

THE GAMBIA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Gambia's constitution enumerates a full range of provisions and assurances for a multiparty democratic republic. In 2016 Adama Barrow, the consensus candidate of a coalition of seven opposition political parties, defeated incumbent president Yahya Jammeh in what international observers deemed a peaceful and credible election. Barrow was initially sworn into office in January 2017 in Dakar, Senegal, during a six-week political impasse when Jammeh refused to cede power. President Barrow was sworn into office again in The Gambia the following month after a peaceful regional and international intervention, led by Economic Community of West African States member countries, resulted in the former president departing for exile. In the 2017 parliamentary elections, the United Democratic Party won 31 of the 53 seats contested. International and domestic observers considered these elections to be free and fair.

The Gambia Police Force maintains internal security and reports to the minister of interior. The Gambia Armed Forces consist of four branches: the Gambia National Army, the Gambia Navy, the Republican National Guard, and the Gambia Air Force. The Gambia Armed Forces' principal responsibilities are to defend the territorial integrity of the country, to aid civil authorities in emergencies, and to provide natural disaster relief assistance in agriculture, engineering, health, and education. The chief of the defense staff administers the Gambia Armed Forces and reports through the minister of defense to the president as commander in chief. Civilian authorities maintained effective control over the security forces. Members of security forces committed some abuses.

Significant human rights issues included: harsh and life-threatening prison conditions; trafficking in persons; and existence of laws criminalizing consensual same-sex sexual conduct between adults, although the law was rarely enforced.

The government took steps to investigate, prosecute, or otherwise hold accountable some officials who committed abuses. Nevertheless, impunity and a lack of consistent enforcement continued to occur.

THE GAMBIA

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities during the year.

Families of individuals detained during the Jammeh regime continued to demand information on their missing relatives and that those responsible for killings, disappearances, and other serious crimes be held accountable. In July and August 2019, the general location of the remains of U.S.-Gambian dual nationals Alhagie Ceesay and Ebrima Jobe--kidnapped by government agents in 2013--was revealed during public testimony by members of former president Jammeh's "Junglers" hit squad at the Truth, Reconciliation, and Reparation Commission (TRRC). The TRRC was established in 2017 to address human rights abuses during the 22-year rule (1994-2016) of former president Jammeh. According to TRRC testimonies, Ceesay and Jobe are buried at the former president's expansive farm near Kanilai. The government officially requested and received international forensics assistance to locate and identify their remains, assistance that at year's end continued to be provided.

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

The constitution and the law prohibit such practices. There was one report of inhuman and degrading treatment by a police officer of a detainee during the year. The incident was investigated and the officer sanctioned.

According to the online newspaper *Gainako*, on July 25, Commander Gorgi

THE GAMBIA

Mboob of the Police Anti-Crime Unit struck the genitals of detainee Ebrima Sanneh with a hoe at the unit's prison farm in Bijilo. Sanneh was hospitalized due to genital bleeding. Although police initially refuted media reports of the incident as "false, and intended to mislead the public," on July 25, the Ministry of Interior ordered an investigation by the National Human Rights Commission and placed Mboob on administrative leave. On October 8, the commission determined that Mboob had assaulted and wounded Sanneh and recommended disciplinary measures be taken against him, his removal from the Anti-Crime Unit, and monetary compensation for Sanneh.

According to the online portal Conduct in UN Field Missions, there is one open allegation (submitted in 2018) of sexual exploitation and abuse by a Gambian peacekeeper deployed to a UN peacekeeping mission, allegedly involving an exploitative relationship with an adult in 2013-15. The United Nations completed its investigation and is awaiting additional information from the government. At year's end authorities had yet to provide the additional information or accountability measures taken.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions.

