need to live together in harmony. Some groups such as Baptists, Seventh-day Adventists, and Church of Christ the Redeemer were not part of the Inter-Faith Group." **[2c] (Section III)**

RELIGIOUS DEMOGRAPHY

17.07 The USSD IRF Report 2010 noted:

"The country has an area of 4,361 square miles and a population of 1.6 million. Sunni Muslims constitute more than 90 percent of the population. The vast majority is Malikite Sufis; the main orders represented are Tijaniyah, Qadiriyah, and Muridiyah. Sufi orders pray together at common mosques. Members of the Ahmadiyya order, and a small

percentage of other Muslims, predominantly immigrants from South Asia, do not ascribe to any traditional Islamic school of thought.

"An estimated 9 percent of the population is Christian, and less than 1 percent practices indigenous animist religious beliefs. The Christian community, situated mostly in the west and south, is predominantly Roman Catholic; there are also Anglicans, Methodists, Baptists, Seventh-day Adventists, Jehovah's Witnesses, and members of various evangelical denominations. There is a small group of Baha'is and a small community of Hindus among South Asian immigrants." **[2c] (Section I)**

(See Section 18: Ethnic groups)

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18. ETHNIC GROUPS

OVERVIEW

18.01 The US Department of State *Background Note: The Gambia*, updated on 22 April 2011, noted that "A wide variety of ethnic groups live in The Gambia with a minimum of intertribal friction, each preserving its own language and traditions. The Mandinka tribe is the largest, followed by the Fula, Wolof, Jola, and Sarahule. Approximately 3,500 non-Africans live in The Gambia, including Europeans and families of Lebanese origin." **[2b] (People and History)**

18.02 The population of Gambia as at July 2010 was estimated to be 1,824,158. Banjul, the Capital has an estimated population of around 50,000. The Mandinka made up the largest ethnic group in Gambia at 42 per cent followed by Fula 18 per cent, Wolof 16 per cent, Jola 10 per cent and the Serahuli 9 per cent. Other groups made up 4 per cent. (CIA World Factbook, last updated 6 May 2011) **[3a] (People)**

18.03 The Freedom House report, *Freedom in the World 2011*, The Gambia, covering events in 2010, published on 16 May 2011, stated that "The Gambia's various ethnic groups coexist in relative harmony, though critics have accused [President] Jammeh of privileging members of the Jola ethnic group in the military and other positions of power. The constitution prohibits discrimination based on religion, language, ethnicity, gender, and other factors." **[35a]**

18.04 The Minority Rights Group International (MRGI) Profile on Gambian ethnic groups, accessed 22 March 2011, stated "The peoples of Gambia comprise two major linguistic groups. Dominant Mandinka agriculturalists… and traders who speak West Atlantic languages. Speakers of Manding include the pastoralist Fula as well as Wolof and Jola cultivators, albeit as a second language. Although each people has its own language, Mandinka serves as a lingua franca, with Wolof often performing that role in Banjul. English is the official language." **[50a]**

Mandinka

18.05 The OneGambia website, accessed 24 March 2011, observed that "Mandinkas make up the largest proportion of the Gambian population. Traditionally farmers, today they are often engaged in business and farming, especially the production of groundnuts throughout the country." **[51a] (Mandinka / Mandingo)**

18.06 The Joshua Project Profile, accessed 24 March 2011 described the Mandinka ethnic group:

"Mandinka society is patrilineal (male-dominated) and the smallest social unit is the family. The oldest male serves as the head of the lineage. Clans can be recognized by their symbolic emblems, animals, and plants. If someone travels to another village, he is shown hospitality by the villagers who share his last name.

"Mandinka villages are made up of clans, or family groups all having the same name. Each village is surrounded by a wall, and the homes are either round or rectangular. They are made of mud with either thatch or tin roofs. These rural villages have neither electricity nor telephone services. Most of the villagers have never traveled more than five miles from their homes." **[9a]**

18.07 The Mandinka People website, accessed 24 March 2011 stated:

"Most Mandinkas live in family-related compounds in traditional rural villages. Mandinka villages are fairly autonomous and self-ruled, being led by a chief and group of elders… The most important social grouping is the kafoo (kah' foe), formed at the time of circumcision initiation and lasting throughout life. Mandinkas live in an oral society. Learning is traditionally done through stories, songs and proverbs. Western education's impact is minimal; the literacy rate in Roman script overall in The Gambia, Senegal, and Guinea-Bissau is quite low. However, more than half the adult population can read the local Arabic script; small Qur'anic schools for children where this is taught are quite more common [sic]." **[52a]**

18.08 With regards to their religious beliefs, the Mandinka people website noted, "The majority of Mandinkas are Muslims who follow the teachings of Mohammed, the holy prophet of Islam, and the Qu'ran, the holy book of Islam. Mandinkas will recite chapters of the Qu'ran in Arabic. For the Mandinka Muslim, God's power resides in the utterance of the words, not in the understanding of the language. Few Mandinkas understand the Arabic language." **[52a]**

18.09 The same source added:

"Most MNKs [Mandinkas] practice a mix of Islam and traditional superstitious practices. They live fearfully in a world dominated by evil spirits and witches. These spirits can be controlled only through the power of a 'marabout' who knows the protective formulas. No important decision is made without first consulting the marabout. Marabouts, who have some Islamic training, write Qu'ranic verses on slips of paper and sew them into leather pouches; these are then sold and worn as protective amulets by men, women, and children. Mandinka Muslims are convinced the Bible has become corrupted because it contradicts the Qu'ran, and the sayings of Mohammed.

"The few MNKs who have converted to Christianity are viewed as traitors to Mandinka society, to their heritage, and to their ancestors. Often they are driven from their compounds and villages, rejected by their families…

"MNKs will pray at least three times every day, if not the Islamic obligatory five times. The first is at dawn, the second 10:00 AM, the third 2:00 PM, the fourth at dusk, and the fifth about 8:00 PM. Praying in a group signifies the solidarity of Islam. Complete strangers will stand shoulder-to-shoulder, praying together in a line. So long as you are able to say the prayers correctly, and 'do' the prayers correctly, you are never a 'stranger' in Islam." **[52b]**

(See also Section 17: Freedom of religion)

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FULA (FULAKUNDA, FULANI)

18.10 The Minority Rights Group International (MRGI) Profile on Gambian ethnic groups, accessed 22 March 2011, described the Fula ethnic group as "A pastoral people from the Upper Senegal River region…" **[50a]**

18.11 The Africa Guide, accessed 25 March 2011 noted that a "…distinctive difference between the Fulani and other African people is that the Fulani have a huge respect for beauty. Beauty is considered very important and one of the ways this is shown is through tattoos that are put all over the body. A distinguishing feature of a Fulani woman is her lips, which are many times a blackish color from the use of Henna or tattooing done on the mouth." **[22a]** The MRGI added "…the Fula speak a variant of the Niger-Kordofanian language family. Fula are also known as Fulani, Fulbe and Peul." **[50a]**

18.12 The OneGambia website stated that there were "…many sub-groups of Fulas based on different places of origin and modes of making a living. The Firdu Fulas for example, because of their semi-sedentary nature and ethnic intermarriage were often looked down upon as being of slave origin. Another sub-group, the Fulbe Futa, formed warrier [sic] bands and preyed upon other Fula groups and Mandinka communities." **[51a] (Fula)**

WOLOF

18.13 Access Gambia, accessed on 25 March 2011 stated "The Wolof ethnic group (or Jollof, Jolof as they are sometimes known) in Gambia make up 16% of the population and are the third largest ethnic group. They are to be found in fairly large numbers in the areas of Jokadu, Baddibu, Saloum and Niumi but the vast majority are to be found in Senegal. **[29c]**

18.14 The OneGambia website, accessed 24 March 2011, noted:

"The Wolofs are thought to have originated in Southern Mauritania where droughts and raids forced them south into the area north of The Gambia in western Senegal. They have common ancestors with the Serers. During the religious wars of the 19th century, Wolofs established themselves in Banjul and on the north bank of the river as traders and ship builders. The wars engendered considerable suspicion and hostility between the Mandinkas and Wolofs.

"Nowadays, Wolofs on the north bank are usually farmers, while those in Banjul are influential in business, commerce and the civil service. **[51a] (Wolof)**

Further information on ethnic groups and culture in The Gambia can be found on the Joshua Project **[9a]**, Africa Guide **[22a]** and the Everyculture **[30a]** websites.

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19. LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) PERSONS

LEGAL RIGHTS

19.01 The International Lesbian Gay, Bisexual, Trans and Intersex Association (ILGA) publication on *State-sponsored Homophobia, A world survey of laws prohibiting same sex activity between consenting adults*, updated May 2010, when referring to The Gambia noted that same-sex relationships are illegal. **[20a] (p11)**

19.02 The ILGA publication of May 2010 observed the legislation that applied to same-sex relations is Article 3 of the Criminal Code 1965, as amended in 2005, for unnatural offences, which stated:

"(1) Any person who—

"(a) has carnal knowledge of any person against the order of nature; or

"(b) has carnal knowledge of an animal; or

"(c) permits any person to have carnal knowledge of him or her against the order of nature; is guilty of a felony, and is liable to imprisonment for a term of 14 years.

"(2) In this section- 'carnal knowledge of any person against the order of nature' includes-

"(a) carnal knowledge of the person through the anus or the mouth of the person;

"(b) inserting any object or thing into the vulva or the anus of the person for the purpose of simulating sex; and

"(c) committing any other homosexual act with the person." **[20a]**

19.03 The US Department of State *Country Report on Human Rights Practices 2010, The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010), stated "The law establishes prison terms ranging from five to 14 years for any male that commits in public or private any act of gross indecency, procures another male, or has actual sexual contact with another male; however, to date, no one has been prosecuted. There is no similar law targeting women. Many citizens shunned lesbian, gay, bisexual, and transgender (LGBT) individuals." **[2a] (Section 6)**

19.04 The Institute of Development Studies (IDS) Bulletin Volume 37 Number 5 October 2006: *Sexuality and Women's Sexual Rights in the Gambia*, October stated that:

"In the Gambia, lesbianism is taboo and many people do not believe that it exists. It is not recognised by society and is seen as an unacceptable social relationship. It is referred to as the practice of an alien culture by those who are psychologically and spiritually lost. Lesbian relationships do, however, exist among women in the Gambia, but are kept secret for fear of social rejection. Lesbianism in the Gambia has a historical association with families with powerful women." **[55a]**

News on Gambian lesbian issues are reported on the Coalition of African Lesbians (CAL) website. CAL is a network of organisations committed to African lesbian equality and visibility. **[36a]**

TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

19.05 The USSD Human Rights Report 2010 stated:

> "In a March 2009 speech before the National Assembly, President Jammeh called homosexual conduct 'strange behavior that even God will not tolerate.' The president previously described homosexual conduct as a criminal practice and told police to arrest persons practicing homosexual activity and to close motels and hotels that accommodated them. In 2008 the president ordered all LGBT persons to leave the country within 24 hours and threatened to cut off their heads. Despite this statement, there were no reported incidents of physical violence against LGBT individuals. There were no LGBT organizations in the country." **[2a] (Section 6)**

19.06 In December 2009 an article in the *Freedom Newspaper* reported on the threats made by Gambia's President Yahya Jammeh that he would sack any "…gay and lesbian army officers serving the country's military". The article noted:

> "The Presiden[t] who was addressing the newly promoted army chiefs, said lesbianism is a 'taboo' in the army, and therefore warned soldiers to desist from such practices, which he describes as 'evil and ungodly. 'We will not encourage lesbianism and homosexuality in the military. It is a taboo in our armed forces. I will sack any soldier suspected of being a gay, or lesbian in The Gambia. We need no gays in our armed forces,' Jammeh said.
>
> "The Gambian leader, who recently threatens [sic] to behead gays in the West African country, said soldiers whose sexual orientation is gay should contemplate leaving the army, as his Government have zero tolerance for gays. The President advised the army chiefs to monitor the activities of their men, and deal with soldiers bent on practicing lesbianism in the military." **[24a]**

