



COUNTRY OF ORIGIN INFORMATION REPORT

THE GAMBIA

2 JULY 2010

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by 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 2 July 2010. The report was issued on 2 July 2010.
- ii The Report is compiled wholly from material produced by a wide range of recognised 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 brief compilation of extracts, focusing on the main issues raised in asylum and human rights applications. 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 COI 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 COI 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.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI 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 COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link 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 the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA 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 Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- 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 COI 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://www.ociukba.homeoffice.gov.uk/>
- 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.

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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 the border stretching some 740km. (Central Intelligence Agency (CIA) World Factbook, last updated 27 May 2010) [3a] (Government)
- 1.02 The United Nations (UN) *National report submitted in accordance with paragraph 15 (a) of the Annex to Human Rights Council resolution 5/1*, Gambia, published 20 January 2010, stated that:

“The capital city is Banjul, with 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)
- 1.03 A population estimate of The Gambia for July 2010 was 1,824,158. The Mandinka made up the largest ethnic group at 42% followed by Fula (18%), Wolof (16%), Jola (10%) and the Serahuli (9%). Other groups made up 4%. (CIA World Factbook, last updated 27 May 2010) [3a] (People)
- 1.04 The US Department of State *Background Note: The Gambia*, updated in March 2010, stated that English was the official language but others spoken included Mandinka, Wolof, Fula, Jola, Sarahule, as well as other indigenous languages. [2b] (People)
- 1.05 An estimated 90 per cent of the Gambian population are Muslim, with Christians making up eight per cent and two per cent have indigenous beliefs. (CIA World Factbook, last updated 27 May 2010) [3a] (People)
- 1.06 Europa Online, undated, accessed 12 April 2010, noted that public holidays included:

“2009 1 January (New Year’s Day); 7 January*† (Ashoura); 18 February (Independence Day); 9 March* (Eid al-Moulid, Birth of the Prophet); 10 April (Good Friday); 13 April (Easter Monday); 1 May (Workers’ Day); 22 July (Anniversary of the Second Republic); 15 August (Assumption/St Mary’s Day); 20 September* (Eid al-Fitr, end of Ramadan); 27 November* (Eid al-Kebir, Feast of the Sacrifice); 25 December (Christmas); 27 December*† (Ashoura).

“2010 1 January (New Year’s Day); 18 February (Independence Day); 26 February* (Eid al-Moulid, Birth of the Prophet); 2 April (Good Friday); 5 April (Easter Monday); 1 May (Workers’ Day); 22 July (Anniversary of the Second Republic); 15 August (Assumption/St Mary’s Day); 10 September* (Eid al-Fitr, end of Ramadan); 16 November* (Eid al-Kebir, Feast of the Sacrifice); 16 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.

“† This festival occurs twice (in the Islamic years ah 1430 and 1431) within the same Gregorian year.” [1b] (Country Profile: Public Holidays)

- 1.07 Europa Online, undated, accessed on 12 April 2010, described the national flag as having “... red, blue and green horizontal stripes, with two narrow white stripes bordering the central blue band.” [1a] (Country Profile: Location, Climate, Language, Religion, Flag, Capital)

INFRASTRUCTURE

- 1.08 Jane’s *Security Country Risk Assessment* report on The Gambia’s infrastructure, updated 27 January 2009, 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)

- 1.09 Jane’s also described the 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.

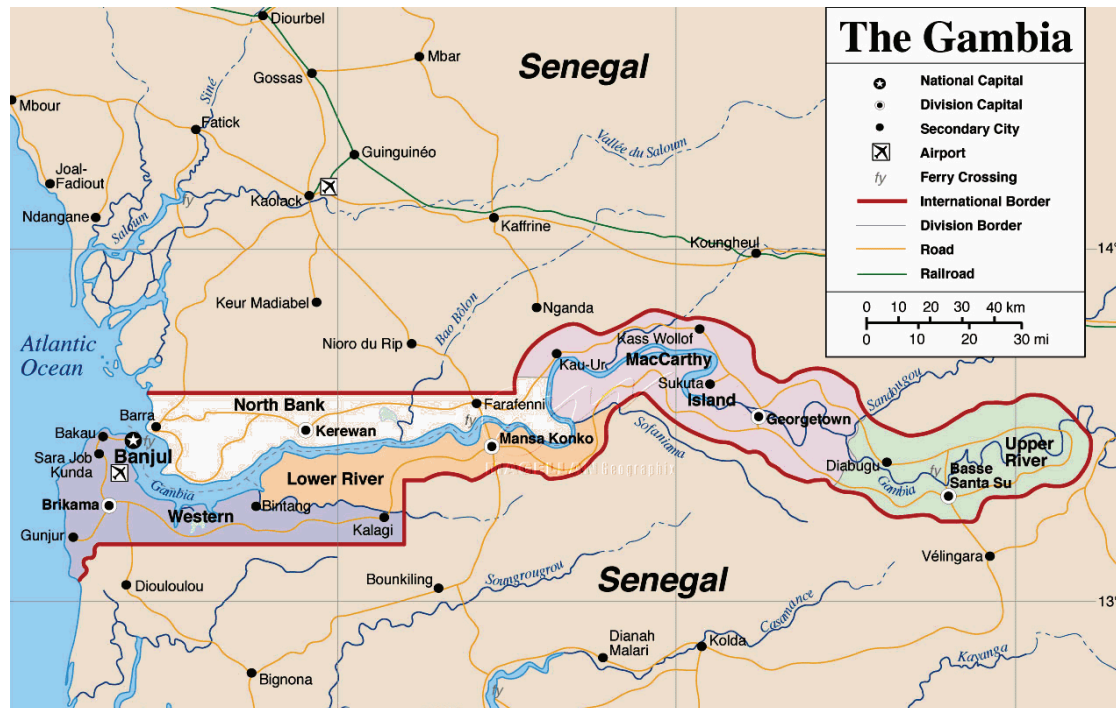
“River ports and wharves have declined with the growth in road transport. Kaur and Kuntaur in Central River Division are still accessible to smaller ocean-going ships. A national shipping line, for overseas routes, existed briefly in the past, but the Gambia River Transport Co Ltd still operates in inland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

- 1.10 With regards to the the River Gambia Jane’s stated “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)

- 1.11 As for Gambia’s telecommunications structure Total Pty Ltd, an independent research and consulting company observed 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]

MAPS

1.12 Map of The Gambia:



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

The [University of Texas](#) in Austin, website also has a number of maps of The Gambia. [23a]

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[Go to list of sources](#)

2. ECONOMY

- 2.01 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] (Economy)

- 2.02 The World Bank *Country Brief on The Gambia*, updated September 2009, noted that:

“The country has enjoyed steady growth and a stable macroeconomic environment in recent years. Real GDP growth has averaged 6.2 percent since 2003 after a brief contraction in 2002 due to low rainfalls and poor macroeconomic management. Growth has been driven by tourism, construction and telecommunication, and supported by substantial foreign direct investment which has averaged 12.6 percent of GDP since 2003. Sustained fiscal and monetary discipline has been accompanied by significant improvements in public financial management.” [8a] (Economy)

- 2.03 The Central Intelligence Agency (CIA) *World Factbook*, last updated 27 May 2010, noted that:

“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.” [3a] (Economy)

- 2.04 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:

“Minimum wages and working hours are established by law through six joint industrial councils, composed of representatives from labor, management, and the government. The lowest 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. Minimum wage laws also covered foreign and migrant workers. A majority of workers were employed privately or were self-employed, often in agriculture. Most citizens did not live on a single worker's earnings and shared resources within extended families. The Department of Labor is responsible for enforcing

the minimum wage and it did so when cases of underpayment were brought to its attention.” [2a] (Section 7e)

2.05 The exchange rate as of 19 May 2010 was 1 British Pound = 40.28326 Gambian Dalasi or 1 Gambian Dalasi (GMD) = 0.02482 British Pound (GBP) [30a]