Physical Conditions: Overcrowding was a problem, particularly in the remand wing of the state central prison, Mile 2 Prison in Banjul, where detainees were held pending trial. According to the NGO World Prison Brief, authorities in 2019 held 691 prisoners in facilities designed for 650. Food quality and access to potable water, sanitation, ventilation, lighting, and medical care remained inadequate. There were credible reports teenagers as young as age 15 were held with adults in pretrial detention facilities.

Administration: Authorities conducted investigations of credible allegations of mistreatment (see section 1.c., Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment).

Independent Monitoring: The government granted unrestricted access to all

THE GAMBIA

prisons to the Office of the Ombudsman, the TRRC, and local and international nongovernmental organizations (NGOs).

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of arrest or detention in court. The government generally observed these requirements; there were no reports of arbitrary arrest during the year.

Arrest Procedures and Treatment of Detainees

The law requires authorities to obtain a warrant before arresting a person, but police officers often arrested individuals without a warrant. Military decrees enacted prior to the adoption of the constitution in 1997 give the National Intelligence Agency and the interior minister broad powers to detain individuals indefinitely without charge “in the interest of national security.” Although these detention decrees are inconsistent with the constitution, they were not legally challenged. The government claimed it no longer enforced the decrees.

Periods of detention before being brought before a judicial official and charged generally ranged from two to 72 hours, the legal limit after which authorities are required by law to charge or release detainees; however, there were numerous instances of detentions exceeding the 72-hour limit. There was a functioning bail system; however, two guarantors and advance remittance were generally required to obtain bail.

Officials in some cases did not allow detainees prompt access to a lawyer or family members. The judiciary provided lawyers at public expense only to indigent persons charged with capital crimes such as murder, for which a conviction includes the death penalty. Suspects were not detained incommunicado.

Pretrial Detention: Backlogs and inefficiency in the justice system resulted in lengthy pretrial detentions. Many inmates in the remand wing of Mile 2 Prison awaited trial, in some instances for several years. According to the Gambia Prison Services, approximately one-half of the prison population was in pretrial detention. The introduction of virtual courts, created in June in response to the COVID-19

THE GAMBIA

pandemic, was part of the government's effort to reduce overcrowding, particularly among the remand population.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Criminal defendants were presumed innocent until proven guilty. Officials did not always promptly inform defendants of the charges against them. The law provides for a fair, timely, and public trial without undue delay; however, case backlogs hampered the right to a timely trial. Defendants enjoyed the right to be present at trial and to communicate with an attorney of their choice or if indigent and charged with a capital crime to have a lawyer at public expense. Defendants had adequate time and facilities to prepare a defense. Officials provided free interpretation in defendants' local languages as necessary from the moment charged through all appeals. Defendants and their lawyers had the right to confront prosecution or plaintiff witnesses and present their own witnesses and evidence. Defendants may not be compelled to testify or confess guilt. They may appeal verdicts to a higher court.

On May 3, the Gambia Bar Association and the National Agency for Legal Aid signed a memorandum of understanding to provide free legal services to prisoners. By year's end it was providing legal services to defendants incarcerated in the country's three prisons and to remand and juvenile inmates.

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

Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and other traditional and social relations. District chiefs preside over local tribunals that administer customary law at the district level. Customary law recognizes the rights of all citizens regardless of age, gender, and religion.

THE GAMBIA

For persons of Muslim faith, sharia applies in domestic matters, including marriage, divorce, and inheritance. *Qadi* courts (traditional Muslim courts that settle issues of divorce and inheritance) and district tribunals do not involve standard legal representation because lawyers are not trained in Islamic or customary law.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The High Court hears civil and human rights cases. Individuals may also seek assistance concerning violations of human rights law from the Office of the Ombudsman, which has a mandate to investigate such cases and recommend remedies for judicial consideration.

Individuals and organizations may appeal adverse domestic decisions to regional human rights bodies.