19.07 In December 2009 President Yahya Jammeh described the practice of homosexuality as "… an act of 'indecency' which has no place in the country's military." Adding to this he said, "'Discipline in the army cannot be compromised. We have seen a drastic drop in discipline in the army which is unacceptable. If you wear a uniform, you must be exemplary in discipline…" (Gambia News, 31 December 2009) **[40d]**

19.08 In a July 2009 article referring to the human rights violations under the rule of President Yahya A. J. J. Jammeh, the International Gay & Lesbian Human Rights Commission (IGLHRC) noted "It is in this climate of fear and oppression that lesbian, gay, bisexual, and transgender (LGBT) people are particularly targeted for discrimination and violence. In the Gambia, homosexual conduct has been criminalized since the enactment of its 1965 Criminal Code. Article 144 of the Code states that homosexual acts are 'unnatural offense(s)' and those found guilty of such acts can be imprisoned for up to 14 years." **[27a]**

19.09 President Yahya Jammeh made comments against homosexuals in May 2009. The *Freedom* newspaper reported in July 2009 that:

"President Yahya A. J. J. Jammeh of the Gambia has called on citizens of this West African nation to deny housing to 'homosexuals,' making LGBT [Lesbian, Gay, Bisexual and Transgender Persons] people targets for discrimination and violence yet again…

"On May 23, 2009, President Jammeh urged party members of the Alliance for Patriotic Reorientation and Construction (APRC), who represent the majority in the country's National Assembly, not to rent or allow homosexuals to stay in their compounds. The statement was made at a monument commemorating the 1994 coup that brought Jammeh, a former lieutenant in the Gambian army, into power. Last year, President Jammeh publicly denounced homosexuality and gave LGBT people in Gambia an ultimatum to leave the country by stating that he would 'cut of [sic] the head' of anyone believed to be homosexual discovered in Gambia. He also warned Gambian hotel owners not to rent rooms to homosexuals.

"The right to adequate housing is guaranteed under the Universal Declaration of Human Rights and the International Covenant of Economic, Social and Cultural Rights (ICESCR), and articulated in the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity. Additionally, the rights to dignity and security, components of the right to adequate housing, are guaranteed under the Gambian Constitution and the African Charter on Human and Peoples' Rights. States may not permit forced evictions and must ensure nondiscrimination in access to adequate housing for all of its citizens." **[24d]**

19.10 An article in *Pink News* on 6 January 2009 reported on the prosecution of a man arrested on an indecency charge. The article stated:

"A 79-year-old man from the Netherlands has been found guilty of indecency with several Gambian men. A court in Banjul sentenced Frank Boers to pay 100,000 Gambian dalasis (£2,500) in lieu of a two year prison sentence, Afrik.com reports. Mr Boers was arrested at the city's international airport on December 23rd [2008] when officials found he was in possession of nude pictures of himself and some Gambian men and other pornography." **[39a]**

19.11 The July 2009 IGLHRC article noted:

"Last year [2008], President Jammeh publicly denounced homosexuality and gave LGBT people in the Gambia an ultimatum to leave the country by stating that he would 'cut of the head' of anyone believed to be homosexual discovered in the Gambia and by warning Gambian hotel owners not to rent rooms to 'homosexuals.' This statement was given in response to a number of Senegalese gay men seeking refuge in Gambia as a result of a campaign of persecution of LGBT people in Senegal. President Jammeh claimed that such refugees, specifically sexual minorities, were the cause of problems in the development of the Gambia. Later, in response to criticisms of the statement, Gambian authorities denied that Jammeh had ever made the threat of decapitation." **[27a]** Reporting on the comments, Integrated Regional Information Networks (IRIN) news noted in a January 2010 article that "Jammeh's statements were thought to have been in response to a number of Senegalese gay men fleeing across the border into Gambia to escape persecution in their own country." **[27a]** President Jammeh later retracted his threat to kill homosexuals, but not the threat to expel them. **[27a]**

19.12 The Human Rights Watch (HRW) report *Fear for Life*, published on 30 November 2010 stated that "Activists in the country informed Human Rights Watch that at least three

Gambian men were detained on suspicion of homosexual conduct immediately following the president's pronouncement." **[25a] (p18)**

SOCIETAL TREATMENT AND ATTITUDES

19.13 The USSD Human Rights Report 2010 noted that "There is strong societal discrimination against LGBT individuals, but officially there are no laws that deny such individuals access to citizenship, employment, housing, education, or healthcare." **[2a] (Section 6)**

19.14 In a call to African governments to stop treating homosexuals like criminals, about 75 activists from the Coalition of African Lesbians gathered at a conference in Maputo, the capital of Mozambique in February 2008 to "… highlight discrimination across the continent." The British Broadcasting Corporation (BBC) reported "Conference spokeswoman Fikile Vilakazi told the BBC that action was needed to respond to homophobia which, she said, was rife in Africa. She said her main goal was to stop governments treating homosexuality as a criminal offence… One participant said the conference was helping to provide support for lesbians across Africa." **[6c]**

19.15 One participant at the conference in Maputo stated that "I'm finding myself as an individual who is every day trying to get the people that I identify with... everyday having to educate them about who I am, but finding it difficult for them to open their minds and their hearts," she told the BBC." And that "I haven't found myself being attacked or kicked out of home but it's just the discourse, how people talk about lesbian issues or how our government... tend to sideline people like myself." **[6c]**

TRANSGENDER/TRANSEXUALITY

19.16 No information was available to COI Service at the time of writing.

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20. DISABILITY

20.01 The US Department of State *Country Report on Human Rights Practices 2010, The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010) stated:

"The constitution protects persons with disabilities – specifically stating 'disabled or handicapped' persons – against exploitation and discrimination, in particular as regards access to health services, education, and employment. The law also provides that in any judicial proceedings in which a disabled person is a party, the procedure shall take into account his or her condition. The Department of Social Welfare is responsible for ensuring that persons with disabilities are not denied these rights. There were no reports of persons with disabilities being involved in any judicial proceedings. The department also worked with international donors to supply wheelchairs to some persons with disabilities. However, there was some societal discrimination. Persons with severe disabilities subsisted primarily through private charity." **[2a] (Section 6)**

20.02 The same report added:

"Persons with less severe disabilities were accepted fully in society, and they encountered little discrimination in employment for which they were physically capable. There were no laws to ensure access to buildings for persons with disabilities, and very

few buildings in the country were accessible to them. The Department of Social Welfare worked with the Gambia Organization for the Visually Impaired and the School for the Deaf and Blind to help educate handicapped children and to promote relevant skills. There are no laws or specific programs to ensure that persons with disabilities have access to information and communications…

"The media continued to report on the rights of persons with disabilities, and several NGOs [Non-Governmental Organisations] sought to improve awareness of these rights, including by encouraging the participation of persons with disabilities in sports and physical activities. The NHRU [The Office of the Ombudsman National Human Rights Unit] specifically sought to promote the rights of women with disabilities. Persons with disabilities were given priority access to polling booths on election days." **[2a] (Section 6)**

(See also Section 22: Children – Child care and protection and Health and welfare, Section 24: Medical Issues and Section 25: Freedom of Movement)

21. WOMEN

OVERVIEW

21.01 Gambia signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 29 July 1980 and then ratified the convention on 16 April 1993. (United Nations Treaty Collection, Status as at: 31 March 2011) **[11b]** The last report by the Committee on the CEDAW was in 2005 and can be located on the Office of the United Nations High Commissioner for Human Rights (OHCHR) website. **[11d]**

(See also subsections: Social and economic rights and Violence against women)

LEGAL RIGHTS

21.02 Women are entitled to the following rights under the Constitution:

"(1) Women shall be accorded full and equal dignity of the person with men.

"(2) Women shall have the right to equal treatment with men, including equal opportunities in political, economic and social activities." **[10a] (Rights of women 29)**

21.03 The Organisation for Economic Co-operation and Development's Social Institutions and Gender Index (SIGI), *Country Profile* on The Gambia, accessed 31 March 2011, noted:

"Under the 1997 Constitution, women in the Gambia are accorded equal rights with men. Yet they continue to experience discrimination and inequality, largely because the patriarchal nature of Gambian society reinforces traditional roles of women. In addition, the country has a dual legal system that combines civil law (inspired by the British system) and Islamic Sharia. Provisions in Sharia are generally viewed to be discriminatory towards women, particularly in relation to marriage, divorce and inheritance." **[28a]**

POLITICAL RIGHTS

21.04 The Freedom House report, *Freedom in the World 2011*, The Gambia, covering events in 2010, published on 16 May 2011, stated that "While the vice president and several cabinet ministers are women, there are just four women in the 53-seat National Assembly." **[35a]** The US Department of State *Country Report on Human Rights*

Practices 2010, The Gambia, published on 8 April 2011 (USSD Human Rights Report 2010), noted that "… two were elected and two were nominated by the president. At year's end [2010], there were three women in the 16-member cabinet…" **[2a] (Section 3)**

21.05 The The International Federation for Human Rights (FIDH) noted in an article dated 5 May 2010 when referring to The Gambia, that "Although representation of women in politics has slightly increased, (in particular, in 2007 of 3 women ministers, including the Vice-President of the Republic.), representation remains low." **[44c]**

(See also Section 6: Political system)

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SOCIAL AND ECONOMIC RIGHTS

21.06 The SIGI Country Profile on The Gambia, accessed 31 March 2011, noted:

"Women also face discrimination in regard to parental authority. Sharia considers husbands to be the natural head of the family; as such, they have sole responsibility for matters concerning the raising of children.

"Women's rights with regard to inheritance depend on the law applied. Sharia provides for detailed and complex calculations of inheritance shares, whereby women may inherit from their father, mother, husband or children and, under certain conditions, from other family members. However, their shares are generally only half of that to which men are entitled. Christian women and female children can receive properties under the wills of their husbands or fathers, but may also find themselves disadvantaged. Their law of inheritance permits husbands, if they so choose, to will away all property and leave nothing for their wives and children. Gambian law offers no protection to women in such cases. Under customary law, wives are not entitled to the property of their husband unless – and until – they agree to let themselves be inherited by the husband's family. In effect, such women are treated as a form of property to be inherited along with the rest of their husbands' assets." **[28a]**

21.07 The International Federation for Human Rights (FIDH) article dated 5 May 2010 when referring to The Gambia, noted that "Although there is no legal provision prohibiting women owning property, traditional and cultural practices, particularly in rural areas, prevent women's access to land (despite women comprising 70% of those working in the agricultural sector). Land in rural areas is usually owned or managed by the head of a household, who is always male." **[44c]** However, the USSD Human Rights Report 2010 stated "Women's ability to own land was hampered by their low earning power rather than any traditional or cultural practices that prohibit such ownership. Women who own land have the same opportunities to access loans or credit as long as they are willing to offer such property as collateral." **[2a] (Section 6**

(See also subsection on Legal rights, Section 17: Freedom of Religion, Section 19: Lesbian, gay, bisexual and transgender (LGBT) persons, Section 22: Children and Section 25: Freedom of Movement)

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Access to education and employment

21.08 The Freedom House report, *Freedom in the World 2011*, The Gambia, covering events in 2010, published on 16 May 2011, stated that "The government has encouraged female education by waiving primary school fees for girls, but women have fewer opportunities for higher education and employment than men." **[35a]**

21.09 The USSD Human Rights Report 2010 stated:

"Traditional views of women's roles resulted in limited societal discrimination in education; however, employment in the formal sector was open to women at the same salary rates as men. No statutory discrimination existed in other kinds of employment, access to credit, or owning and managing a business; however, limited societal discrimination still lingers, and women generally were employed in such pursuits as food vending or subsistence farming." **[2a] (Section 6**