2.06 The CIA World Factbook provided additional basic economic data:

- GDP growth in 2009, estimated at 4.5%
- Inflation rate in 2009, estimated at 6%;
- Unemployment rate N/A
- Labour force in 2007, estimated at 777,100
- Labour force by occupation in 1996: agriculture: 75%, industry: 19%, services: 6% (CIA World Factbook, last updated 27 May 2010) [3a] (Economy)

(See also Section 27: [Employment rights](#))

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3. HISTORY (1965 TO FEBRUARY 2010)

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

- 3.01 The Freedom House report, *Freedom in the World 2010*, The Gambia, covering events in 2009, published on 7 April 2010, 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 a 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 67.3 percent of the vote. Darboe, running as the candidate of the United Democratic Party (UDP), received 26.6 percent, while another opposition leader, Halifa Sallah, captured the remaining share. The preelection period was marred by government repression of the media and the opposition, and Darboe rejected the results as a ‘sham.’ In January 2007 legislative elections, the APRC [Alliance for Patriotic Reorientation and Construction] won 42 out of 48 contested seats and gained another five that are filled by presidential appointees. A Commonwealth election observation group called for ‘a more level playing field and a more restrained utilization of the advantages of incumbency.’” [35a]

- 3.02 Europa Online, undated, accessed on 28 May 2010 stated that “... President Jammeh embarked upon a 13-day tour of The Gambia in May 2008, during which he issued an ultimatum to all homosexuals, drug dealers, thieves and ‘other criminals’ to leave the country within 24 hours or face ‘serious consequences’. Jammeh’s comments were widely condemned by human rights organizations.” [1e]
- 3.03 The Access Gambia website accessed on 28 May 2010 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.” [29e]

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4. RECENT DEVELOPMENTS (MARCH 2010 TO JULY 2010)

- 4.01 The British Broadcasting Corporation (BBC) reported on 18 March 2010 that:

“A group of senior military officials and businessmen have been charged with trying to overthrow Gambian President Yahya Jammeh, the government says. A Justice Ministry statement said the group had ‘conspired to stage a coup d’etat and overthrow the president’... His [President Yahya Jammeh] critics recently expressed concern over a wave of arrests of senior officials - some of whom have been in jail for months without charge. Gambian newspapers reported that the men are being accused of bringing in weapons and mercenaries to support their coup attempt.” [6b]

- 4.02 On 18 May 2010 *Gambia News* provided an update and reported that:

“Lawyers of the eight accused had applied for a dismissal on the grounds of ‘lack of evidence by state prosecutors’ during presentation of the prosecution case. However Judge Emmanuel Amadi ruled that the case must go ahead saying: ‘The accused persons must be prosecuted because the prosecution witnesses have advanced enough information that shows that the accused persons conspired to do the act.’ ‘It is my humble opinion that the state has proven its case and the accused persons must now open their defence,’ he said. The eight accused include former army chief Langtombong Tamba, former intelligence chief Lamin Badjie and the former deputy chief of police Modou Gaye. The suspects, most of whom were close allies of Jammeh, have been accused of bringing weapons into the west African country from Guinea in order to topple Jammeh last year, who himself came to power in a bloodless coup in 1994.” [40b]

- 4.03 On 24 May 2010 *The Point* newspaper reported that the former Inspector General of Police, Ensa Badjie, appeared at the Special Criminal Court of the High Court in Banjul on 21 May facing a number of charges from corruption and robbery to aiding prisoner escape. [15b] Meanwhile, *The Point* also reported that Alasana ST Jammeh, the former Permanent Secretary at the Department of State for Religious Affairs, standing trial for giving false information to a public servant was acquitted on 20 May following a no-case-to-answer submission. [15c]

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5. CONSTITUTION

5.01 Europa Online, undated, accessed 14 April 2010, stated that:

“Following the coup d’état of July 1994, the 1970 Constitution was suspended and the presidency and legislature, as defined therein, dissolved. A Constitutional Review Commission was inaugurated in April 1995; the amended document was approved in a national referendum on 8 August. The Constitution of the Second Republic of The Gambia entered into full effect on 16 January 1997.

“Decrees issued during the transition period (1994–96) are deemed to have been approved by the National Assembly and remain in force so long as they do not contravene the provisions of the Constitution of the Second Republic.

“The Constitution provides for the separation of the powers of the executive, legislative and judicial organs of state. 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, comprising 48 members elected by direct universal suffrage and five members nominated by the President of the Republic. The Speaker and Deputy Speaker of the Assembly are elected, by the members of the legislature, from among the President’s nominees. The Constitution upholds the principle of executive accountability to parliament. Thus, the Head of State appoints government members, but these are responsible both to the President and to the National Assembly. Committees of the Assembly have powers to inquire into the activities of ministers and of government departments, and into all matters of public importance.

“In judicial affairs, the final court of appeal is the Supreme Court. Provision is made for a special criminal court to hear and determine all cases relating to the theft and misappropriation of public funds.

“The Constitution provides for an Independent Electoral Commission, an Independent National Audit Office, an Office of the Ombudsman, a Lands Commission and a Public Service Commission, all of which are intended to ensure transparency, accountability and probity in public affairs.

“The Constitution guarantees the rights of women, of children and of the disabled. Tribalism and other forms of sectarianism in politics are forbidden. Political activity may be suspended in the event of a state of national insecurity.” [1c] (Constitution)

5.02 The Constitution of the Republic of The Gambia can be located on the 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 27 May 2010, noted that The Gambia is a multiparty, democratic republic. The Government consists of both Executive and Legislative branches. [3a] (Government)
- 6.02 The US Department of State *Background Note: The Gambia*, updated in March 2010, noted 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 divisions 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)

THE EXECUTIVE BRANCH

- 6.03 The CIA World Factbook, last updated 27 May 2010, noted that Yahya A.J.J. Jammeh has held the position of President since 18 October 1996. As President, Yahya A.J.J. Jammeh holds the position as Chief of State and Head of Government. The Cabinet are appointed by the President. [3a] (Government)
- 6.04 The CIA World Factbook further noted that 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)

THE LEGISLATIVE BRANCH

- 6.05 The CIA World Factbook, last updated 27 May 2010, 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) *National report submitted in accordance with paragraph 15 (a) of the Annex to Human Rights Council resolution 5/1, Gambia*, published 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 A Public Statement by Amnesty International (AI) on 8 February 2010 referring to a review of The Gambia human rights record by the Universal Periodic Review (UPR) Working Group on the Human Rights Council which was due to be held on 10 February 2010, stated that “The human rights situation in Gambia, which has been deteriorating since 1994, has worsened since the last foiled attempted coup plot in March 2006.” [5b]

- 7.03 The USSD *Country Report on Human Rights Practices 2009*, The Gambia, published on 11 March 2010, (USSD Human Rights Report 2009), stated in its introductory section however that the country’s human rights record remained poor. The report stated:

“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)

- 7.04 The Amnesty International *Report 2010: The state of the world’s human rights: Gambia*, (AI Report 2010) published on 27 May 2010, stated that

“The government continued to stifle political and social dissent. Members of the National Intelligence Agency (NIA), army and police arbitrarily arrested and detained government opponents, human rights defenders, journalists and former security personnel. Reportedly, President Yahya Jammeh publicly threatened human rights defenders and those who co-operated with them. The authorities threatened to resume executions after more than 20 years.” [5a] (p146)

(See also 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 2009*, The Gambia, published on 11 March 2010 (USSD Human Rights Report 2009), noted that:

“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)

- 8.02 The USSD Human Rights Report 2009 further noted that “While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently.” [2a] (Introduction Section)

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POLICE

- 8.03 Jane’s *Security Country Risk Assessment: The Gambia*, Security section, updated 27 January 2009, stated that “The Gambia Police Force (GPF) reports to the secretary of state for the interior. The president announced in January 2006 that the GPF was to become an armed force and to be divided into regional structures.” [7a] (Police)

(Section 16: [Corruption](#))

Structure and reform

- 8.04 The United Nations (UN) *National report submitted in accordance with paragraph 15 (a) of the Annex to Human Rights Council resolution 5/1, Gambia*, published 20 January 2010 reported on the achievements and best practice within the Gambia Police Force and noted:

“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)

8.05 The same UN 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)

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ARMED FORCES

8.06 Jane’s *Security Country Risk Assessment: The Gambia*, Defence - Armed Forces section, updated 20 May 2009, stated that:

“The 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 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] (Defence - Armed Forces)

8.07 Jane’s *Security Country Risk Assessment: The Gambia*, Defence – Navy section, updated 20 May 2009, stated that:

“There is a small Gambian Navy, which was initially part of the land forces, but established itself as a separate entity in July 1996. Lack of funds over the years has led to a steady deterioration in the Gambian Navy’s combat capabilities. With its current fleet of five small vessels, the navy can undertake only limited patrol duties along the coastal zone.