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

The constitution prohibits such actions, and there were no reports the government failed to respect those prohibitions.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views. Nevertheless, on January 26,

THE GAMBIA

police closed local radio stations King and Home Digital FM. Police arrested and charged the stations' owners and managers with broadcasting incendiary messages and inciting violence, and police held them for more than 48 hours before their release on bail. Ministry of Justice prosecutors found no factual basis on which to support the charges and dismissed them. The stations' broadcasting licenses were suspended for one month.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected the right of peaceful association. Nevertheless, there were restrictions placed on the right of peaceful assembly.

Freedom of Peaceful Assembly

By law the Gambia Police Force must grant a permit for all public meetings and gatherings. The inspector general of police has the authority to approve or disapprove permits and is required to communicate his decision to the requester in writing. Requests are generally approved unless there is concern regarding the peaceful nature of a proposed protest. Due to training provided by the government of France, security forces' capability to employ effective, nonviolent crowd-control techniques improved during the year.

Media reported that on January 26, police arrested 137 demonstrators during a protest organized by the Three Years Jotna Movement that began peacefully but turned violent. A total of 131 police and protesters were injured. The Three Years Jotna Movement called for the president to honor the commitment he made during

THE GAMBIA

his 2016 campaign to step down after three years, with some persons affiliated with the movement advocating violence to forcibly remove the president from office. Violence erupted when a group of protesters allegedly deviated from the negotiated area approved by authorities for the protest and police moved to disperse protesters. Police used tear gas against stone throwing protesters, a small group of whom set fire to a bus-stop shelter. Most injuries suffered by protesters were respiratory due to tear gas; however, some protesters and police sustained serious lacerations from thrown rocks and debris. On January 26, protest organizers Abdou Njie, Ebrima Kitim Jarju, Sheriff Sonko, Hagi Suwaneh, Fanta Mballow, Karim Touray, Yankuba Darboe, and Muctarr Ceesay were charged with unlawful assembly and rioting. On February 24, the protest organizers were released on bail. At year's end they had yet to be tried.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: Police and immigration personnel frequently set up security checkpoints. Individuals found to be without proper identification documentation were subject to detention or forced to pay bribes.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The Gambia Commission for Refugees worked with the Office of the UN High Commissioner for Refugees on protection of refugees.

Access to Asylum: The law provides for granting refugee status.

THE GAMBIA

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The country held a presidential election in 2016, in which Adama Barrow, the candidate of an opposition coalition, defeated Yahya Jammeh, the incumbent. The election was largely peaceful and considered credible. The defeated incumbent initially accepted the results before declaring them “null and void,” alleging irregularities in the process. This led to a six-week political impasse before Jammeh dropped his claims and went into exile in Equatorial Guinea, bowing to regional and international pressure and the threat of military force from the Economic Community of West African States, the member states of which had massed soldiers on the country’s borders.

The country also held legislative elections in 2017 that were described by domestic and international observers as mostly free and fair. Mama Kandeh, leader of the Gambia Democratic Congress, rejected the results, claiming to have evidence that would expose the unfairness of the entire process. Kandeh, however, did not provide any evidence to substantiate his claim.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minorities in the political process, and they did participate. Evidence suggested cultural constraints limited women’s participation in the political process; men greatly outnumbered women in the cabinet and parliament. Only five women hold seats in the 58-member National Assembly.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by government officials, and the government generally implemented the law.

THE GAMBIA

Financial Disclosure: The law requires income and asset disclosure statements from both appointed and elected public officials; however, it does not stipulate sanctions for noncompliance. No government agency is mandated to monitor and verify financial disclosures. Declarations are not released to the public.

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

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Among these were the #Jammeh2Justice campaign to have the Ghanaian and Gambian governments try former president Jammeh for the 2005 killings of irregular migrants--among them 44 Ghanaians--and the Victims Center that supports the TRRC and assists victims of Jammeh-era human rights abuses.

Government officials were usually cooperative and responsive to human rights issues raised by human rights groups during the year. The law continues to require NGOs to register with the National Advisory Council that has the authority to deny, suspend, or cancel the right of any NGO (including international NGOs) to operate in the country. The council did not take actions against any NGO during the year.