21.10 The International Federation for Human Rights (FIDH) article dated 5 May 2010 when referring to The Gambia, noted that "The participation of women in the labour market is low, especially in the formal sector and in decision-making positions. In 2005, it was estimated that women make up only 4.9% of the formal sector, while they represent 61.9% of the informal sector." **[44c]**

(See also Section 22: Children - Education)

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Marriage and divorce

21.11 The SIGI Country Profile on The Gambia, accessed 31 March 2011, noted:

"The laws recognise four forms of marriage: Christian, civil, customary and Mohommedan (which are governed by Sharia). The 1997 Constitution states that all marriages shall be based on the free and full consent of the intended parties, except under customary law which still supports the tradition of child betrothal. More than 90 per cent of Gambian women are governed by customary and Sharia law vis-à-vis their family relationships. The Gambia has no minimum legal age for marriage and the incidence of early marriage is high: a 2004 United Nations report estimated that 39 per cent of girls in the Gambia between 15 and 19 years of age were married, divorced or widowed. Child marriage is not prohibited by law, and some girls are married off as young as the age of 12 years." **[28a]**

(See also Section 22: Children – Underage/forced marriage)

21.12 The USSD Human Rights Report 2010 stated:

"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." **[2a] (Section 6)**

21.13 The Access Gambia website page on Gambian Muslims & Islamic Practices, accessed 4 April 2011, stated that:

"… it is not uncommon particularly up-country, to find a man with up to 4 wives (Jabarr, wife). This is seen by many locals as a mark of prestige and status in the local community that they live in. This practice of keeping 4 wives however, is becoming less common among the middle classes in the Kombos (west coast) and it may be more common to see a man with 2 wives instead. The other aspects of a Gambian's religious life you should be aware of is that they must not drink alcohol (Sangarra) as it was originally forbidden because it interfered with prayer or eat pork as it is considered unclean." **[29d]**

21.14 The Access Gambia website described the marriage process for Muslims as a relatively simple affair:

"If a man is interested in getting married to a woman, after informing his parents, then male representatives (uncles, brothers, close relatives) of the groom are then sent to the woman's house. They present some Kola nuts & express the groom's interest. If the woman's representatives agree then they set a date for the wedding & announce this to all relatives. Usually such weddings are held at a Mosque of Jaka but could just as well be held in the woman's home." **[29e] (Weddings in Gambia)**

VIOLENCE AGAINST WOMEN

21.15 The International Federation for Human Rights (FIDH) article dated 5 May 2010 when referring to The Gambia, noted that, "The criminal law prohibits rape, including marital rape, and assault, but there is no law expressly prohibiting domestic violence. Domestic and sexual violence are widespread yet they remain underreported. A culture of silence prevents victims from coming forward and such violence is often considered as a private family matter outside the jurisdiction of law enforcement. There is no law prohibiting sexual harassment." **[44c]**

21.16 The USSD Human Rights Report 2010 stated that "Domestic violence, including spousal abuse, was a widespread problem; however, it was underreported due to the stigma surrounding such violence. There was no law prohibiting domestic violence; however, cases of domestic violence could be prosecuted under laws prohibiting rape, spousal rape, and assault. There have been no prosecutions because cases of domestic violence are often settled through counseling and dialogue with family elders." **[2a] (Section 6)**

21.17 The SIGI Country Profile on The Gambia noted:

"Protection for the physical integrity of Gambian women is weak. Violence against women, including domestic violence and abuse is rarely reported, but its occurrence is believed to be quite common. Even though wife-beating is a criminal offence (and constitutes grounds for divorce under civil law), the police typically consider such incidents to be domestic issues that lie beyond their jurisdiction. The Gambia does have laws prohibiting rape and assault, which are generally enforced. Spousal rape, however, is not specifically recognised." **[28a]**

21.18 The United Nations (UN) Human Rights Council, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: [Universal Periodic Review]: Gambia*, published on 20 January 2010, stated that:

"Domestic violence, female genital mutilation (FGM) and forced marriages also happen and seem to be one of the commonest human rights abuses against women in The Gambia. Beyond the said constitutional provisions and sections 24 and 25 of the Children's Act that prohibit child marriage and betrothal, there is no legislation specifically criminalizing domestic violence, FGM and forced marriages." **[41a] (p20)**

(See also Section 22 Children – Female Genital Mutilation (FGM) and Underage/forced marriage)

21.19 On 4 March 2010 *The Gambia Echo* included a guest editorial by Professor Abdoulaye Saine from the Miami University in Oxford, Ohio, who reflected on violence against women in The Gambia. He remarked that "For many men in The Gambia, as in other countries, wife battery is a proof of one's manhood, a testimony to male power and control over women and girls. It earns many Gambian men bragging rights and a practice that is often admired and emulated. Cruelty toward women and girls by men is pervasive and culturally sanctioned, universally and The Gambia is no exception." **[32a]**

21.20 The same article reflected "The problem [of wife battery] is often more acute in The Gambia where women, especially poor and rural women, work from dawn to dusk and still are expected to provide dinner and sex when men return home [from] work or other ventures. However, such abuse is not limited to the rural and poor women. Professional women also suffer indignities – emotional and sometimes physical abuse, for not bowing to a husband's demands or 'failure' to stroke fragile male egos." **[32a]**

21.21 *Gambia News* reported on 14 January 2010 that Gambia's Assistant Superintendent of Police Yahya Fadera declared there would be zero tolerance towards gender-based violence:

"… in particular rape and sexual assault against women and girls, warning that perpetrators will have no place to hide. Fadera made the declaration in Banjul on Wednesday [13 January 2010] at the opening of a training workshop for law enforcement officers on violence against women and children. The training was organised by The Gambia Police Child Welfare Unit in collaboration with the African Centre for Democracy and Human Rights Studies and police Gender Action Team (GAT) at the National Nutrition Agency (NNA) Conference Centre in Kanifing. The training, which was attended by members of The Gambia Police Force, the National Intelligence Agency, The Gambia National Army and the Immigration Department, was aimed at sensitising security officers on the gender protocol and gender-based violence. According to him, the government is committed to the fight against all forms of violence and discrimination against women and children." **[40e]**

(See also Section 22: Children – Violence against children and Section 23: Trafficking)

Rape

21.22 The USSD Human Rights Report 2010 stated "The law prohibits rape, but the problem remained despite the stiff penalties imposed by the government. The penalty for rape of an adult is life in prison, and the maximum penalty for attempted rape is seven years' imprisonment.

"No statistics are available on the number of rape cases but all incidents reported to the police were diligently prosecuted and in the majority of cases the culprits were convicted. About 10 rape cases were brought to the courts during the year [2010]. The

law against spousal rape was difficult to enforce effectively, as many did not consider spousal rape a crime and failed to report it." **[2a] (Section 6)**

21.23 The Institute of Development Studies (IDS) Bulletin Volume 37 Number 5 October 2006: *Sexuality and Women's Sexual Rights in the Gambia*, October stated that "In the Gambia, as in other places, the wife is considered the property of the husband and is expected to fulfil conjugal rights. Marital rape is rarely reported, and most women do not even perceive it as rape. Among men, discussion of marital rape is taboo. Religion is often cited to justify a man's absolute right to sex with his wife whenever he pleases…" **[55a] (p81)**

(See also Section 22: Children – Violence against children)

GOVERNMENT AND NON-GOVERNMENTAL ORGANISATION (NGO) ASSISTANCE

21.24 When commenting on the protection of women, the article in *The Gambia Echo*, dated 4 March 2010, mentioned that "…Human rights instruments and national laws offer little or no protection or recource [recourse] to wives and women that suffer such abuse from husbands and other males, including relatives." **[32a]**

21.25 The USSD Human Rights Report 2010 also reported that there were no shelters or hotlines for victims and noted "One of the leading women's rights NGOs in the country, GAMCOTRAP [Gambia Committee on Traditional Practices Affecting the Lives and Circumstances of Women and Children], has included gender-based violence in its training modules for combating FGM. Police generally considered reports of spousal rape to be domestic issues outside of their jurisdiction." **[2a] (Section 6)**

(See also Section 8: Security forces – Avenues of complaint)

HEALTH AND WELFARE

21.26 The USSD Human Rights Report 2010 noted that:

"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, including HIV. The maternal mortality rate in 2008 was 281 per 100,000 live births.

"During the year [2010] 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." **[2a] (Section 6)**

(See also Section 22: Children – Female Genital Mutilation (FGM) and Health and welfare and Section 24: Medical issues)

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22. CHILDREN

OVERVIEW

22.01 The Gambia is a party to The Convention on the Rights of the Child (CRC), ratified on 8 August 1990. (United Nations Treaty Collection, status as at 4 April 2011) **[11c]** The last report by the Committee on the CRC was in 2001 and can be located on the Office of the United Nations High Commissioner for Human Rights (OHCHR) website. **[11d]**

22.02 In 2011 it was estimated that 40 per cent of the population was between 0-14 years of age. Of those 360,732 were male and 358,440 were female. (Central Intelligence Agency (CIA) World Factbook, updated 6 May 2011). **[3a] (People)**

22.03 The United Nations Children's Fund (UNICEF) report, *State of the world's children 2011, Adolescence An Age of Opportunity*, February 2011, provides statistical data on children's economic and social issues. **[34a]**

Basic legal information

22.04 The legal age for voting is 18 years. (Child Soldiers Global Report 2008: The Gambia) **[33a]** The legal age for children to work is 16. (USSD Human Rights Report 2010) **[2a] (Section 7d)** A person is deemed as criminally responsible from the age of 12. (United Nations, January 2010) **[11a]**

LEGAL RIGHTS

22.05 Children are entitled to the following rights under the Constitution:

"(1) Children shall have the right from the birth to a name, the right to acquire a nationality and subject to legislation enacted in the best interest of children, to know and be cared for by their parents.

"(2) Children under the age of sixteen years are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or be harmful to their health of [sic] physical, mental, spiritual, moral or social development.

"(3) A juvenile offender who is kept in lawful custody shall be kept separated from adult offenders." **[10a] (Rights of children 29)**

22.06 An extract from the Childs Rights Information Network (CRIN), United Nations compilation of National Reports submitted for Gambia's *Universal Periodic Review*, dated 10 February 2010, stated:

"UNICEF [United Nations Children's Fund] noted that the enactment of the 2005 Children's Act, a comprehensive law regrouping and superseding all legislation relating to the rights and welfare of children, which addresses the administration of justice, harmonizes domestic laws with the Convention on the Rights of the Child, following CRC's recommendations made in 2001. UNICEF also noted the adoption of the Child Trafficking Law, in October 2007, which prevents, suppresses and punishes those engaged in the trafficking in persons including child trafficking, and rehabilitates and reintegrates victims of trafficking. **[41a]**

(See also Section 23: Trafficking)

22.07 The same source noted:

"As of 29 September 2009, Gambia does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). CRC [Committee on the Rights of the Child] encouraged the Gambia to expand the mandate of the Office of the Ombudsman or establish a separate mechanism to deal with complaints of violations of the rights of children.

"CRC recommended that the Gambia pay particular attention to the implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, especially economically and geographically disadvantaged groups.