“While the Taiwanese boats that were commissioned in 1999 have undoubtedly increased the navy’s capabilities, they lack the range to effectively patrol Gambia’s 200 mile exclusive economic zone (EEZ).” [7d] (Defence - Navy)

8.08 The Central Intelligence Agency (CIA) World Factbook, last updated 27 May 2010 noted that voluntary military service started at 18 years of age old and there was no conscription. [3a] (Military)

NATIONAL INTELLIGENCE AGENCY (NIA)

8.09 Jane’s *Security Country Risk Assessment: The Gambia*, Security section, updated 27 January 2009, 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 THE SECURITY FORCES

Arbitrary arrest and detention

- 8.10 The USSD *Country Report on Human Rights Practices 2009*, The Gambia, published on 11 March 2010, (USSD Human Rights Report 2009), stated that “The constitution and law prohibit arbitrary arrest and detention; however, there were numerous instances of police and security forces arbitrarily arresting and detaining citizens.” [2a] (Section 1d)
- 8.11 The Amnesty International *Report 2010: The state of the world's human rights: Gambia*, (AI Report 2010) published on 27 May 2010, stated that “Members of the National Intelligence Agency (NIA), army and police arbitrarily arrested and detained government opponents, human rights defenders, journalists and former security personnel.” [5a]
- 8.12 The AI Report 2010 added:
- “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. The ‘witchcraft campaign’ ceased after it was publicly exposed, but none of those involved in the abuses was brought to justice.” [5a]
- 8.13 The Amnesty report further added “Several people were held in long-term detention without trial. Among them were at least 19 people, including Senegalese and Nigerian nationals, who were held without charge in Mile 2 Central Prison maximum security cell, one for at least 13 years.” [5a]

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

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Torture

8.14 The USSD Human Rights Report 2009 noted that “The constitution and law prohibit such practices; however, there were reports that security forces tortured, beat, and mistreated persons in custody.” [2a] (Section 1c)

8.15 The Freedom House report, *Freedom in the World 2010*, The Gambia, covering events in 2009, published on 7 April 2010, reported that:

“Torture of prisoners, including political prisoners, has been reported. Diplomatic relations with Ghana have been strained over The Gambia’s failure to investigate the 2005 deaths of 50 African migrants, including 44 Ghanaians, reportedly while in Gambian custody. In 2009, Guinean ‘witch doctors’ accompanied by Gambian security forces reportedly abducted and abused some 1,000 Gambians who were suspected of witchcraft.” [35a]

8.16 The USSD Human Rights Report 2009 also noted that:

“There were no developments in the following 2008 cases of security force torture and abuse: the March stabbing by members of the police intervention unit of Amadou Sanyang; the June torture and beating of five residents of Lamin Daranka during their arrest and transfer to Yundum Police Station; and the torture over an 18-day period in September by members of the police criminal investigation division of Abdoulie Faye.

“During his April trial for giving false information to a public officer, former National Assembly member Musa Suso alleged that while serving an earlier sentence (from 2000 to 2007), he was denied food and was tied and beaten for three days after a telephone calling card was discovered in his cell. On December 11, Suso was acquitted of some of the charges against him, but he was convicted of others and sentenced to 18 months in prison.” [2a] (Section 1c)

AVENUES OF COMPLAINT

8.17 The USSD Human Rights Report 2009 noted that:

“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, there were no known prosecutions in civil or military courts of security force members accused of mistreating individuals during the year. At the closing ceremony of a civil-military relations seminar in 2007, the chief of defense staff publicly announced a zero-tolerance policy for military abuse of civilians, and some reports indicated such abuse may have declined.” [2a] (Section 1c)

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9. JUDICIARY

ORGANISATION

- 9.01 Europa Online, undated, accessed on 23 April 2010 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)**
- 9.02 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. 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)**
- 9.03 Europa World Online, undated, accessed on 23 April 2010 further noted:
- “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)**
- 9.04 Europa World Online, undated, accessed on 23 April 2010 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)**
- 9.05 The USSD Human Rights Report 2009 further noted that:
- “The judicial system recognizes customary, Shari’a, and general law. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and other traditional and social relations. Shari’a 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)

(See also Section 21: Women - Social and economic rights; [Marriage and divorce](#))

- 9.06 The United Nations (UN) *National report submitted in accordance with paragraph 15 (a) of the Annex to Human Rights Council resolution 5/1*, Gambia, published 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)

INDEPENDENCE

- 9.07 The USSD Human Rights Report 2009 report noted that “The constitution and law provide for an independent judiciary; however, the courts, particularly at the lower levels, were corrupt and subject to executive pressure.” [2a] (Section 1e) The Freedom House report also observed that “the courts are hampered by corruption and executive influence.” [35a] The Amnesty International Report 2009, *The state of the world’s human rights*, Gambia, (AI Report 2009), published on 28 May 2009, stated that “Three judges were unconstitutionally removed from office. High Court Justice B.Y. Camara and Justice Haddy Roche were dismissed in July [2008] by an order of the President, and Justice Naceesay Sallah-Wadda in September. No official reason was given for the removal of the judges and no consultation took place with the Judicial Service Commission. All three judges were reinstated before the end of the year. [5d] The Freedom House report, *Freedom in the World 2010*, The Gambia, covering events in 2009, published on 7 April 2010, reported that “...in June 2009 he [the President] replaced Chief Justice Abdou Karim Savage - appointed in 2006 - with a Nigerian national, Emmanuel Agim.” [35a]

(See also Section 16: [Corruption](#))

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FAIR TRIAL

- 9.08 The USSD Human Rights Report 2009, observed that:

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

“Defendants are presumed innocent. Both civilian trials and courts-martial are held in public, but occasionally closed-court sessions are held to protect the identity of a witness. No juries are used in the civilian courts, but courts-martial proceedings are presided over by a judge advocate assisted by a panel of senior military officers. Defendants can consult with an attorney and have the right to confront witnesses and evidence against them, present witnesses on their own behalf, and appeal judgment to a higher court. Indigent defendants charged with murder or manslaughter have the right to attorneys provided at public expense...