Government Human Rights Bodies: The Office of the Ombudsman operates a National Human Rights Unit (NHRU) with a mandate of promoting and protecting human rights and supporting vulnerable groups. The office has unrestricted access to all places of detention, including prisons and police stations. During the year the NHRU addressed complaints regarding unlawful dismissal, termination of employment, unfair treatment, and illegal arrest and detention.

In September the TRRC resumed hearings after a six-month suspension from March to September due to COVID-19 restrictions. TRRC witnesses testified to multiple instances of human rights abuses by the Jammeh government, including killings, torture, arbitrary detention, sexual violence, and forced disappearances. Witnesses included members of the Junglers hit squad who admitted to committing

THE GAMBIA

gross human rights abuses.

The National Human Rights Commission was active in addressing and investigating human rights abuses, and publicly called for government actions to address human rights issues such as the continued criminalization of homosexuality.

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

The constitution and law provide for equality of all persons; no person shall be treated in a discriminatory manner because of race, color, gender, language, religion, political or other opinion, national or social origin, property, birth, or other status. Legal provisions against discrimination do not apply to adoption, marriage, divorce, burial, and inheritance of property. The law prohibits discrimination in employment, access to credit, owning and managing a business, or in housing or education.

There were no reports the government failed to enforce the law.

Women

Rape and Domestic Violence: The law criminalizes the rape of individuals--without reference to gender--and domestic violence. The penalty for conviction of rape is life imprisonment. The maximum penalty for conviction of attempted rape is seven years' imprisonment. Spousal and intimate-partner rape was widespread and not illegal; police officers generally considered it a domestic issue outside of their jurisdiction. Rape and domestic violence were widespread problems that often went unreported due to victims' fear of reprisal, unequal power relationships, stigma, discrimination, and pressure from family and friends not to report abuses. Conviction of domestic violence carries a sentence of two years' imprisonment, a substantial monetary fine, or both.

The Ministry of Women's Affairs, Children, and Social Welfare operates a shelter and cooperates with UN agencies and civil society organizations to address sexual- and gender-based violence. In November a campaign of inclusive events was

THE GAMBIA

conducted to address issues of sexual- and gender-based violence in the country. The vice president led a march to raise awareness of the problem and to encourage victims of sexual- and gender-based violence to report abuse in order for perpetrators to be charged and prosecuted.

Female Genital Mutilation/Cutting (FGM/C): The law bans FGM/C of girls and women; however, the practice has widespread popular support. The law stipulates not more than three years' imprisonment, a substantial monetary fine, or both, for anyone convicted of circumcision of a female child; if the child dies, the penalty for conviction is life imprisonment. Failure to report the practice may lead to a substantial monetary fine. Authorities did not always enforce of the law because violations are rarely reported and due to uncooperative victims and witnesses in cases that are reported. No FGM/C arrests were made during the year.

FGM/C is a deeply rooted practice in society. FGM/C cases are very seldom reported, either because individuals do not agree with the law or because they are uncomfortable reporting family or community members engaged in the practice to authorities. According to UNICEF and NGOs, 76 percent of girls and women between ages 15 and 49 had been subjected to FGM/C. NGOs, including the Gambia Committee on Traditional Practices Affecting the Health of Women and Children, Wassu Gambia Kafo, Safe Hands for Girls, and Think Young Women, were at the forefront of combatting FGM/C in the country.

Sexual Harassment: The law prohibits sexual harassment and stipulates a one-year mandatory prison sentence for conviction. Sexual harassment was prevalent but not commonly reported due to discrimination, social stigma, and unwillingness to challenge the offenders due to unequal power relationships and fear of reprisal.