"CRC expressed concern that the principle of non-discrimination was not adequately implemented with respect to certain vulnerable groups of children, especially girls, children born out of wedlock and children with disabilities. It recommended that the Gambia establish a definition of the child in accordance with article 1 of the Convention; set the legal minimum age for marriage of girls and boys at 18 years; and establish legal minimum ages for compulsory education, employment and enlistment in the armed forces." **[41a]**

22.08 The US Department of State *Country Report on Human Rights Practices 2010, The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010), stated, "There are no laws against forced marriage, and in many villages, especially Bajakunda, young girls were forced to marry at a young age." **[2a] (Section 6)**

22.09 With regards to education children are entitled to the following rights under the Constitution:

"All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realisation of that right-

"(a) basic education shall be free, compulsory and available to all;

"(b) secondary education, including technical and vocational education, shall be made generally available and accessible to all by every appropriate means, and in particular, by the progressive introduction of free education;

"(c) higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular, by progressive introduction of free education;

"(d) functional literacy shall be encouraged or intensified as far as possible;

"(e) the development of a system of schools with adequate facilities at all levels shall be actively pursued." **[10a] (Rights to education 30)**

(See also subsection on Child labour, subsection on Education and Section 26: Citizenship and nationality)

22.10 The USSD Human Rights Report 2010 noted that "The constitution and law mandate free, compulsory primary education from ages six to 12, but the inadequate

infrastructure prevented effective compulsory education, and children paid fees to attend school." **[2a] (Section 6)**

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VIOLENCE AGAINST CHILDREN

22.11 An extract from the Childs Rights Information Network (CRIN), United Nations compilation of National Reports submitted for Gambia's *Universal Periodic Review*, dated 10 February 2010, stated:

"The 2005 CCA [Country Common Assessment] noted that children are subjected to abuse, neglect, violence and exploitation, including children living and working in the street. Children are also subjected to sexual abuse and exploitation, trafficking, baby abandonment and corporal punishment in homes and institutions, as well as been orphaned or made vulnerable by HIV/AIDS. CRC was concerned about the increasing number of child victims of commercial sexual exploitation, especially among child labourers and street children." **[41a]**

22.12 The USSD Human Rights Report 2010 stated "Authorities generally enforced laws when cases of child abuse or mistreatment were brought to their attention. Carnal knowledge of a girl under the age of 16 is a felony except in the case of marriage, which can be as early as 12 years of age. Incest also is illegal. Serious cases of abuse and violence against children were subject to criminal penalties." **[2a] (Section 6)**

22.13 Furthermore the USSD Human Rights Report 2010 added:

"The penalty for raping a minor, as with adults, is life imprisonment. However, because of the difficulty of proving rape of minors, particularly very young children, the charge is mostly defilement or having carnal knowledge, both of which carry a prison sentence of 14 years. There were two convictions for rape of a minor during the year: Nfamara Saidykhan and Omar Kittan were both sentenced to life imprisonment. There were several other convictions for defilement or having carnal knowledge of a minor: Samba Baldeh, sentenced to 25 years; Abdoulie Bahoum, sentenced to 14 years and ordered to pay compensation of one million dalasi ($35,714) to the victim; Musa Ceesay, sentenced to 14 years and ordered to pay 100,000 dalasi ($3,571) compensation; and Davidson Jones and Landing Mboob, both sentenced to 14 years. In Mboob's case, his accomplice, Mansour Manneh, was also sent to prison for 14 years for aiding and abetting a rapist. In August 2009 Musa Sarr was sentenced to life imprisonment for raping a girl." **[2a] (Section 6)**

22.14 A further extract from the Childs Rights Information Network (CRIN), United Nations compilation of National Reports submitted for Gambia's *Universal Periodic Review*, dated 10 February 2010, stated:

"UNICEF [United Nations Children's Fund] noted that social and cultural norms hindered the execution of the 2005 Children's Act, as harmful practices such as corporal punishment, female genital mutilation/cutting, early or forced marriage, domestic violence, were still widely practiced. CRC recommended taking legislative measures to prohibit all forms of physical and mental violence, including corporal punishment as a penal sanction within the juvenile justice system, in schools and care institutions, as well as in families. It also recommended undertaking studies on domestic violence, ill-treatment and abuse, including sexual abuse within the family." **[41a]**

22.15 In November 2010, in an article in *The Point* daily newspaper online, Dr Hassan Azadeh, Senior Lecturer at the University of the Gambia, wrote about "Violence against Children". The article noted that "… most cases of abuses do lead to complaints and all complaints are not covered by the media coverage. In addition there are reports exclusively on cases of rape and infanticide. However, other forms of violence such as female circumcision and early or forced marriage should have a better coverage in so far as girls are hard-hit." **[56a]**

22.16 *Gambia News* reported in January 2010 that Gambia's Assistant Superintendent of Police Yahya Fadera declared there would be zero tolerance towards gender-based violence:

"… in particular rape and sexual assault against women and girls, warning that perpetrators will have no place to hide. Fadera made the declaration in Banjul on Wednesday [13 January 2010] at the opening of a training workshop for law enforcement officers on violence against women and children. The training was organised by The Gambia Police Child Welfare Unit in collaboration with the African Centre for Democracy and Human Rights Studies and police Gender Action Team (GAT) at the National Nutrition Agency (NNA) Conference Centre in Kanifing. The training, which was attended by members of The Gambia Police Force, the National Intelligence Agency, The Gambia National Army and the Immigration Department, was aimed at sensitising security officers on the gender protocol and gender-based violence. According to him, the government is committed to the fight against all forms of violence and discrimination against women and children." **[40e]**

22.17 On 15 December 2009 AllAfrica reported:

"The Forum for African Women Educationalists The Gambia (FAWEGAM), on Friday 11th December [2009] organised a bantaba [traditional meeting place for the men of the village] on 'violence against girls', held at the Girl Guides hall, in Kanifing [in Banjul].

"The purpose of the workshop was to inform the children on violence; what constitutes violence, abuse and harassment; how to protect themselves and prevent violence against girls. Speaking on the occasion Yamundow Jagne-Joof, superintendent of the Child Welfare Unit of The Gambia Police Force (GPF) said violence against girls is influenced by social attitudes and values, which see boys as naturally superior to girls and make it a man's right and responsibility to control the girls' behaviour.

"According to her [Yamundow Jagne-Joof], social structures such as the legal system, the community, including family and friends, educational system, mass media, religion and culture have contributed in the many ways to the violent behaviour of men against girls. She noted that family members and friends contribute to violence in a number ways as they make excuses for the man's behaviour. She revealed that sometimes they blame the girls or women for the violence committed against them. Supt. Jagne-Joof revealed that in all parts of the world, girls are considered as inferior to boys and so must be totally submissive and obedient to the man.

"According to her, many girls around the world are affected by abuse and violence and that the crime touches almost every country of the world, including The Gambia, due to the increase of abuse, exploitation and violence against girls. She said that the most common manifestations of abuse and violence in The Gambia against girls are physical, sexual and forced labour. 'Few of this [sic] others are also being observed now; they include prostitution, pornography, trafficking and child sex tourism,' she said. 'According

to cases reported in our unit this year, over 10 cases of physical abuse, 4 of which are grevious [sic] offences, 41 registered criminal cases of sexual relations with girls as young as two years, 30 cases of abandoned babies, cause[d] by teenage pregnancy, one case of child sex tourism and one case of anal sex,' Supt Jagne-Joof further revealed." **[37b]**

The US Department of State *Country Report on Human Rights Practices 2010, The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010) provided further examples of where the Judiciary have dealt with child related cases. **[2a] (Section 6)**

(See also Section 21: Women – Violence against women)

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Underage/forced marriage

22.18 The USSD Human Rights Report 2010 noted that "There are no laws against forced marriage, and in many villages, especially Bajakunda, young girls were forced to marry at a young age." **[2a] (Section 6)**

22.19 The Institute of Development Studies (IDS) Bulletin Volume 37 Number 5 October 2006: *Sexuality and Women's Sexual Rights in the Gambia*, October stated that:

"There is no legal minimum age for marriage under customary law, and what constitutes 'youth' ranges from 13–30 years in different legal contexts, making young girls directly vulnerable to abuse. Many girls are still subjected to early marriage, affecting their chances to fulfil their life opportunities and to develop their individuality.

"The protagonists of early marriage lure parents into withdrawing girls from school for marriage, claiming it is the most honourable and dignifying decision. The fear of unwanted pregnancy is also a frequent argument for early marriage, although male early sexual indulgence is rarely questioned. The trends observed in our community outreach activities suggest most often that elderly men are involved in the practice of early marriage and are not interested in the girl's education. Mothers, on the other hand, seem to be responding to the call for increasing girl's education and are taking more responsibility for ensuring that their daughters continue in school." **[55a] (p79)**

(See also Section 21: Women – Violence against women and Marriage and Divorce)

Female Genital Mutilation (FGM)

22.20 The USSD Human Rights Report 2010 stated "The law does not prohibit female genital mutilation (FGM), and the practice remained widespread." **[2a] (Section 6)** The United Nations report, *Legislation to Address the Issue of Female Genital Mutilation (FGM)*, 21 May 2009, stated:

"The Gambia's Population is 1.5 million and according to the Multiple Indicator cluster survey (MICS), the estimated prevalence of FGM in girls and women of 15 to 49 years was 78.3% in 2005-2006. FGM is widely practiced all over the country and all FGM types are carried out at infancy, childhood or at adolescence. FGM is done as an initiation rite, to maintain a girl's chastity, in obedience to religion and in keeping with tradition." **[11e] (p8-9)**

22.21 The USSD Human Rights Report 2010 noted that "FGM 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; however, no accurate statistics were available. Several NGOs [Non-Governmental Organisations] conducted public education programs to discourage the practice and spoke out against FGM in the media." **[2a] (Section 6)**

22.22 In May 2010 The Gambia's online edition of the *Today Newspaper* reported on a new project to eradicate FGM and "other harmful traditional practices" in The Gambia. The article stated:

"The project, a partnership between The Gambia Committee on Traditional Practices affecting the health of women and children (GAMCOTRAP), Save The Children and the UNIFEM [United Nations Development Fund for Women], was launched Monday [17 May 2010] at an event hosted at the Paradise Suites Hotel in Kololi, with objectives to create a favourable environment for the implementation of programmes to eradicate female genital mutilation in The Gambia by 2012 and to strengthen the capacity and skills of various actors intervening in targeted communities.

"Speaking at the occasion, officer in charge of the UNICEF in The Gambia, Dr. Meritxell Relano said the project is significant to the evolution of child protection in the country as more communities will be better equipped with the right information to address traditional practices that affect the health and rights of women and children, notably FGM/C [Female Genital Mutilation/Cutting] and early or forced marriage.

"According to her, both FGM/C and Early or Forced Marriage contributes considerably to maternal and child mortality and morbidity in The Gambia. She also recognized the different initiatives currently in place to combat the problems/challenges, and which contribute to the attainment of the United Nations' Millennium Development Goals, and The Gambia's Poverty Reduction Strategy Paper." **[21a]**

22.23 On 18 June 2009 Integrated Regional Information Networks (IRIN) reported that twenty-four community representatives in Gambia's Upper River Region had signed a public declaration abandoning female genital mutilation and cutting (FGM/C) on 12 June 2009. The article noted:

"They were the first of 80 villages in the region – all of them from the Mandinka or Fula ethnic groups – where West African NGO Tostan, supported by UNICEF, are working to eliminate FGM/C…

"The Upper River Region has the country's highest FGM/C rates, with 90 percent of women and girls undergoing cutting, as opposed to 78 percent countrywide, according to 2006 government figures. FGM/C poses numerous physical and mental health risks, including birth complications, maternal death, infertility, urinary incontinence and tetanus, says a Tostan and UNICEF communiqué.