“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](#))

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10. ARREST AND DETENTION – LEGAL RIGHTS

- 10.01 Article (1), Protection 19 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 2009*, The Gambia, published on 11 March 2010 (USSD Human Rights Report 2009), noted that “The constitution and law prohibit arbitrary arrest and detention; however, there were numerous instances of police and security forces arbitrarily arresting and detaining citizens.” [2a] (Section 1d)
- 10.03 The USSD Human Rights Report 2009, further noted that:
- “The law requires that authorities obtain a warrant before arresting a person; however, in practice individuals were often 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 promptly informed 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 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 that it no longer enforced the decrees; however, there were several detentions during the year that exceeded the 72-hour limit.” [2a] (Section 1d)
- 10.04 The USSD Human Rights Report 2009 reported instances of arrest and detention, including:
- “On November 21[2009], security forces arrested former chief of defense Lieutenant General Lang Tombong Tamba and six of his close associates and friends. Those arrested were Brigadier General Omar Bun Mbye, former military director of training and operations; Lieutenant Colonel Kawsu Camara, commander of the military camp in the president's home village of Kanilai; Captain Modou Lamin Bo Badjie, former NIA director general; Commissioner Momodou Gaye, deputy inspector general of police; private businessman and customs clearing agent Alhaji Kebba Touray; and real estate developer Abdoulie Joof. All were held without charge beyond the 72-hour limit. Kebba Touray, who was held at NIA headquarters, was released on December 15; however, the other six detainees remained in Mile 2 Prison without charge at year's end.

“On December 30 [2009], NIA director Ousman Sowe was fired, arrested, and held incommunicado for several days. There were reports that he was accused of ‘delaying a document of national security interest.’ Sowe was being held without access to his family or lawyers at year’s end.” [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 2009*, The Gambia, published on 11 March 2010 (USSD Human Rights Report 2009), noted that:

“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; however, prior to conviction, detainees were allowed to receive outside sources of food.” [2a] (Section 1c)

- 11.02 The United Nations (UN) *National report submitted in accordance with paragraph 15 (a) of the Annex to Human Rights Council resolution 5/1, Gambia*, published 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)

- 11.03 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]

- 11.04 The same *Jellofnews online* article further reported:

“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]

11.05 The USSD Human Rights Report 2009 reported that:

“Prisoners at the Mile 2 Prison died during the year [2008] as a result of poor food and inadequate medical care. On March 6, Benedict Jammeh, the former police inspector general, testified at Musa Suso's trial that inmates at Mile 2 Central Prison were fed with meat that resulted in the deaths of several prisoners; a committee of senior police officers subsequently confirmed the report. On May 8, 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 pain, and food poisoning.” [2a] (Section 1c)

11.06 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 Continuing on the achievements of the Prison Service in The Gambia, the UN report also 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 2009 further stated that “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 The Amnesty International report, *Death Sentences and Executions 2009*, published on 30 March 2010, listed The Gambia among the countries referred to as an abolitionist in practice.(p29) However, the report also noted that at least one person had been sentenced to death in 2009. [5c] (p6)

12.02 The Amnesty International *Report 2010: The state of the world's human rights*, Gambia (AI Report 2010), published on 27 May 2010 stated that "In September [2009], the President announced that executions would resume to counter rising crime; the last known execution was in the 1980s. In October, the Director of Public Prosecutions was reported as saying that all prisoners sentenced to death would be executed by hanging as soon as possible." [5a]

12.03 The United Nations (UN) *National report submitted in accordance with paragraph 15 (a) of the Annex to Human Rights Council resolution 5/1, Gambia*, published 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)

12.04 On 10 February 2010 *The Point* online newspaper reported that "Justice Moses Richards of the Special Criminal Court yesterday 9th February 2010 convicted and sentenced one Mustapha Gaye, a resident of Latrikunda Sabiji, to death. After a marathon trial, the court found the accused, Mustapha Gaye, guilty of the murder of one Ansumana Dampha by stabbing him with a broken bottle, sometime last year at Latrikunda Sabiji." [15a]

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13. POLITICAL AFFILIATION

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

FREEDOM OF POLITICAL EXPRESSION

- 13.01 The US Department of State *Country Report on Human Rights Practices 2009*, The Gambia, published on 11 March 2010, (USSD Report 2009), stated “The constitution and law provide citizens 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 The Freedom House report, *Freedom in the World 2010*, The Gambia, covering events in 2009, published on 7 April 2010 noted however that
- “The Gambia is not an electoral democracy. The 2006 presidential election was marred by serious government repression of the media and the opposition, and Commonwealth observers found similar flaws in the 2008 legislative elections. 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 opposition UDP, led by Ousainou Darboe, holds four National Assembly seats, and the National Alliance for Democracy and Development (NADD), led by Halifa Sallah, holds one. One other seat is held by an independent. However, the president and the ruling APRC [Alliance for Patriotic Reorientation and Construction] are in clear control, and the system’s pluralism is largely symbolic.” [35a]
- 13.03 Observing President Yahya Jammeh’s intolerance of any form of criticism, the British Broadcasting Corporation (BBC) *Country Profile: The Gambia*, updated 24 June 2010, 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.” [6c]
- 13.04 The Amnesty International Report 2010: *The state of the world’s human rights: Gambia*, (AI Report 2010) published on 27 May 2010, stated that “The government continued to stifle political and social dissent. Members of the National Intelligence Agency (NIA), army and police arbitrarily arrested and detained government opponents...” [5a]

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 13.05 The USSD Human Rights Report 2009 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 denied or 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 With regards to workers rights to form associations the USSD Human Rights Report 2009 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 and police officers, as well as other civil service employees, were 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 modern wage sector, where unions were most active.” [2a] (Section 7a) The Freedom House report, *Freedom in the World 2010*, The Gambia, covering events in 2009, published on 7 April 2010 noted however that “...the climate of fear generated by the state and the NIA [National Intelligence Agency] reportedly dissuades workers from taking action.” [35a]

POLITICAL ORGANISATIONS

- 13.08 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 “Political parties generally operated without restriction; however, police sometimes refused to issue permits for opposition parties to hold public meetings” [2a] (Section 3)

- 13.09 Providing examples to this, the USSD Human Rights Report 2009, noted:

“The opposition UDP [United Democratic Party] reported that police did not issue permits for a July 26 [2009] meeting in Serrekunda or an August 8 [2009] meeting in Bakau; the August 8 meeting was conducted without police permission.

“On October 24 [2009], Femi Peters, the UDP campaign manager, was arrested after his party held a rally in Serrekunda without a police permit. On October 26, Peters appeared in court on charges of ‘control of procession and control of loudspeakers.’ Peters refused to make a plea in the absence of his lawyer, and the case was ongoing at year’s end.” [2a] (Section 2b)

- 13.10 The USSD Human Rights Report 2009, also stated “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

To be read in conjunction with Political affiliation

OVERVIEW

- 14.01 The United Nations (UN) *National report submitted in accordance with paragraph 15 (a) of the Annex to Human Rights Council resolution 5/1, Gambia*, published 20 January 2010 stated that:

“The Gambian Constitution guarantees every person ‘the right to freedom of speech and expression, which shall include freedom of the press and other media; freedom of thought, conscience and belief, which shall include academic freedom; freedom to petition the Executive for redress of grievances and to resort to the Courts for the protection of his or her rights.’

“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)

- 14.02 Reporting on the rights freedom of speech and expression, 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 government limited these rights by intimidation, detention, and restrictive legislation. In a July 22 [2009] radio 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.” [2a] (Section 2a) The USSD Human Rights Report 2009 further added “The deterioration of the country's media environment continued during the year [2009].” [2a] (Section 2a)

- 14.03 The Freedom House report, *Freedom in the World 2010*, The Gambia, covering events in 2009, published on 7 April 2010, concurred and stated that “The government does not respect freedom of the press. Laws on sedition give the authorities great discretion in silencing dissent, and independent media outlets and journalists are subject to arrests, harassment, and violence.” [35a]

- 14.04 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 those 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)

- 14.05 The Amnesty International *Report 2010: The state of the world's human rights*, Gambia, (AI Report 2010) published on 27 May 2010 stated that "Freedom of expression continued to be severely limited. Journalists faced threats and harassment if they were suspected of writing stories unfavourable to the authorities or of providing information to media outlets." [5a]

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NEWSPAPERS, RADIO, INTERNET AND TELEVISION

- 14.06 The British Broadcasting Corporation (BBC) *Country Profile: The Gambia*, updated 24 June 2010, noted:

"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." [6c]

- 14.07 The Freedom House report, *Freedom in the World 2010*, The Gambia, stated that "The government runs Radio Gambia as well as the sole television channel and the Gambia Daily newspaper. There are several private radio stations and newspapers, and foreign broadcasts are available. While the state generally does not restrict internet usage, some websites have been blocked." [35a]

- 14.08 The USSD Human Rights Report 2009 noted that:

"There were seven other independent newspapers, including one published by an opposition political party that remained highly critical of the government. There was one independent biweekly magazine.