Reproductive Rights: By law couples and individuals have the right to decide the number, spacing, and timing of their children. They had access to the information and means to do so free from discrimination, coercion, or violence. Abortion is illegal and criminalized, including in cases of rape. According to the UN Population Fund, 41 percent of married or in-union girls and women ages 15 to 49 made their own decisions regarding sexual and reproductive health, including deciding on their health care, the use of contraception, and whether to have sex. According to UNICEF, 88 percent of births were attended by a skilled health-care

THE GAMBIA

professional.

The government provides access to sexual and reproductive health services for survivors of sexual violence.

According to the World Health Organization, the country's maternal mortality rate in 2020 was 597 per 100,000 live births. It identified hemorrhage, anemia, early pregnancy, and obstructed labor as the main causes of maternal mortality. FGM/C negatively impacted reproductive and maternal morbidity.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The constitution and law provide for equality of all persons, including with regard to race, color, language, religion, political or other opinion, national or social origin, and birth. The law prohibits discrimination in employment, access to credit, owning and managing a business, or in housing or education. Nevertheless, the law does not provide for the same legal status and rights for women regarding adoption, marriage, divorce, burial, and inheritance of property. During the year there were no reports the government failed to enforce the law effectively.

Children

Birth Registration: Children derive citizenship by birth in the country's territory or through either parent. Not all parents registered births, but this did not preclude their children from receiving public health and education services. Birth certificates were easily obtained in most cases.

Education: The constitution and law mandate compulsory, tuition-free primary- and lower-secondary-level education. Families often must pay fees for books, uniforms, lunches, school fund contributions, and examination fees. An estimated 75 percent of primary school-age children enrolled in primary schools. Girls comprised approximately one-half of primary school students but only one-third of high school students.

Child, Early, and Forced Marriage: By law children younger than age 18 may

THE GAMBIA

not marry; however under customary or sharia, 34.2 percent of girls younger than 18 were married, and 9.5 percent younger than 15 were married. Government sensitization campaigns in several areas of the country, particularly in remote villages, sought to create awareness of the law.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, offering or procuring children for prostitution, and practices related to child pornography. NGOs attributed difficulties in enforcement of the law to a national culture of secrecy regarding intimate family matters and a penchant for resolution of problems outside of the formal legal system.

The minimum age for consensual sex is 18. The penalties for conviction of sex trafficking are 50 years' to life imprisonment and a substantial monetary fine. The law provides for 10 to 14 years' imprisonment for conviction of commercial sexual exploitation of children, depending on the type of offense, 10 years' imprisonment for conviction of procurement of a child for prostitution, and five years' imprisonment for conviction of child pornography.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information, see the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

THE GAMBIA

The constitution prohibits discrimination against or exploitation of persons with disabilities, although it does not stipulate the kinds of disabilities protected, particularly regarding access to health services, education, and employment. There are no explicit legal provisions that require access to transportation, buildings, and information or communications for persons with disabilities.

There are three separate schools for students with visual, hearing, or learning disabilities. Other students with physical disabilities may attend mainstream schools, but there are no programs or facilities to address specific needs. Children with disabilities attended school through secondary education at a lower rate than other children.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

By law “aggravated homosexuality” is a crime for which conviction is punishable by life imprisonment. It includes serial offenders or persons with a prior conviction for homosexual activity, persons older than age 18 who engage in same-sex relations with someone younger than age 18 or with members of other vulnerable groups, or a person with HIV having same-sex relations.

Citing more pressing priorities, the president dismissed homosexuality as a nonissue in the country. In 2018 the country’s delegation to the UN Human Rights Council stated the government did not plan to reverse or change the law. Although the law was rarely enforced, on July 1, local media reported that a Senegalese national was arrested in Kotu for engaging in same-sex relations with another adult. He was initially reported to police for stealing a cell phone of a Gambian man with whom he had sexual relations.

The law does not address discrimination against lesbian, gay, bisexual, transgender, and intersex individuals (LGBTI) persons in essential goods and services such as housing, employment, and access to government services such as health care. There was strong societal discrimination against LGBTI individuals.