"Despite several decades of NGO attempts to curtail FGM/C in The Gambia, rates have not fallen. Indeed the average age of girls being cut is dropping, according to [UNICEF's Gambia head] Kang." **[26c]**

22.24 In June 2009 the village of Darsilami, located in Upper River Region close to the Senegalese border, celebrated the landmark event of putting an end to practicing FGM/C, along with 24 other neighbouring villages. United Nations Children's Fund (UNICEF), reporting on the celebrations remarked that one former practitioner of

FGM/C, Kobaie Nyabaly, publicly announced that she had abandoned the traditional ritual. UNICEF noted that she "… boldly gave her testimony before the crowd of more than 600 onlookers, including religious leaders, village chiefs, and youth groups." **[34d]**

An article on FGM in March 2005 by the Integrated Regional Information Networks (IRIN) described the different types of FGM processes. **[26e]**

(See also Section 21: Women – Violence against women, Section 22: Children – Health and welfare and Section 24: Medical issues)

Child labour

22.25 The US Department of Labor (USDOL) report *2009 Findings on the Worst Forms of Child Labor*, The Gambia, covering the period March 2009 to February 2010, published on 15 December 2010 stated that "Children in The Gambia are exploited in the worst forms of child labor, many of them in street vending, domestic service, commercial sexual exploitation and agriculture. Working girls engage in street vending, selling food items such as sweets, water, and fruits for their parents. Working boys are found hauling items, sweeping, and collecting taxi or bus fares." **[53a] (p260)** The USSD Human Rights Report 2010 concurred and noted "In urban areas some children worked as street vendors, 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 were known to work include carpentry, masonry, plumbing, tailoring, and auto repair. Children in rural areas worked on family farms." **[2a] (Section 7d)**

22.26 The USSD Human Rights Report 2010 added:

"Child labor was a problem, although the constitution prohibits economic exploitation of children under 16 years of age, and the law prohibits exploitative labor or hazardous employment of children under the age of 18. The Children's Act also sets the minimum age for light work at 16 years and for apprenticeship in the informal sector at 12 years. Most children completed their formal education by the age of 14 and then began work. Child labor protection does not extend to the performance of customary chores on family farms or petty trading. Child labor in informal sectors is difficult to regulate, and laws implicitly apply only to the formal sector. Rising school fees prohibited many families from sending their children to school, resulting in an increase in child labor." **[2a] (Section 7d)**

22.27 The USDOL 2009 report observed that "Children ages [sic] 12 to 17 may be particularly vulnerable to the worst forms of child labor because they are old enough to be out of school but are not eligible to legally work." Adding "… children under age 18 may not be recruited into the Armed Forces" **[53a] (p261)**

22.28 The USDOL 2009 report noted the following statistics on working children and school attendance in The Gambia:

Children	Age	Percent
Working	5-14 yrs	36.4%
Attending School	5-14 yrs	65.7%
Combining Work and school	7-14 yrs	29.6%

[53a] (p260)

22.29 The USDOL 2009 report added "The Government's Poverty Reduction Strategy Paper identifies child labor as a problem and calls for addressing it by increasing school enrollment, expanding girls' education, and improving vocational training. The Gambia's National Education Policy (2004-2015) seeks to implement these goals as part of its Poverty Reduction Strategy." **[53a] (p262)**

22.30 The USDOL 2009 report further stated:

"The Department of Labor, the Department of Social Welfare, and The Gambia Tourism Authority are responsible for enforcing laws related to the worst forms of child labor and maintain regular contact with each other through joint committees or task forces. The Department of Justice is the lead agency for coordinating anti-trafficking efforts; it serves as the Executive Secretariat for the Anti-Trafficking National Task Force and continues to employ one dedicated officer for trafficking.

"The Department of Labor relies on tips or allegations to investigate possible child labor violations. The Department employs four labor inspectors to conduct all workplace inspections including child labor allegations. In 2009 these inspectors performed 45 inspections involving alleged cases of child labor in factories, supermarkets, and hotels in urban areas. No children were removed or assisted as a result of the inspections.

"Child labor violations that occur in the tourism resort areas, typically sexual exploitation, are addressed to the Department of Social Welfare or The Gambia Tourism Authority. Both agencies then immediately notify the Tourism Security Unit, which agency patrols such areas." **[53a] (p261)**

(See also Section 23: Trafficking)

Childcare and protection

22.31 On 24 November 2009 the online edition of the *Today Newspaper* reported

"According to … [Dr. Abu Bukar Gaye, minister for Health and Social Welfare], the government has taken bold steps to meet the challenges of orphan and vulnerable children through the department of Social Welfare. Such steps include supporting children without parental support, such as orphans, street children, internally displaced and refugee children, children affected by trafficking and exploitation. He added that despite all this achievement already indicated, the challenges that lie ahead are still enormous with poverty being the single biggest obstacle to meeting the need of protecting and promoting the right[s] of children." **[21b]**

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STREET CHILDREN

22.32 In June 2009 an article in IRIN news covered the plight of street children in The Gambia. The article noted:

"Despite government efforts to reduce the number of children living and working in Gambia's streets, the phenomenon continues, with hundreds of children vulnerable to

violence, exploitation and abuse, child rights activists say. Street children are most prevalent in the border towns of Farafenni and Basse, and in Brikama, Serekunda and Jarra Soma, according to Phoday Kebbeh, director of child rights NGO [Non-Governmental Organisation] Institute for Social Reformation and Action (ISRA). 'The figures are staggering,' he said. The number of street children is unknown, but in one Immigration Department round-up in February [2009], 374 people were rounded up, 200 of whom were children living or working on the street, according to a department communiqué. International Organization for Migration's regional programme director, Laurent De Boeck, told IRIN the number of children working on the streets in Gambia is on the rise." **[26d]**

22.33 The same article noted "Most of the children are known locally as 'almodous' [Almudus] – deriving from the name 'Ahmed' – who beg for alms for a religious teacher or marabout, who says he will teach them the Koran, house and feed them. They are known as 'talibés' across the border in Senegal, where their numbers are far higher, says Kebbeh." **[26d]**

22.34 In March 2010 an article by Amie Sanneh for the *Foroyaa* newspaper posted on the AllAfrica website profiling the changing image of the 'Almudus' [almodous]. The article noted:

"Instead of the usual sight of moving around with tomato tins held by a rope that is tied around their necks and putting on tattered and dirty clothes and walking barefooted, the Almudus are now seen roaming the streets, not begging for alms to take back to their Marabout and food to eat, but selling kettles, cups, mosquito coils, candles and other small; wares [sic] to make a living. They are now seen decently dressed and it would even be difficult for one to recognize them as the former beggars. You can even think that they are from a normal home.

"These Almudus are indeed different from the Almudos that people use[d] to see and know as these ones are hardly seen in the streets begging for alms or food and in tattered clothes." **[37c]**

22.35 When continuing to describe her first hand experience at meeting the Almudus, Amie Sanneh further added:

"When I further enquired about their new and seemingly improved situation, the eldest boy told me that their condition still remains the same as before and that the only thing that is the different now is the way they appear in public. He lamented the difficulties they continue to encounter in the Marabouts' home and working for him. The Almudus expressed their longing for the day when they would reunite with their biological parents and most of whom, according to them, they do not know since they were separated from them at very early and tender age. These Almudus feel that they are abandoned by their relatives and society.

"When I asked the eldest boy why are selling on the streets, he explained that since they are not allowed to put on rags and roam the streets begging their Marabout has asked them to dress up and start selling household items around for their Marabout.

"For them, they don't like the idea of roaming around selling on the streets but that in order not to risk punishment from the Marabout they have no other option." **[37c]**

(See also subsections on Child labour and Health and welfare)

EDUCATION

22.36 The USSD Human Rights Report 2010 stated "The constitution and law mandate free, compulsory primary education from ages six to 12, but the inadequate infrastructure prevented effective compulsory education, and children paid fees to attend school." **[2a] (Section 6)**

22.37 The United Nations Children's Fund (UNICEF) noted on their website when referring to primary school years in The Gambia, accessed 17 May 2011 that:

"The formal system of education in The Gambia consists of six years of primary (lower basic) and three years of upper basic education. These two levels together constitute 9 years of uninterrupted basic education. Children start school at age 7 and complete basic education at age 16 at which point they are ready to enter Senior Secondary Schools or other Vocational Training provisions depending on their performance in the terminal examination offered at grade 9." **[34e]**

22.38 The USSD Human Rights Report 2010 stated

"During the year [2010] the government estimated that 75 percent of children were enrolled in primary schools. Another 15 percent were enrolled in Islamic schools, called madrassas. Girls constituted approximately 51 percent of primary school students and an estimated one-third of high school students. The enrollment of girls was low 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 ongoing initiative to increase the numbers of girls in school, the government continued a countrywide program to pay basic school fees for all girls; however, in many regions, both girls and boys were still required to pay for books, lunch, school fund contributions, and exam fees." **[2a] (Section 6)**

22.39 The USDOL 2009 report noted that "In the past the Government of The Gambia has made efforts to increase school enrollment, expand girls' education, and improve vocational training. To do so, the Government fully funded some of the initiatives and provided counterpart funding for donor-supported projects. The question of whether these initiatives had an impact on child labor does not appear to have been addressed." **[53a] (p262)**

22.40 The International Federation for Human Rights (FIDH) article dated 5 May 2010 when referring to The Gambia, noted that "Enrollment of girls in schools is extremely low, especially at secondary and higher levels, and dropout rates are high, in part due to the high number of girls employed as domestic servants and the high prevalence of early marriages, as well as traditional views of women's roles. In 2005, the illiteracy rate for women was estimated at 65.8%. **[44c]**

22.41 Some communities however had formed clubs to promote girls education. United Nations Children's Fund (UNICEF) noted on their website when referring to primary school years in The Gambia, accessed 17 May 2011 that:

"UNICEF supports community-led advocacy for girls' education through these Mothers Clubs. The clubs provide a platform for women at the grass roots level to raise funds and moral support for children's education, especially girls. Through fundraising and well strategized investments, mothers help pay for hidden school costs and increase advocacy for girls' education, mitigating such odds as early marriage and teenage pregnancy. With support from UNICEF milling machines are also provided to relieve

their daughters from the burden of time consuming chores that rob them of their education." **[34e]**

22.42 The USDOL 2009 report noted that the traditional practice of sending boys to Koranic teachers to receive education also occurred. The report stated "This may include a vocational or apprenticeship component. While some of these boys, known locally as almudos, receive lessons, many are forced to beg by their teachers for money and food." **[53a] (p260)**

The United Nations Children's Fund (UNICEF) website provides statistical data on educational enrolment ratios and literacy rates in The Gambia, last updated 2 March 2010. **[34c]**

(See also subsections on Child Labour and Street children and Section 21: Women – Access to education and employment)

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HEALTH AND WELFARE

22.43 The United Nations Children's Fund (UNICEF) noted that life expectancy at birth in the Gambia, measured in 2009 was 56. The Under-5 mortality rate, measured in 2009 was 103 per 1000 births. **[34c]**

22.44 The USSD Human Rights Report 2010 stated that "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 are often required at enrollment in schools, but they could easily be obtained." **[2a] (Section 6)**

22.45 The USDOL 2009 report stated:

"In collaboration with UNICEF and the Christian Children's Fund, the Government co-funds and operates a drop-in center that provides medical care and other basic services to street children and almudos. Once almudos have registered in the drop-in center program, they are no longer allowed to continue begging on the streets for their teachers. The Government also continues to run a 24-hour shelter for child trafficking victims. However Government supported programs do not reach all vulnerable street children and trafficking victims or target children working in rural areas." **[53a] (p262)**

22.46 In January 2007 while reporting on one of the health facilities, a clinic located in Fajikunda, UNICEF noted that the clinic took a "… one-stop approach to health care". Further adding that:

"Women and their children often make the trek from surrounding villages on foot, so it's crucial that they receive as many services as possible during the same trip. Otherwise, it's unlikely that they'll return.

"When they arrive at the clinic, the women first register. Then each child is weighed, and at the same time the mother is asked about the child's overall health. Immunizations are next, and the mother receives vitamin A supplements that will be passed on to the newborn through her breast milk.