"One government-owned and nine private radio stations broadcast throughout the country. During most of the year, the government-owned Gambia Radio and Television Services (GRTS) gave limited coverage to opposition activities. GRTS television rebroadcast CNN, while local radio stations rebroadcast the BBC, Radio France Internationale, the Voice of America, and other foreign news reports, all of which were also available via shortwave radio. GRTS television, foreign cable, and satellite television channels broadcasting independent news coverage were available in many parts of the country, and the government allowed unrestricted access to such networks." [2a] (Section 2a)

JOURNALISTS

14.09 The Committee to Protect Journalists (CPJ) Country Summary, *Attacks on the Press 2009: Gambia* reported that the six journalists sentenced to two years in prison in August 2009 when they published accusations of President Yahya Jammeh of being insensitive after he made remarks on national television in June 2009 about the murder of Gambian editor Deyda Hydara. While appearing on the programme 'One on One' the President denied any government involvement in the murder; and in response to a website headline, "who killed Deyda Hydara" the President's response was reportedly "Let them go and ask Deyda Hydara who killed him". [16a] On 4 September 2009 CPJ announced that the prisoners had been released after being granted a pardon by President Yahya Jammeh. [16b]

14.10 The CPJ Country Summary also reported on other journalists who had been targeted in 2009:

"Among those targeted throughout 2009 was Saine, a veteran Reuters correspondent in addition to being managing editor of The Point. Interrogated by police twice in February, he faced a series of accusations, from publishing 'false' information to having false citizenship. The charges were not pursued.

"Security agents detained Abdul Hamid Adiamoh, publisher and managing editor of the private daily *Today*, on June 10 [2009] for running a story that incorrectly reported the dismissal of two cabinet ministers, Adiamoh told CPJ. The paper apologized and retracted the story the following day. Nonetheless, police detained Adiamoh for five days on charges of 'false' publication. He was eventually fined.

"Even sports commentators faced harassment. On April 16 [2009], police in Serrekunda City questioned and briefly detained Limit FM commentators Moses Ndene and Kebba Yorro for criticizing the government's handling of the country's soccer league, the Media Foundation for West Africa reported." [16a]

Details on journalists that have been killed in The Gambia since 1992 can be located on a Committee to Protect Journalists (CPJ) [database](#). [16d]

The [International Federation of Journalists \(IFJ\)](#) website reports on media workers who have been subject to physical harm, intimidation, abducted, detained or killed. [17a] The [Committee to Protect Journalists](#) [16c] and the [Reporters sans Frontières' \(RSF\)](#) [18b] 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 2009*, The Gambia, published on 11 March 2010 (USSD Human Rights Report 2009), noted that:

“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 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.

“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 the unit received complaints regarding unlawful dismissals, termination of employment, unfair treatment, and illegal arrest and detention.” [2a] (Section 5)

- 15.02 On 10 November 2009 an article on the 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.” [44a]

- 15.03 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 harassment 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]

- 15.04 A recent newsfeed on FIDH on 19 May 2010 observed:

“Geneva-Paris, May 18, 2010. 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. The mission... was carried out from May 4 to 11, 2010.” [44b] The report stated:

“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. The mission further regrets that more representatives of the authorities did not respond positively to the delegation's requests for meetings in spite of recurrent requests.” [44b]

(See also Section 7: Human Rights – [Introduction](#))

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16. CORRUPTION

16.01 In its 2009 Corruption Perceptions Index (CPI), accessed on 27 April 2010, Transparency International ranked The Gambia at 109 out of 180 countries, giving it a CPI score of 2.9. (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 2010*, The Gambia, covering events in 2009, published on 7 April 2010, stated that:

“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. Separately, a special judiciary commission in late 2009 began investigating allegations that several High Court judges were involved in misappropriations of state funds as well as illicit real estate deals.” [35a]

16.03 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 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 often spoke against corruption, and leading political and administrative figures faced harsh sentences on charges of corruption and wrongdoing. The financial intelligence unit, which was established during the year, is responsible for combating corruption.

“During the year [2009] the government prosecuted some officials accused of corruption. For example, on November 6, Lieutenant Colonel Gibril Bojang, former commander of the presidential guard, was convicted on charges of theft and sentenced to two years’ imprisonment and a fine of 1,110,086 dalasis (\$41,100). Bojang, who pled as charged, said the money was not used for personal gain but for the welfare of his unit.

“On November 4, six judiciary officials, including judicial secretary Haruna Jaiteh and high court judges Nguie Mboob-Janneh, Amie Saho-Ceesay, and Saffie Njie were suspended without pay on allegations of embezzlement of court fines, forfeitures, and auctions. The officials, who also included junior clerks Pa Modou Njie and Momodou L. Sonko, were charged with embezzlement totaling 4,232,000 dalasis (\$157,000). The trial was ongoing at year’s end [2009].” [2a] (Section 4)

(See also Section 8: [Security forces and Police](#), and Section 9: [Judiciary](#))

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17. FREEDOM OF RELIGION

- 17.01 The US Department of State *International Religious Freedom Report* 2009, (USSD IRF Report 2009), The Gambia, covering events between 1 July 2008 and 30 June 2009, stated:

“The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the reporting period [1 July 2008 and 30 June 2009]. There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice.” [2c] (Introduction)

- 17.02 The Freedom House report, *Freedom in the World 2010*, The Gambia, covering events in 2009, published on 7 April 2010, noted that freedom of religion was generally upheld by the government. [35a]

- 17.03 The USSD IRF Report 2009 stated “The Government does not require religious groups to register. Faith-based nongovernmental organizations (NGOs) must meet the same registration and licensing requirements as any other NGOs.” [2c] (Section II)

- 17.04 The USSD IRF Report 2009 further noted:

“There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice. There were no reports of societal discrimination following the June 2008 conference where prominent Muslim religious leaders disparaged Shi’a Muslims.

“The Inter-Faith Group for Dialogue and Peace, comprising 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...

“The Supreme Islamic Council is an independent body that advises the Government on religious issues. Although the Government does not have representation on the Council, it provides it with substantial funding. The Minister of Religious Affairs (a role President Jammeh filled during the reporting period) maintains a formal relationship with the Council.” [2c] (Section II)

- 17.05 The USSD IRF Report 2009 stated that “There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States or who had not been allowed to be returned to the United States.” [2c] (Section I)

- 17.06 With regard to marriage between different religious groups The USSD IRF Report 2009 noted: “Intermarriage between Muslims and Christians is very common. In some areas, Islam and Christianity are syncretized with animism.” [2c] (Section I)

(See Section 24: Women – [Marriage and divorce](#))

RELIGIOUS DEMOGRAPHY

17.07 The USSD IRF Report 2009 stated:

“Sunni Muslims constitute more than 90 percent of the population. The vast majority are Malikite Sufis, of which the main orders represented are Tijaniyah, Qadiriyyah, and Muridiyyah. Sufi orders pray together at common mosques. Members of the Ahmadiyya order are also represented, while a small percentage of 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)