HIV and AIDS Social Stigma

THE GAMBIA

Although there were no reports to authorities of HIV-related stigma and discrimination in employment, housing, or access to education or health care, it existed. Societal discrimination against persons infected with HIV/AIDS and fear of rejection by partners and relatives sometimes hindered identification and treatment of persons with the disease. The government's *Gambia National Health Strategic Plan 2014-2020* provides for the care, treatment, and support of persons with or affected by HIV/AIDS. The multisectoral plan includes HIV-prevention programs for high-risk populations.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides that workers, except for civil servants, domestic workers, court officers and certain other categories of workers, are free to form and join independent unions, bargain collectively, and conduct legal strikes. A broad range of essential service employees, including in the military, police, health, ambulance, prison, water and electricity services, and radio and telecommunication services sectors, are prohibited from forming unions or going on strike. Additionally, the law authorizes the minister responsible for labor matters to exclude any other category of workers from the protection of the law. Unions must register to be recognized. The law requires a minimum membership of 50 workers for the registration of a trade union, a threshold few workplaces could meet. The law also provides that the registrar of unions may examine without because the financial accounts of workers' associations.

The law restricts the right to strike by requiring unions to give the commissioner of labor written notice 14 days before beginning an industrial action (28 days for actions involving essential services). Police and military personnel had access to a complaints unit, and civil servants could take union complaints to the public service commission or the government's personnel management office. An employer may apply for a court injunction to prohibit industrial action deemed to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. The law prohibits retribution against strikers who comply with the law regulating

THE GAMBIA

strikes. Employers may not fire or discriminate against members of registered unions for engaging in legal union activities, and the law provides for reinstatement of workers fired for union activity. The law also sets minimum contract standards for hiring, training, and terms of employment and provides that contracts may not prohibit union membership.

The government did not effectively enforce the law; however, there were no official reports of persistent abuses of workers' right of freedom of association. Resources, inspections, and remediation were inadequate. Penalties were not commensurate with those for similar violations and were rarely applied. Administrative and judicial procedures were subject to lengthy delays and appeals.

Although trade unions were small and fragmented, collective bargaining took place. Union members were able to negotiate without government interference; however, they lacked experience, organization, and professionalism and often turned to the government for assistance in negotiations. The Department of Labor registered most collective agreements, which remained valid for three years and were renewable.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced or compulsory labor, including that of children, but the government did not effectively enforce the law. The law sets forth general employment protections, including contractual rights, freedom of association, the right to collective bargaining, and disciplinary procedures in the workplace, among other important labor regulations. Domestic laborers were not protected under the national labor law, however, which rendered them vulnerable to exploitation. The penalties for forced labor were commensurate with those for other serious crimes but were seldom applied.

Military service members may be compelled to undertake work that is not purely military in character, including in agriculture, engineering, health, and education. Women and children were subjected to forced labor primarily for domestic labor and commercial sexual exploitation. Contrary to International Labor Organization conventions, the law permits compulsory labor for prisoners convicted of possession of prohibited publications, seditious statements or writings, and

THE GAMBIA

publishing rumors or false statements.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law does not prohibit all the worst forms of child labor. The constitution prohibits economic exploitation of children younger than age 16, and regulations prohibit children younger than 18 from engaging in exploitive labor or hazardous employment, including mining and quarrying, going to sea, carrying heavy loads, operating heavy machinery, and working in establishments serving alcohol. The law sets the minimum age at 16 for light work but allows children as young as 12 to apprentice in the informal sector.

The Department of Labor is responsible for enforcing child labor laws and conventions on the worst forms of child labor, but it did not effectively do so. The government took few actions to prevent or combat child labor during the year. The penalties for conviction of child labor laws were commensurate with those for similar serious crimes but were seldom applied. The labor commissioner registered employee labor cards, which include a person's age; the law authorizes the commissioner to enforce child labor laws. Enforcement inspections rarely took place and when they took place, no one was prosecuted.