"If specialized services are required for an injury or an illness, the clinic staff tries to take care of it on the same day." **[34b]**

(See also section 21: Women – Health and welfare and Section 24: Medical Issues)

DOCUMENTATION

22.47 A *Gambia News* article dated 15 June 2007 reported that the United Nations Children's Fund (UNICEF) had called for birth registration in The Gambia, saying:

"… 'birth registration ensures that children are accounted for in national statistics which helps in ensuring their education and health, among others'. A press release from UNICEF Banjul office cited that birth registration, which has increased by 74 percent in Gambia since 2004, was a 'ticket to citizenship'. UNICEF further revealed that 55% of children under five years in the West African country have had their births registered already. The UN agency was however quick to add that many children 'still lack the fundamental protection that birth registration offers.'" **[40a]**

22.48 In December 2007 The United Nations Children's Fund (UNICEF) *At a glance: Gambia*, reported on birth registration at the Brikama Major Health Centre, just south of Gambia's capital, Banjul. The article noted:

"In the past, Mr. Jatta [a public health worker responsible for birth registration at the centre] says, birth registration services were centralized, making it necessary for parents to travel to a registrar's office that was often quite a distance from their home. Few people even knew of the importance of birth registration and those who did often found the procedure difficult, costly and time-consuming. Only about one in three births were registered nationwide. In some rural districts, registration rates were much lower, at approximately 1 in 17…In 2004, the Gambian Government and UNICEF pioneered a simple approach to reverse this trend. Birth registration was combined with basic health services such as immunization. Processes were decentralized so that all health facilities – from major hospitals to outreach health posts – offered the service. Birth registration rates among children under age five saw a dramatic increase, moving up to 55 per cent nationally by 2006.

"The Brikama Major Health Centre now registers an average of 95 children a week. Mr. Jatta notes that instead of a lack of interest in birth registration, the major obstacle is now keeping enough birth registration materials in stock to meet the demand for the service. He often has to register children and provide them with the actual certificate at a later date, once more materials are available." **[34f]**

The ukgambians.com website provides information on certificates issued in The Gambia. **[12a]**

(See also Section 26: – Citizenship and nationality)

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23. TRAFFICKING

OVERVIEW

23.01 The US State Department's *Trafficking in Persons Report 2010*, covering the period April 2009 to March 2010, published 14 June 2010 (USSD TIP Report 2010), placed The Gambia in Tier 2. **[2d] (The Gambia)** The US State Department defined Tier 2 as "Countries whose governments do not fully comply with the TVPA's [Trafficking Victims Protection Act] minimum standards, but are making significant efforts to bring themselves into compliance with those standards" **[2d]**

23.02 The US Department of Labor (USDOL) report *2009 Findings on the Worst Forms of Child Labor*, The Gambia covering the period March 2009 to February 2010, published on 15 December 2010 stated that:

"The trafficking of children is specifically prohibited under multiple Gambian laws. Under the Children's Act, which typically takes precedence over other legislation, child trafficking offenses are punishable by life imprisonment. The Tourism Offenses Act of 2003 prohibits child prostitution, trafficking, and pornography. The Children's Act and Trafficking in Persons Act prohibit promoting child prostitution and procuring a child for sexual exploitation in The Gambia. Additionally, the Children's Act prohibits the procurement, use, or offering of a child for the production or trafficking of drugs." **[53a] (p261)**

23.03 The USSD TiP Report 2010 stated that:

"The Gambia is a source, transit, and destination country for children and women subjected to trafficking in persons, specifically forced labor and forced prostitution. Within The Gambia, women and girls and, to a lesser extent, boys are trafficked for commercial sexual exploitation, as well as for domestic servitude. For generations, parents sent their sons to live with Koranic teachers or marabouts, who more often forced children to beg than ensured their progress in religious studies. However, this practice is declining as the security forces now routinely interrogate the marabout of any beggar they find in the streets. Some observers noted only a small number of trafficking victims, but others see The Gambia's porous borders as an active transit zone for women, girls, and boys from West African countries − mainly Senegal, Sierra Leone, Liberia, Ghana, Nigeria, Guinea, Guinea Bissau, and Benin – who are recruited for exploitation in the sex trade, in particular to meet the demands of European tourists seeking sex with children. Most trafficking offenders in The Gambia are probably individuals who operate independently of international syndicates." **[2e] (Country Narratives, The Gambia)**

PREVENTION

23.04 The USSD TiP Report 2010 stated that:

"The Government of The Gambia sustained moderate efforts to prevent trafficking through awareness-raising during the reporting period [April 2009 to March 2010]. The government previously supported anti-trafficking and information campaigns, most conducted by NGOs [non-governmental organisations], but reported few such campaigns in 2009. Government-controlled media continued to publicize the dangers of trafficking. There was no comprehensive analysis of emigration and immigration patterns for evidence of trafficking. In December 2009, the government dissolved its multiagency National Task Force for Combating Trafficking in Persons and allocated

approximately $111,000 to finance the establishment of the new National Agency to Combat Trafficking in Persons, which was designated to implement the national anti-trafficking plan of action. The government's Tourism Security Unit (TSU) effectively patrolled the Tourism Development Area – the zone most frequented by tourists − to combat child sex tourism and reduce the demand for commercial sex acts… The Gambian government provided its troops with antihuman trafficking training, including warnings against committing any immoral behavior that may bring their force into disrepute, prior to their deployment abroad on international peacekeeping missions." **[2e] (Country Narratives, The Gambia)**

23.05 The USDOL 2009 report noted that

"The Gambia was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions. As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of The Gambia agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement." **[53a] (p261-262)**

23.06 The USDOL 2009 report added:

"A number of government agencies help to enforce trafficking laws. Reporting from USDOS [US Department of State] indicates the Tourism Security Unit (TSU) and the Child Protection Unit within the Gambian military are taking on an increasingly prominent role in the enforcement and prevention of trafficking. All law enforcement agencies in The Gambia have units dedicated to either anti-trafficking or child protection. At border crossings, Government officials check to ensure that minor children are traveling with their parents or with their parents' consent to prevent trafficking.

"According to USDOS, TSU patrols of the Tourism Development Area have been effective in combating child sex tourism and commercial sexual exploitation. However data on the number of children referred to the Department of Social Welfare are unavailable. TSU continues to enforce a ban on unaccompanied children under 18 in the tourist resort areas—turning these children away or placing them in the custody of the Department of Social Welfare—and hotel staff in such areas refuse to allow children onto hotel premises." **[53a] (p262)**

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PROSECUTION

23.07 The USSD TiP Report 2010 observed that:

"The Government of The Gambia demonstrated limited progress in its anti-human trafficking law enforcement efforts, resulting in one conviction of a trafficking offender during the reporting period [April 2009 to March 2010]. The Gambia prohibits all forms of trafficking through its October 2007 Trafficking in Persons Act. The law does not differentiate between sexual exploitation and labor exploitation, and prescribes penalties of from 15 years' to life imprisonment, penalties which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The

Gambia's 2005 Children's Act also prohibits all forms of child trafficking, prescribing a maximum penalty of life imprisonment. In July 2009, a Banjul court convicted a Gambian man of trafficking two children and sentenced him to two years' imprisonment. In June 2009, authorities investigated reports that a group of girls from Ghana had been trafficked to a fishing settlement called 'Ghana Town' for exploitation in prostitution. An interagency team of investigators visited the site and found the reports to be inaccurate. The government did not provide specialized anti-trafficking training for law enforcement and immigration officials during the reporting period." **[2e] (Country Narratives, The Gambia)**

Protection

23.08 The USDOL 2009 report stated: "The Government also continues to run a 24-hour shelter for child trafficking victims. However Government supported programs do not reach all vulnerable street children and trafficking victims or target children working in rural areas." **[53a] (p262)**

23.09 The USSD TiP Report 2010 noted that:

"The government improved its victim protection efforts during the reporting period [April 2009 to March 2010]. It did not undertake proactive efforts to identify foreign trafficking victims. The government continued to operate a 24-hour shelter, made up of three units with accommodations for 48 victims. The shelter did not receive any trafficked children during 2009. The government maintained and funded a 24-hour hotline number that directly connected callers with two dedicated officers of the Department of Social Welfare. The line was created as a family assistance tool, but was also advertised as an available resource for victims of trafficking. The government maintained a drop-in center for street children, including victims of trafficking, and it provided both the shelter and the drop-in center with an annual budget of about $11,500, in addition to contributions from UNICEF and a faith-based NGO. The government also provided food, medical care, and counseling to all trafficking victims, whether nationals or foreigners. Victims could obtain emergency temporary residence visas under the Trafficking in Persons Act, though none did so during the year. The government did not identify or assist with the repatriation of any Gambian victims of transnational trafficking during the year. Under the law, however, repatriated nationals were eligible for government-provided care and rehabilitation measures. Gambian authorities identified at least three people as trafficking victims during the reporting period – two young girls, whose trafficker was prosecuted and imprisoned in July 2009, and a Nigerian girl who reported her trafficking plight to the Child Protection Alliance and the Police Child Welfare Officer in October. The two children were returned to their parents, but the Nigerian girl disappeared." **[2e] (Country Narratives, The Gambia)**

23.10 The USSD TiP Report 2010 further noted that:

"There was no formal system for proactively identifying victims of trafficking, but law enforcement and border control officers who were alert to trafficking situations more intensively questioned adults who arrived at the border with children. There were not enough active trafficking cases to make an assessment about respect for victims' rights, but if trafficking was suspected or identified, Social Welfare would likely have interceded and no victim would have been prosecuted or fined. Training conducted throughout the year attempted to give security officers the ability to identify and assist potential trafficking victims. There was only one reported case of a victim assisting the authorities in investigation. The government undertook efforts to train and further educate officials in recognizing human trafficking situations and victims. During the year, the government

designated officers within each major police station to be responsible for assisting and counseling any potential trafficking victims. However, the government provided no information on such training for The Gambia's embassies and consulates in foreign countries." **[2e] (Country Narratives, The Gambia)**

(See also Section 22: Children – Street children and Health and welfare)

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24. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

24.01 The Commonwealth of Nations network, an association of sovereign nations which support each other and work together towards international goals reported on their website, accessed 5 May 2011, that "Despite the Health System in Gambia being largely decentralised, the Department of State for Health and Social Welfare remains responsible for the development of the central policies and many of the financial decisions that govern the Health care system in The Gambia." **[15a]**

24.02 With an estimated population of 1,797,860. (Central Intelligence Agency (CIA) World Factbook, last updated 6 May 2011) **[3a] (People)** the United Nations Children's Fund (UNICEF) noted that life expectancy at birth in the Gambia, measured in 2009 was 56. The Under-5 mortality rate, measured in 2009 was 103 per 1000 births. **[34c]**

24.03 The US Department of State report, International Travel Information – *Country specific Information*, The Gambia, 8 October 2010, stated that "Medical facilities in The Gambia are very limited, some treatments are unavailable, and emergency services can be unpredictable and unreliable." **[2g] (Medical Facilities and Health Information)**

24.04 The World Health Organisation (WHO) *Country Brief: The Gambia*, updated April 2009, stated:

"The government is the major provider of health services. The public health care system has three tiers, based on the primary health care strategy. Presently, services are provided by four hospitals at the tertiary level, 38 health centers at the secondary level and 492 health posts at the primary level. The system is complemented by 34 private and nongovernmental organization (NGO) clinics. For most communities, the first point of contact with health care services is the informal sector through traditional healers.

"The burden of communicable and noncommunicable diseases is high. Malaria and tuberculosis are leading causes of morbidity and mortality. Other causes of morbidity that drive the demand for public health services in children are acute respiratory infections, diarrhoeal diseases, helminthic infections and skin disorders. Cardiovascular diseases including hypertension, diabetes, cancers and trauma are the common diseases/conditions in adults. These health conditions are responsible for over 75% of the outpatient and inpatient care delivered through the government's health care system.