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18. ETHNIC GROUPS

- 18.01 The US Department of State *Background Note: The Gambia*, updated in March 2010, 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 In July 2009 the population of Gambia was estimated at 1,778,081. The Mandinka made up the largest ethnic group at 42% followed by Fula (18%), Wolof (16%), Jola (10%) and the Serahuli (9%). Other groups made up 4%. (Central Intelligence Agency (CIA) World Factbook, last updated 27 May 2010) [3a] (People)
- 18.03 The Freedom House report, *Freedom in the World 2010*, The Gambia, covering events in 2009, published on 7 April 2010, reported that “The Gambia’s various ethnic groups coexist in relative harmony, though critics have accused 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 Further information on ethnic groups can be found on the [Africa Guide](#) [22a] and [Joshua Project](#) websites. [9a]

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19. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

- 19.01 The International Lesbian and Gay 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.
- 19.09 The ILGA publication of May 2010 identified the legislation that applied to same-sex relations - Article 3 of the Criminal Code 1965, as amended in 2005 for unnatural offences:
- “(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]

TREATMENT BY, AND THE ATTITUDES OF, STATE AUTHORITIES

- 19.02 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]
- 19.03 In December 2009 an article in the *Freedom Newspaper* reported that:
- “Gambia’s President Yahya Jammeh says he will sack gay and lesbian army officers serving the country’s military. 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]

- 19.04 President Yahya Jammeh has made comments against homosexuals in May 2009. GlobalGayz.com 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.” [25a]

- 19.05 The US Department of State *Country Report on Human Rights Practices 2009*, The Gambia, published on 11 March 2010 (USSD Human Rights Report 2009) stated that “In a March 27 [2009] speech before the National Assembly, President Jammeh called homosexual conduct ‘strange behavior that even God will not tolerate.’” [2a] (Section 6)

- 19.06 Integrated Regional Information Networks (IRIN) reported on 19 January 2010 that:

“In May 2008, Gambian President Yahya Jammeh gave gay people 24 hours' notice to leave the country. He promised stricter laws on homosexuality than in Iran, and threatened to behead any gay people discovered in the country. 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.” [26a]

- 19.07 In an article on 24 July 2009 when referring to Gambia, the International Gay & Lesbian Human Rights Commission (IGLHRC) stated that “It is in this climate of fear and oppression that lesbian, gay, bisexual, and transgender (LGBT) people are particularly targeted for discrimination and violence.” [27a]

SOCIETAL TREATMENT AND ATTITUDES

- 19.10 The USSD Human Rights Report 2009 stated that “There were no LGBT organizations in the country...Many citizens shunned lesbian, gay, bisexual, and transgender (LGBT) individuals.” [2a] (Section 6)

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20. DISABILITY

- 20.01 The US Department of State *Country Report on Human Rights Practices 2009*, The Gambia, published on 11 March 2010 (USSD Human Rights Report 2009), stated that:

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

“The government continued to remove many persons with disabilities from the streets in an effort to end street begging, which it viewed as a public nuisance. Leaders of the Gambia Federation of the Disabled urged authorities to review their policy regarding persons with disabilities. They were instrumental in obtaining the release of several detained beggars with disabilities.

“The media continued to report on the rights of persons with disabilities, and several NGOs sought to improve awareness of these rights, including by encouraging the participation of persons with disabilities in sports and physical activities. The NHRU [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 voting day.” [2a] (Section 6)

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

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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, accessed 5 May 2010) [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 subsection: [Violence against women](#) and subsection: [Social and economic rights](#))

LEGAL RIGHTS

- 21.02 The Organisation for Economic Co-operation and Development's Social Institutions and Gender Index (SIGI), Country Profile on The Gambia, undated, accessed on 4 May 2010, 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

- 21.03 The USSD Human Rights Report 2009 stated "There were four women in the 53-seat National Assembly; two were elected and two were nominated by the president. At year's end there were five women in the 18-member cabinet, including the vice president." [2a] (Section 3)

SOCIAL AND ECONOMIC RIGHTS

- 21.04 The SIGI Country Profile on The Gambia further noted:

"Women in the Gambia face many discriminations and inequalities in regard to family matters. 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." [28a]

- 21.05 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:

“Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and other traditional and social relations. Shari'a was 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)

- 21.06 The SIGI Country Profile on The Gambia, accessed on 4 May 2010, noted:

“The law does not discriminate against women in the area of access to bank loans or credit facilities, but women in the Gambia face several obstacles in this area. For example, most financial institutions will not grant credit facilities unless the applicant has adequate security or collateral: in most cases, they will insist on property in the form of land. Since access to land is problematic for Gambian women, so is access to credit. Because of tradition and cultural practices, rural women are, strictly speaking, thereby effectively denied access to loans and credit...”

“Women in the Gambia have very few ownership rights. Concerning access to land, only a small proportion of women have titles to land property. The problem is especially acute in rural areas: traditional and cultural practices allow women to have the right to usufruct over land but forbid them from owning it. All women, whether married or single, have access to property other than land.” [28a]

(See also Section 19: [Lesbian, gay, bisexual and transgender persons](#) and Section 25: [Freedom of movement](#))

Access to education and employment

- 21.07 The USSD Human Rights Report 2009 stated that “Traditional views of women's roles resulted in extensive 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, women generally were employed in such pursuits as food vending or subsistence farming.” [2a] (Section 6)

(See also Section 22: Children – [Education](#))

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Marriage and divorce

- 21.08 The US Department of State *International Religious Freedom Report 2009*, (USSD IRF Report 2009), The Gambia, covering events between 1 July 2008 and 30 June 2009, 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. 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)

- 21.09 The Access Gambia website page on Gambian Muslims & Islamic Practices, accessed 28 May 2010 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.” [29c]

- 21.10 The Access Gambia, description of the marriage process for Muslims, accessed on 5 May 2010, was 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.” [29b] (Weddings in Gambia)

(See subsection on [Legal rights](#), Section 17: [Freedom of Religion](#) and Section 22: [Children](#))

VIOLENCE AGAINST WOMEN

- 21.11 The USSD Human Rights Report 2009 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. Police generally considered reports of spousal rape to be domestic issues outside of their jurisdiction.” [2a] (Section 6)

- 21.12 In *The Gambia Echo* on 4 March 2010 in a guest editorial by Professor Abdoulaye Saine of the Miami University in Oxford, Ohio 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]

- 21.13 The same article from *The Gambia Echo* added:

“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 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]

- 21.14 An extract in the Childrens Rights Information Network (CRIN) compilation of reports submitted as part of Gambia’s *Universal Periodic Review*, 10 February 2010, stated:

“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]

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

Rape

- 21.15 Rape remained a widespread problem. However, the USSD Human Rights Report 2009 noted that “The law prohibits rape, and the government enforced the law effectively... The penalty for rape of an adult is life in prison, and the maximum penalty for attempted rape is seven years’ imprisonment. The law against spousal rape was difficult to enforce effectively, as many did not consider spousal rape a crime and failed to report it.” [2a] (Section 6)

GOVERNMENT AND NGO ASSISTANCE

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

(See also Section 10: [Security forces](#) - [Avenues of complaint](#))

HEALTH AND WELFARE

- 21.17 The USSD Human Rights Report 2009 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.