Child labor occurred primarily in the informal sector and was largely unregulated. Rising school fees combined with stagnating incomes prevented some families from sending their children to school, contributing to the vulnerability of children to child labor. Additionally, many children completed nine years of compulsory schooling at age 14, rendering them vulnerable to child labor. In urban areas some children worked as street vendors, domestic laborers, or taxi and bus assistants. There were instances of children begging on the streets, including cases of forced begging. Children between ages 14 and 17 also worked in carpentry, masonry, plumbing, tailoring, and auto repair. Children in rural areas worked on family farms, often under hazardous conditions.

See also the Department of Labor's *Findings on the Worst Forms of Child Labor* at

THE GAMBIA

<https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits discrimination based on race, color, gender, language, religion, political or other opinion, national or social origin, disability, sex, property, or birth. The law does not specifically prohibit discrimination on the basis of HIV/AIDS status, sexual orientation, or gender identity but prohibits discrimination based on other status. The law defines the criteria that prohibit discrimination with respect to employment and occupation, and the government enforced the law inconsistently, applying it in the formal sector but not in the large informal sector. Penalties were commensurate with those for other similar violations.

Employment in the formal sector was open to women at the same salary rates as men, and no statutory discrimination existed in other kinds of employment; however, societal discrimination lingered, and women generally worked in such low-wage pursuits as food vending and subsistence farming. The law also prohibits discrimination in private companies certified by the Department of Labor.

During the year the government did not report any cases of discriminatory practices with respect to employment or occupation.

e. Acceptable Conditions of Work

Collective bargaining, arbitration, or agreements reached between unions and management determined union members' wages, and the minimum wage was generally less than the World Bank's international poverty line, although it was above the government's national poverty baseline. Employers paid most workers above the minimum wage. Most citizens did not live on a single worker's earnings and shared resources within extended families. The Department of Labor is responsible for enforcing the minimum wage; however, the government did not effectively enforce the law. Penalties for wage and hour violations were rarely enforced. Most workers were employed in the private sector or were self-employed, often in agriculture and other informal sectors where labor laws were not enforced.

THE GAMBIA

The basic legal workweek is 48 hours within a period not to exceed six consecutive days. The government's workweek consists of four eight-hour workdays Monday through Thursday and a four-hour workday on Friday. The private sector typically operates from Monday through Saturday. Regulations mandate a 30-minute lunch break. Regulations entitle government employees to one month of paid annual leave after one year of service. The government does not pay most government employees overtime compensation. Government workers holding temporary positions and private-sector workers, however, receive overtime pay calculated at time and a half per hour. There is no exception for foreign or migrant workers.

The law specifies appropriate safety equipment an employer must provide to employees working in designated occupations. The law also authorizes the Department of Labor to regulate factory health and safety, accident prevention, and dangerous trades and to appoint inspectors to conduct unannounced inspections, identify unsafe conditions, and issue sanctions to enforce compliance. Workers may demand protective equipment and clothing for hazardous workplaces and have recourse to the Labor Department for violations of occupational safety and health standards. Workers could not remove themselves from unsafe conditions without possible jeopardy to their jobs. The law protects foreign workers employed by the government; however, it provides protection for privately employed foreigners only if they have valid work permits.

The government did not effectively enforce the law on occupational health and safety. Penalties were not commensurate with those for similar violations and were seldom applied. Court remedies were lengthy, expensive, and generally ineffective. The number of labor inspectors was insufficient to enforce compliance. Wage and safety standards were not enforced in the informal sector, which included most workers.

Violations of health and safety standards were common in the service, construction, agricultural, and domestic labor sectors. According to Forbes' 2020 report, *The World's Most Dangerous Countries for Workers*, 64 percent of Gambian workers stated they had been injured on the job. In February, two sanitation workers died inside a sanitation sewer at a local restaurant.