"The maternal mortality ratio (MMR) of 730 per 100 000 live births in 2001 is unacceptably high. Institutional delivery is estimated at 52% of all births (2001 MMR survey). The main causes of maternal mortality are haemorrhages, eclampsia, anaemia, malaria in pregnancy and postpartum sepsis. Poor maternal nutrition contributes to

complications during pregnancy and delivery, and shortage of skilled birth attendants further exacerbates the problem." **[38a]**

24.05 The WHO *Country Brief* also noted that "One of the major obstacles facing the health sector is the shortage of health personnel at all levels of the healthcare delivery system. The major health challenge is the slow progress towards achieving the health Millennium Development Goals (MDGs) and constitutes a concern for the country as well as the international community." **[38a]**

24.06 The Access Gambia's webpage on health care, accessed on 8 April 2011, described the three tier public health care system:

"Primary Health Care:

"This is focused on villages with a population of over 400 individuals where a Village Health Worker and Traditional Midwife would be initially trained then assigned to deliver primary health care to their village of responsibility. They are responsible for providing out-patient care, community health education, ensuring there is a sufficient level of essential medicines and home visitations. Apart from the assisting mothers to be in home births the mid-wife would refer any mothers who seem to be at risk to the local health centres.

"Secondary Health Care:

"At this level medical care is provided by the large and small health centres. There is [sic] around 7 main government-run / private health centres, 12 smaller centres and 19 pharmacies, with each providing in-patient and out-patient treatment. Each has its resident nurses, doctors and ancillary staff.

"Tertiary Health Care:

"At this 3rd level health services are delivered by 4 main referral hospitals, the Medical Research Council (MRC), several private clinics and NGO operated clinics. The main referral hospital is at the RVTH [Royal Victoria Teaching Hospital] in the capital on Independence Drive. The other 3 are located at Bansang, Farafenni and Bwiam." **[29h]**

24.07 The International Federation for Human Rights (FIDH) noted in an article dated 5 May 2010 when referring to The Gambia, that, "Despite the provision of free maternal health care services in government-run hospitals, maternal mortality is high (690 per 100,000 births) as a result of the lack of access to prenatal and post-natal care and the large numbers of teenage pregnancies arising from early marriages." **[44c]**

24.08 A list of medical facilities available in The Gambia, compiled by the Embassy of the United States in Banjul, updated on 29 September 2010, can be located through the US Embassy website. **[2h]**

(See also Section 21: Women – Health and welfare and Section 22: Children – Health and welfare)

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Polio

24.09 When reporting on the campaign of immunising against Polio, the International Federation of Red Cross and Red Crescent Societies observed in April 2010 that:

"In Gambia, 300 volunteers were mobilized throughout the country, with the result of over 381,000 children under five years of age vaccinated during the second phase of the polio campaign. 'Our volunteers organise social mobilization activities and go door-to-door to convince communities of the dangers of polio and the need to have their children vaccinated,' remarks Fatou Gaye from the health department of the Gambia Red Cross Society. 'We achieved 95% coverage during the first round and hope to reach 100% this time, thanks to the Red Cross activities,' explains Abdoul Aziz Ceesay, a Health Ministry official at Serekunda Hospital." **[43a]**

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

24.10 On 19 January 2010 the online *Gambia News* reported that:

"The Gambian leader, Yahya Jammeh, has sparked a new wave of criticisms by celebrating his controversial Presidential treatment programme in a grand style at his native village of Kanilai, about 100 kilometres South/East of Banjul, the Gambian capital, PANA [Panapress news] reported Monday 18 January 2010. According to sources, ministers, civil servants, traditional rulers, musicians and cultural troupes all flocked to village to honour Jammeh, who threw a big party in celebration of his controversial 'discovery' for 'cure' for 99 diseases, including HIV/AIDS, asthma and others. As the Gambian leader and his supporters celebrated 'the breakthrough', critics continued to challenge the effectiveness of the treatment, with some calling for 'scientific proofs'." **[40b]**

24.11 The US Department of State *Country Report on Human Rights Practices 2010, The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010), stated:

"Societal discrimination against persons infected with HIV/AIDS hindered disclosure and resulted in rejection by partners and relatives. 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 protected the rights of those at risk of infection. In 2007 the national AIDS secretariat collaborated with the Chamber of Commerce and Industry to develop a business coalition response to HIV/AIDS, using workplace policies to destigmatize it and allow workers to feel comfortable seeking information. Public discourse about HIV/AIDS continued during the year [2010] as President Jammeh continued his controversial herbal treatment program for the disease. Throughout the year the Ministry of Health urged persons to undergo voluntary HIV/AIDS counseling and testing." **[2a] (Section 6)**

24.12 The United Nations Programme on AIDS (UNAIDS) recorded the statistics of Gambian's infected with HIV, 2008:

HIV AND AIDS ESTIMATES (2009)

- Number of people living with HIV 8,000 [12,000 – 26,000]
- Adults aged 15 to 49 prevalence rate: 2% [1.3% – 2.9%]
- Adults aged 15 and up living with HIV 17,000 [11,000 – 24,000]

- Women aged 15 and up living with HIV 9,700 [6,200 – 14,000]
- Children aged 0 to 14 living with HIV 1,300 [<1000 – 2,200]
- Deaths due to AIDS <1000 [<500 – 1,200]
- Orphans due to AIDS aged 0 to 17 2,800 [1,400 – 6,500] **[42a]**

24.13 An article in the *Today Newspaper* on 28 June 2010 stated:

"Alieu Jammeh, director of the National AIDS Secretariat has reiterated the commitment of The Gambian government to continue to promote the right of all to access HIV treatment, care and support services, as provided for under the Abuja Declaration and other relevant instruments. Mr. Jammeh said this [on] Saturday 26 June 2010 at the 2010 Candle Light Memorial commemoration organized by The Gambia Network of AIDS Support Societies (GAMNASS)." **[21c]**

Further statistical information can be located in the National Aids Secretariat (Nas), The Gambia Joint United Nations Programme on Aids (Unaids) report on The Gambia National Aids Spending Assessment 2007 and 2008 level and Flow of Resources and Expenditures to Confront Hiv/Aids, published October 2009. **[42b]**

MENTAL HEALTH

24.14 The World Health Organisation (WHO) *Situation Analysis of The Gambia*, accessed on 14 May 2011 stated:

"The number of people affected by mental disorders in the Gambia is significant. It is estimated that of a population of around 1.478 million, about 120,000 people have a mental disorder requiring treatment. However, almost 90% of people with severe mental disorder in the Gambia are left without access to the treatment they need.

"There is limited infrastructure for mental health treatment and care in the Gambia. The Polyclinic Mental Health Unit at the Royal Victoria Teaching Hospital has a single room allocated for outpatient mental health services. The Campama Psychiatric Unit (Banjul), the only inpatient facility in the country, is isolated and difficult to access, custodial in nature and has poor living conditions.

"Human resources for mental health are also inadequate. Currently, the only mental health professionals working in The Gambia are located in the Polyclinic and the Campama Psychiatric Unit." **[38b]**

24.15 The WHO Mental Health Atlas 2005 *Country Profile* of The Gambia noted:

"Mental health is a part of primary health care system. Actual treatment of severe mental disorders is available at the primary level. Treatment is available and mental health is being integrated into the primary health system. Regular training of primary care professionals is carried out in the field of mental health. A good number of doctors and nurses were trained on the diagnosis, treatment and management of mental health disorders through WHO support last year [2004]. Some traditional healers have also been trained. There are community care facilities for patients with mental disorders. There is a community mental health service that conducts country wide mental health promotional activities." **[38c]**

(See also Section 21: Women – Health and welfare and Section 22: Children – Health and welfare)

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25. FREEDOM OF MOVEMENT

25.01 Chapter IV, Section 25 (2) of the Constitution: Freedom of speech, Conscience, assembly, Association and movement, stated that:

"(2) Every person lawfully within The Gambia shall have right to move freely throughout The Gambia, to choose his or her own place of residence within The Gambia, and to leave The Gambia.

"(3) Every citizen of The Gambia shall have the right to return to The Gambia.

"(4) The freedoms referred to in subsections (1) and (2) shall be exercised subject to the law of The Gambia in so far as that law imposes reasonable restriction on the exercise of the rights and freedoms thereby conferred, which are necessary in a democratic society and are required in the interests of the sovereignty and integrity of The Gambia, national security, public order, decency or morality, or in relation to contempt of court." **[10a]**

25.02 The US Department of State *Country Report on Human Rights Practices 2010, The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010), stated:

"The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, but allow for 'reasonable restrictions.' 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." **[2a] (Section 2d)**

25.03 The U.S. Committee for Refugees and Immigrants (USCRI), *World Refugee Survey 2008*, covering 2007 noted "Police occasionally stopped refugees for failing to carry their identity cards, but generally released them within a few hours following GID [Gambia Immigration Department], UNHCR [United Nations High Commissioner for Refugees], or GAFNA [Gambia Food and Nutrition Association] intervention. Gambia did not restrict the residence of refugees and there were no refugee camps." **[45a]**

EXIT AND RETURN

24.04 The USCRI noted in its *World Refugee Survey 2008* that: "The Constitution extended the rights to free movement, residence, and departure to 'every person lawfully within The Gambia' but reserved the right to reenter to nationals." **[45a] (p87)**

25.05 An email response from an official at the British High Commission in Banjul, dated 2 February 2011, stated "… all passengers irrespective of nationality or whether they are members of ECOWAS [Economic Community Of West African States] countries, pass through an immigration control on both arrival and departure. It is policy for all Gambian nationals to have their passports endorsed with, as appropriate, arrival or embarkation stamps." **[4c]**

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26. CITIZENSHIP AND NATIONALITY

26.01 The US Department of State *Country Report on Human Rights Practices 2010, The Gambia*, published on 8 April 2011 (USSD Human Rights Report 2010), stated that "Citizenship is derived by birth within the country's territory and from one's parents; however, not all births were registered." **[2a] (Section 6)**

26.02 The US Office of Personnel Management's March 2001 report on *Citizenship Laws of the World*, accessed on 4 May 2011, observed:

"Citizenship: Based upon the Constitution of the Republic of The Gambia. (UKC-Commonwealth Nation) As a former British colony, Gambian citizenship laws are divided to accommodate people born before and after independence. The division date is February 18, 1965. Unless otherwise stated, laws listed are general in nature and apply both to those born before and after independence… By birth: Child born within the territory of The Gambia, regardless of the nationality of the parents. The only exception is children born to non-citizens when the father is an accredited representative of a foreign power.

"By descent: Child born abroad whose father is a citizen of The Gambia.

"Registration: Woman married to a citizen of The Gambia is entitled, upon making the proper application, to be registered as a citizen of The Gambia.

"By naturalization: Information was not provided.

"Dual citizenship: not recognized. Exception: Gambian citizen, who acquires new citizenship through marriage, is not required to renounce Gambian citizenship…

"Loss of citizenship:

"Voluntary: Permitted. Voluntary letters of renunciation should be directed to the nearest Gambian Embassy.

"Involuntary: The following are grounds for involuntary loss of Gambian citizenship: Person voluntarily acquires foreign citizenship. Person voluntarily claims or exercises any rights accorded to citizens of a foreign country." **[31a]**

26.03 A letter from The Gambia High Commission (GHC) in London to the Country of Origin Information Service (COIS), dated 19 May 2010, stated:

- "A child born outside the [sic] Gambia can automatically derive Gambian status through a Gambian father if the parents acquire Gambian national documents like birth certificate and/or passport for the child.