“During the year the national reproductive and child health unit of the department of health and social welfare continued to implement a reproductive health campaign launched in 2007. The campaign, which was funded by the World Health Organization, was designed to encourage men to become involved with sexual and reproductive health issues. All maternal health care services were provided free of charge in government-run hospitals.” [2a]
(Section 6)

(See also Section 22: Children – [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, accessed 5 May 2010) [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 2010 it was estimated that 43.4% of the population was between 0-14 years of age. Of those 397,864 were male and 394,103 were female. (Central Intelligence Agency (CIA) World Factbook, updated 27 May 2010). [3a] (People)
- 22.03 The United Nations Children's Fund (UNICEF) report, [State of the world's children, special edition](#), November 2009, provides statistical data on children's economic and social issues. [34d]

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 2009) [2a] (Section 7d) A person is deemed as criminal responsible from the age of 12. (United Nations, January 2010) [11a]
- 22.05 Furthermore the USSD Human Rights Report 2009 added that "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... Serious cases of abuse and violence against children were subject to criminal penalties... 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)
- 22.06 With regards to child labour the USSD Human Rights Report 2009 stated:
- "...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 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)

(See also subsection: [Child labour](#))

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LEGAL RIGHTS

- 22.07 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 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)

22.08 The USSD Human Rights Report 2009 noted that “Citizenship is derived by birth within the country's territory and from one's parents; however, not all births were registered. To access health care and treatment at public health centers, children were required to have a clinic card, which was available without birth registration.” [2a] (Section 6)

22.09 Children are entitled to the following educational 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 subsection on [Education](#))

22.10 The USSD Human Rights Report 2009 noted that “Authorities generally enforced laws when cases of child abuse or mistreatment were brought to their attention.” [2a] (Section 6)

22.11 The USSD Human Rights Report 2009 continued:

“The constitution and law mandate free, compulsory primary education from age six to 12, but the inadequate infrastructure prevented effective compulsory education, and children paid fees to attend school... The law does not prohibit FGM, and the practice remained widespread. Between 60 and 90 percent of women have undergone FGM, and seven of the nine major ethnic groups reportedly practiced it at ages varying from shortly after birth until age 16... 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)

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VIOLENCE AGAINST CHILDREN

- 22.12 On 14 January 2010 the French website *Afrique en ligne* reported on the efforts to stop gender based violence:

“Gambia's Assistant Superintendent of Police Yahya Fadera on Wednesday declared there will be zero tolerance for 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 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.” [36a]

- 22.13 An extract in the Children's Rights Information Network (CRIN) of a compilation of report submitted for Gambia's *Universal Periodic Review*, dated 10 February 2010, stated:

“UNICEF 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.

“The 2005 CCA 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]

- 22.14 The US Department of State *Country Report on Human Rights Practices 2009*, The Gambia, published on 11 March 2010 (USSD Human Rights Report 2009), commented on child prostitution and exploitation and noted that:

“Children in prostitution worked in some brothels, often to support their families or because they were orphans. Some NGOs [Non-Governmental Organisations] also believed that tourists living in remote guesthouses and

motels were involved in the sexual exploitation of children. Security forces in the tourism development area were required to turn away all minors who approached the main resort areas without a genuine reason, although they seldom turned away such children.” [2a] (Section 6)

- 22.15 On 15 December 2009 AllAfrica reported on the Forum for African Women Educationalists The Gambia (FAWEGAM), held on Friday 11th December 2009 in Kanifing, Banjul. The article noted:

“... 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... violence in The Gambia against girls are physical, sexual and forced labour. ‘Few of this 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 grievous offences, 41 registered criminal cases of sexual relations with girls as young as two years, 30 cases of abandoned babies, cause by teenage pregnancy, one case of child sex tourism and one case of anal sex,’ Supt Jagne-Joof further revealed.” [37c]

(See also Section 21: Women – [Violence against women](#) and Section 23: [Trafficking](#))

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Female genital mutilation (FGM)

- 22.16 The USSD Human Rights Report 2009 observed the situation regarding Female Genital Mutilation (FGM) in The Gambia and noted:

“The law does not prohibit FGM, and the practice remained widespread. Between 60 and 90 percent of women have undergone FGM, and seven of the nine major ethnic groups reportedly practiced it at ages varying from shortly after birth until age 16. FGM was less frequent among the educated and urban groups. Some religious leaders publicly defended the practice. There were unconfirmed 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)

- 22.17 The Access Gambia website, accessed 28 May 2010, described the practice of FGM in The Gambia:

“In the Gambia the practice of FGM has traditionally been conducted in a context of secrecy, and excision is seen as giving power to girls in their rite of passage into womanhood.

“In local villages, instruments used to perform the procedure are usually not sterile and it is usually performed by a traditional practitioner with a variety of crude instruments and without anaesthetic. Often many girls are operated on

during a single ritual ceremony. In these cases the same razor or knife is often used on a number of girls. Among the wealthier sections of Gambian society, it may be performed in a health care facility by qualified health workers.” [29a]

22.18 On 18 June 2009 Integrated Regional Information Networks (IRIN) reported:

“Twenty-four community representatives in Gambia’s Upper River Region on 12 June [2009] signed a public declaration abandoning female genital mutilation and cutting (FGM/C), in the presence of government officials, village chiefs, women’s groups and international development agencies. 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 [United Nations Children’s Fund], 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]

22.19 AllAfrica reported on 30 September 2009:

“Efforts to raise the consciousness of the people include training with Gambian communities, professional groups as well as policy makers and the legislature. In 2005, GAMCOTRAP [The Gambia Committee on Traditional Practices affecting The Health of Women and Children] in partnership with Save the Children, held a series of trainings and consultations with parliamentarians and these contributed to the passing of the Children’s Act 2005 and the ratification of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (also known as the Maputo Protocol) in which article 5 calls for enacting legislation against FGM.” [37b]

22.20 In May 2010 Gambia’s online addition of the *Today Newspaper* reported on a new project to eradicate FGM and “other harmful traditional practices”. 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 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]

- 22.21 The article additionally added “Also speaking at the launching, Dr. Omar Sey, deputy permanent secretary at the Ministry of Health and Social Welfare expressed the hope that the project will engage communities in the region to reverse the trends of the practice. He noted that his ministry is happy to be associated with the drive and already has signed a Memorandum of Understanding to integrate FGM issues into health promotion activities.” [21a]

(See also Section 22: Children – [Health and welfare](#) and Section 24: [Medical issues](#))

Child labour

- 22.22 The USSD Human Rights Report 2009 reported that child labour was a problem in The Gambia. The report stated that:

“The Department of Labor is responsible for enforcing child labor laws and conventions on the worst forms of child labor. Employee labor cards, which include a person’s age, were registered with the labor commissioner, who was authorized to enforce child labor laws; however, enforcement inspections rarely took place. The law incorporates International Labor Organization provisions outlawing child prostitution and pornography.” [2a] (Section 7d)

(See also Section 27: [Employment rights](#))

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CHILDCARE AND PROTECTION

- 22.23 On 24 November 2009 the *Today Newspaper* online reported

“According to ... [Dr. Abu Bakar 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 of children.” [21b]

Street children

- 22.24 In June 2009 Integrated Regional Information Networks (IRIN) news reported on 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, 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.” [26b]

- 22.25 The same IRIN article further noted that “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.” [26b]

- 22.26 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 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 to see and know as these ones are hardly seen in the streets begging for alms or food and in tattered clothes.” [29b]

- 22.27 When continuing to describe her first hand experience at meeting the Almudus, Amie Sanneh who wrote the article 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.” [29b]

EDUCATION

22.28 The USSD Human Rights Report 2009 noted that:

“The constitution and law mandate free, compulsory primary education from age six to 12, but the inadequate infrastructure prevented effective compulsory education, and children paid fees to attend school. During the year the government estimated that 75 percent of children were enrolled in primary schools. Another 15 percent were enrolled in the Islamic schools, called ‘madrassas.’ Girls constituted approximately 51 percent of primary school students and 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)

(See also Section 21: Women – [Access to education and employment](#))

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HEALTH AND WELFARE

22.29 The USSD Human Rights Report 2009 noted 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.” [2a] (Section 6)

22.30 While reporting on health facilities at a health clinic in Fajikunda in January 2007, the United Nations Children’s Fund (UNICEF) noted:

“The clinic takes a one-stop approach to health care and has been operating for more than 10 years. 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.” [34a]

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

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DOCUMENTATION

22.31 A *Gambia News* article dated 15 June 2007 noted:

“UNICEF [United Nations Children’s Fund] on Thursday called for birth registration in 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.’” [40c]