- "The child can enter The Gambia with a British passport and subsequently be able to reside in The Gambia free of Immigration control if the above mentioned Gambian documents are required on behalf of the child. Otherwise, the child needs to be renewing his/her entry clearance permit every three months. A child holding a British passport and born of a Gambian father can hold a Gambian passport as he/she is entitled to both nationality." **[4b]**

Further reference to Citizenship can be located under Chapter III of the Constitution of the Republic of The Gambia, on the National Council for Civic Education (NCCE) website. **[10a]**

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Annex A

CHRONOLOGY OF MAJOR EVENTS

Source British Broadcasting Corporation (BBC) Timeline, updated 19 April 2011 [6d] unless otherwise stated.

1889	Present boundaries of The Gambia set by agreement between Britain and France.
1894	The Gambia becomes a British protectorate.
1965	The Gambia becomes independent with Dawda Jawara as prime minister.
1970	The Gambia becomes a republic following a referendum; Jawara elected president.
1981	Five hundred people are killed as Senegalese troops help suppress a coup.
1982	The Gambia and Senegal form a loose confederation called Senegambia.
1989	Senegambia confederation collapses.
1991	The Gambia and Senegal sign friendship treaty.
1994	Jawara ousted in coup led by Lieutenant Yahya Jammeh.
1996	New multiparty constitution promulgated, but three major political parties remain prohibited from taking part in elections; Jammeh elected president.
1998	A British human rights group, Article Nineteen, accuses the Gambian government of harassing opposition activists and journalists.
2000	
January	Government says it has foiled a military coup.
April	At least 12 people are shot dead during student demonstrations against the alleged torture and murder of a student the previous month.
June	Ousainou Darboe, leader of the main opposition United Democratic Party, and 20 of his supporters are charged with the murder of an activist of the ruling Alliance for Patriotic Reorientation and Construction.
July	Nine soldiers and businessmen charged with treason in connection with an alleged plot to overthrow the government.
July	President Jammeh lifts the ban on the political parties he overthrew in his military coup of 1994.

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2001

September	Military court sentences former head of the presidential guard Lieutenant Landing Sanneh to 16 years in prison for conspiracy in an alleged plot against Jammeh.
October	Jammeh wins a second term. Foreign observers give the poll a clean bill of health in spite of rising tension ahead of the vote.

2002

January	Ruling Alliance for Patriotic Reorientation and Construction sweeps parliamentary elections boycotted by the opposition amid widespread voter apathy.
May	Opposition MPs and journalists condemn a new media law, passed by parliament, as draconian and intended to muzzle the independent press.

2004

February	President Jammeh announces the discovery of large reserves of oil.
December	New press law provides for the jailing of journalists found guilty of libel, sedition. Days later a critic of the law, prominent editor Deyda Hydara, is shot dead.

2005

March	Ministers and civil servants are sacked and more than 30 senior officials are arrested over corruption allegations.
October	Dispute with neighbouring Senegal over ferry tariffs on the border leads to a transport blockade. The economies of both countries suffer. Nigerian President Olusegun Obasanjo brokers talks to resolve the issue.

2006

March	Government says a planned military coup has been foiled.
July	Head of the independent electoral commission Ndondi Njai is sacked. The opposition complains that many non-Gambians have illegally registered to vote.
August	Thousands flee into Gambia from Senegal's southern Casamance region to escape fighting between Senegalese troops and Casamance separatists.
September	Jammeh wins a third term.

2007

January	Ruling Alliance for Patriotic Reorientation and Construction (APRC) wins parliamentary elections, retaining a tight grip on parliament.
February	UN development envoy Fadzai Gwaradzimba is expelled for criticizing the president's assertion that he can cure AIDS.
April	Ten ex-army officers are sentenced to prison for plotting a coup.

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2008

May	President Yahya Jammeh tells a rally that he would "cut off the head" of any homosexual found in The Gambia, prompting an outcry from international gay rights campaigners.

2009

March	Amnesty International says hundreds have been kidnapped during a government campaign against witchcraft.
August	Six journalists are jailed for publishing a statement criticising the president. They are later pardoned.

2010

July	Eight men, including a former army chief, are sentenced to death for their part in an alleged coup plot in 2009.
October	Death penalty introduced for possession of cocaine or heroin in a bid to discourage international drug trafficking.
November	Gambia cuts ties with Iran, after Nigeria says it intercepts a shipment of Iranian arms destined for Gambia.

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Annex B

POLITICAL ORGANISATIONS

Political organisations in The Gambia as noted by Jane's Security Country Risk Assessment report, updated 27 July 2010 included:

Alliance for Patriotic Re-Orientation and Construction (APRC)

"Formed in 1996, the APRC was the junta-sponsored ruling party and is led by former Armed Forces Provisional Ruling Council (AFPRC) chairman and president, Yahya Jammeh. Support is drawn from former radical elements and defectors from three parties proscribed until 2001. The APRC won 33 of 45 elected seats in the National Assembly in 1997, increasing this to 45 of 48 in 2002 when it ran unopposed in 33 constituencies. The party's majority was reduced to 42 seats following elections in January 2007. In the council elections of January 2008, the APRC secured 101 seats out of 114. Jammeh was re-elected president in 2006 with just over 67 per cent of the vote." **[7d]**

United Democratic Party (UDP)

"The UDP has been the main opposition party since 1996 and is led by lawyer Ousainou Darboe. It is a moderate centrist party, whose support is strongest in parts of former People's Progressive Party (PPP) and National Convention Party (NCP) territory, such as North Bank Division and Lower River Division. The party won seven seats in the National Assembly in 1997 but boycotted the January 2002 elections…

"The UDP contested the January 2007 legislative election alone, registering candidates in 29 of 48 constituencies but winning just four seats from the rural Mandinka central regions. It is now the official opposition in parliament but is far from challenging the APRC. The UDP was the largest of the opposition parties in the local elections of January 2008, registering candidates in 29 of 114 wards, but won just three councillor seats nationwide." **[7d]**

National Reconciliation Party (NRP)

"The NRP is a small opposition party formed in 1996. It is a moderate centrist party and is led by Hamat Bah. The party has limited popular support. The party had two seats in the National Assembly from 1997 but boycotted the 2002 legislative elections. Bah contested the presidential election of October 2001, opting to stay outside of the UDP-led opposition coalition, and finished third with 7.8 per cent of the vote.

"The NRP joined the UDP in breaking from its NADD [National Alliance for Democracy and Development] partners in February 2006. The UDP alliance did not last into 2007, when the NRP contested eight constituencies in rural east-central Gambia. However, the party failed to win any of these constituencies. In the January 2008 council elections, it won just one seat nationwide." **[7d]**

People's Democratic Organisation for Independence and Socialism (PDOIS)

"The PDOIS is a leftist opposition organisation founded in 1986. It was not banned in July 1994 and is led by Sidia Jatta. The PDOIS had one seat in the National Assembly from 1996, which it increased to three in 2002, thereby becoming the only opposition party represented there. PDOIS member Halifa Sallah was thereafter leader of the opposition in parliament.

"Jatta contested the 2001 presidential elections as the PDOIS candidate, finishing fifth with three per cent of the vote. The PDOIS was a founder member of the NADD coalition in 2005-06, with Sallah chosen in March 2006 as the NADD presidential candidate. However, Sallah only secured 5.98 per cent of the vote.

"Sallah lost his seat in Serrekunda Central following the parliamentary polls of January 2007, when Jatta was the only PDOIS or NADD candidate to win a seat, in the far east. In the local elections of January 2008, the NADD registered four candidates among the 114 wards, thereby being a minor opposition presence. It won one councillor seat nationwide." **[7d]**

National Democratic Action Party (NDAM)

"The NDAM was a break-away group from the UDP after its boycott of the 2002 legislative elections. The NDAM, which is led by Lamine Waa Juwara, was a founder member of the NADD coalition in 2005 and stayed with the alliance in 2006. Waa Juwara appears to be quite popular individually but the party has no obvious geographical area of support outside of the urban west, where it is beaten by the APRC. It has no seats in the Assembly and did not contest the 2008 local elections." **[7d]**

People's Progressive Party (PPP)

"The PPP was the ruling party between 1962 and 1994. It is led by Omar Jallow, replacing former president Sir Dawda Kairaba Jawara, who rallied to support Jammeh from 2006. The PPP is a moderate centrist party with broad national following. Despite the legalisation of the party's activity in July 2001, the PPP united behind the UDP's Darboe in his challenge to Jammeh in the October [2006] presidential election.

"The PPP was a founder member of the NADD coalition in 2005 and remained with the alliance against the UDP in 2006. It won no seats in the 2007 legislative election. Most of the PPP's old support base now backs the UDP." **[7d]**

The Central Intelligence Agency (CIA) World Factbook, last updated 6 May 2011, also noted the following Political organisations and their leaders:

Gambia People's Democratic Party (GPDP)
Leader: Henry GOMEZ

National Alliance for Democracy and Development (NADD)
Leader: Halifa SALLAH

National Convention Party (NCP)
Leader: Sheriff DIBBA **[3a] (Government)**

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Annex C

PROMINENT PEOPLE

The Economist Intelligence Unit (EIU) *Country Report: The Gambia*, April 2011 listed the following prominent people and the positions held:

President	Yahya Jammeh
Vice-president & minister for women's affairs	Isatou Njie Saidy
Secretary general & head of the civil service	Njogou Lamin Bah

Key Ministers:

Agriculture	Khalifa Kambi
Minister of Basic & secondary education	Fatou Lamin-Faye
Minister of Culture & tourism	Fatou Jobe-Njie
Minister of Education, research, science & technology	Mariama Sarr-Ceesay
Minister of Energy	Ousman Jammeh
Minister of Finance & economic affairs	Mambury Njie
Minister of Fisheries, water resources & National Assembly matters	Lamin Kaba Bajo
Minister of Foreign affairs & international co-operation	Mamadou Tangara
Minister of Forestry & the environment	Jato Sillah
Minister of Health & social welfare	Fatim Badjie
Minister of Information & communication infrastructure	Alhaji Abdoulie Cham
Minister of Interior & NGO affairs	Ousman Sonko
Minister of Justice & attorney-general	Edward Gomez
Minister of Local government & lands	Pierre Tamba
Minister of Secretary-general & head of civil service	Njogou Lamin Bah
Minister of Trade, employment & regional integration	Abdou Kolley
Minister of Works, construction & infrastructure	Yusupha Kah
Youth & sports	Sheriff Gomez **[60a] (Political structure)**

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Annex D

LIST OF ABBREVIATIONS

ACHPR	African Commission on Human and Peoples' Rights
AI	Amnesty International
APRC	Alliance for Patriotic Reorientation and Construction (Gambia)
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CIA	Central Intelligence Agency
CPI	Corruption Perceptions Index
CPJ	Committee to Protect Journalists
CRC	Convention on the Rights of the Child
CRIN	Childs Rights Information Network
ECOMOG	Economic Community of West African States Monitoring Group
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FAWEGAM	Forum for African Women Educationalists The Gambia
FGM	Female Genital Mutilation
FIDH	International Federation for Human Rights
FH	Freedom House
GAMCOTRAP	The Gambia Committee on Traditional Practices affecting the health of women and children
GDP	Gross Domestic Product
GNA	Gambia National Army
GPF	Gambia Police Force
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
ILGA	International Lesbian and Gay Association
IRMT	International Records Management Trust
MRGI	Minority Rights Group International
NCCE	National Council for Civic Education
NDEA	National Drug Enforcement Agency
NIA	National Intelligence Agency (Gambia)
NSS	National Security Service (Gambia)
NGO	Non Governmental Organisation
OHCHR	Office of the High Commissioner for Human Rights
RSF	Reporters sans Frontières
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UDP	United Democratic Party (Gambia)
UN	United Nations
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USCRI	U.S. Committee for Refugees and Immigrants
USSD	United States State Department
WHO	World Health Organization

Annex E

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