22.32 In December 2007 when referring to birth registration at the Brikama Major Health Centre, just south of Gambia’s capital, Banjul, The United Nations Children’s Fund (UNICEF) At a glance: Gambia, 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.” [34a]

(See also Section 26: – [Citizenship and nationality](#))

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23. TRAFFICKING

OVERVIEW

- 23.01 The US Department of State *Country Report on Human Rights Practices 2009*, The Gambia, published on 11 March 2010 (USSD Human Rights Report 2009), stated that “The law prohibits trafficking in persons for all purposes; however, persons were trafficked to, from, through, and within the country. The government considered trafficking to be a serious problem.” [2a] (Section 6)
- 23.02 The US Department of State *Trafficking in Persons Report 2010*, (USSD TiP Report 2010), covering the period April 2009 to March 2010, published on 14 June 2010, stated:

“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.” [2d] (Country Narratives, The Gambia)

PREVENTION

- 23.03 The USSD Human Rights Report 2009 noted that “The Trafficking in Persons Act provides for a national antitrafficking agency; however, it had not been established by year’s end. A dedicated officer for trafficking issues continued to operate at the Department of Justice, and the Department of Health and Social Welfare maintained a trafficking division. NGOs [Non-Governmental Organisations] were active in raising awareness about trafficking.” [2a] (Section 6)
- 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. The government previously supported anti-trafficking and information campaigns, most conducted by NGOs, 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." [2d] (Country Narratives, The Gambia)

PROSECUTION

23.05 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. 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." [2d] (Country Narratives, The Gambia)

PROTECTION TO VICTIMS OF TRAFFICKING

23.06 The USSD TiP Report 2010 noted that:

"The government improved its victim protection efforts during the reporting period. 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. ” [2d] (Country Narratives, The Gambia)

23.07 The USSD TiP Report 2010 further noted:

“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.” [2d] (Country Narratives, The Gambia)

(See also Section 22: Children - [Street children](#))

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24. MEDICAL ISSUES

24.01 A population estimate of The Gambia for July 2010 was 1,824,158. (Central Intelligence Agency (CIA) World Factbook, last updated 27 May 2010) [3a] (People) The United Nations Children's Fund (UNICEF) noted that life expectancy at birth in the Gambia, measured in 2008 was 56. The Under-5 mortality rate, measured in 2008 was 106 per 1000 births. [34c]

24.02 The US Department of State Report, *Country specific Information*, The Gambia, 18 August 2009 stated that "Medical facilities in The Gambia are very limited, some treatments are unavailable, and emergency services can be unpredictable and unreliable." [2f] (Medical Facilities And Health Information)

24.03 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]

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

AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

24.04 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]

24.05 The Access Gambia website, accessed on 28 May 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 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.” [29f]

- 24.06 A list of medical facilities available in The Gambia compiled by the Embassy of the United States in Banjul, updated on 7 May 2008, can be located through the [US Embassy](#) website. [2e]

POLIO

- 24.07 When reporting on the campaign of immunising against Polio, the International Federation of Red Cross and Red Crescent Societies observed 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

- 24.08 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:

“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 provides for care, treatment, and support to persons living with, or affected by HIV/AIDS. The plan also protects 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 was ongoing during the year as President Jammeh continued his controversial herbal treatment program for the virus. Throughout the year the Ministry of Health urged persons to undergo voluntary HIV/AIDS counseling and testing.” [2a] (Section 6)

24.09 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. 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’.” [40a]

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

- “Number of people living with HIV: 8 200 [3 700 - 13 000]
- Adults aged 15 to 49 prevalence rate: 0.9% [0.4% - 1.3%]
- Adults aged 15 and up living with HIV: 7 500 [3 400 - 12 000]
- Women aged 15 and up living with HIV: 4 500 [2 000 - 7 200]
- Children aged 0 to 14 living with HIV: 630 [<500 - 940]
- Deaths due to AIDS: 540 [<500 - 900]
- Orphans due to AIDS aged 0 to 17: 2 700 [1 300 - 4 700]” [42a]

24.11 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 at the 2010 Candle Light Memorial commemoration organized by The Gambia Network of AIDS Support Societies (GAMNASS).” [21c]

24.12 A National AIDS Secretariat, The Gambia Joint UN Programme on AIDS report of circa 2010 stated:

“Treatment, care and support programmes are being scaled up progressively. Yet this is hampered by stigma, late presentation of the disease at health facilities, poor nutritional status of HIV and AIDS patients and shortage in qualified health personnel. As at end of 2007 the estimated percentage of adults and children with advanced HIV infection receiving combination and anti-HIV combination therapy in the Gambia was 8.8%, falling below the ‘3 by 5’ country target of 50 percent (The Gambia Progress Report towards attainment of Universal Access, 2009).” [47a] (p19)

MENTAL HEALTH

- 24.13 The World Health Organisation (WHO) *Situation Analysis* of The Gambia, accessed on 14 May 2010 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]

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

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25. FREEDOM OF MOVEMENT

- 25.01 Article (2), Freedom of speech, Conscience, assembly, Association and movement 25 of the Constitution states 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 2009*, The Gambia, published on 11 March 2010 (USSD Report 2009), stated that:

“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

- 25.04 The US Department of State *Country Report on Human Rights Practices 2009*, The Gambia, published on 11 March 2010 (USSD Report 2009), stated that:

“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)

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26. CITIZENSHIP AND NATIONALITY

26.01 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 “Citizenship is derived by birth within the country's territory and from one's parents; however, not all births were registered.” [2a] (Section 7e)

26.02 The US Office of Personnel Management's March 2001 report on Citizenship Laws of the World, accessed on 14 May 2010, reported the following:

“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 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]

- 26.04 Further reference to Citizenship can be located under Chapter III of the Constitution of the Republic of The Gambia, on the 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 on 3 February 2010) [6a] 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 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.
 - 23 July:** President Jammeh lifts the ban on the political parties he overthrew in his military coup of 1994.
- 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 Fadza 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.
- 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.
- 2009** **September:** President Jammeh threatens to kill human rights workers as saboteurs. [6a]

2010 March: A group of senior military officials and businessmen were charged with trying to overthrow Gambian President Yahya Jammeh. (BBC, 18 March 2010) [6b]

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Annex B: Political organisations

Political parties and leaders as listed in the CIA World Factbook, last updated 27 May 2010 were:

Alliance for Patriotic Reorientation and Construction (APRC)

Leader: Yahya A. J. J. JAMMEH

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

National Reconciliation Party (NRP)

Leader: Hamat N. K. BAH

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

Leader: Halifa SALLAH

United Democratic Party or UDP

Leader: Ousainou DARBOE [3a] (Government)

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Annex C: List of Abbreviations

ACHPR	African Commission on Human and Peoples' Rights
AI	Amnesty International
APRC	Alliance for Patriotic Reorientation and Construction
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
ECOMOG	Economic Community Of West African States Monitoring Group
ECOWAS	Economic Community Of West African States
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
FIDH	International Federation for Human Rights
GAFNA	Gambia Food and Nutrition Association
GAMCOTRAP	The Gambia Committee on Traditional Practices affecting The Health of Women and Children
GID	Gambia Immigration Department
GPF	Gambia Police Force
GDP	Gross Domestic Product
GRTS	Gambia Radio and Television Services
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IEC	Independent Election Commission
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IGLHRC	International Gay & Lesbian Human Rights Commission
ILGA	International Lesbian and Gay Association
IMF	International Monetary Fund
IOM	International Organisation for Migration
MOI	Ministry of Interior
MoIC	Ministry of Information and Culture
MOJ	Ministry of Justice
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organisation
NCCE	National Council for Civic Education
NIA	National Intelligence Agency
NGO	Non Governmental Organisation
OMCT	World Organisation Against Torture
RSF	Reporters sans Frontières
TI	Transparency International
UDP	United Democratic Party
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USSD	United States State Department
WHO	World Health Organization

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