

# 2013 Country Reports on Human Rights Practices - The Gambia

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## EXECUTIVE SUMMARY

The Gambia is a multi-party democratic republic. In 2011 voters re-elected President Alhaji Yahya Jammeh to a fourth term in a peaceful, orderly election; however, international observers criticized it as neither free nor fair. President Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC), continued to dominate the political landscape, winning an overwhelming majority of National Assembly seats in the parliamentary elections in March 2012 and in the local government elections held on April 4, 2013. Six of the seven opposition parties boycotted or otherwise did not participate in both the national assembly and local government elections to protest government intervention and intimidation of opponents. Authorities at times failed to maintain effective control over the security forces. Security forces committed human rights abuses.

The most serious human rights problems in the country included government interference with the electoral process; government harassment and abuse of its critics; and torture, arrest, detention, and sometimes enforced disappearance of citizens. Government officials routinely used various methods of intimidation to retain power.

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

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

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

### **a. Arbitrary or Unlawful Deprivation of Life**

Unlike in previous years, there were no reports the government or its agents committed arbitrary or unlawful killings.

In August 2012 the government announced it had executed nine death row prisoners by firing squad at Mile 2 Central Prison. According to the official press release read over state-owned media, the executions were in response to an alleged rise in the crime rate and fulfilled an earlier threat by President Jammeh to execute all death row prisoners by mid-September. The president made the threat in August during a televised meeting with Muslim religious leaders to mark the end of Ramadan. Many observers had expected the president to issue an amnesty for prisoners, given the holiday. The government last executed a prisoner in 1985. Although the president made similar statements in the past, he had not acted on them. Two of the executed prisoners were Senegalese, one of them a woman. Three others were reported to be political prisoners – former lieutenant Lamin Jarjou, former lieutenant Alieu Bah, and former sergeant Lamin Jammeh – whom the government convicted of treason for trying to overthrow the government, resulting in several deaths. The government stated that all those executed had exhausted the appeals process. Human rights activists and some international groups questioned the argument's legitimacy, given rule of law and due process concerns. Amnesty International, in particular, cited the case of Lamin Darboe, who was serving a commuted life sentence for murder and should not have been executed.

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

### **b. Disappearance**

There were various reports of politically motivated disappearances during the year.

On May 10, the government released without charge Imam Baba Leigh, the only religious leader who openly condemned the execution of nine death row prisoners in August 2012. He was arrested by National Intelligence Agency (NIA) officers in December 2012, denied access to family members and lawyers, and held at NIA headquarters in Banjul and in Jeshwang Prison.

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

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

For example, on October 3, the state-owned Gambia Radio and Television Services (GRTS) showed three members of the opposition United Democratic Party (UDP) – Amadou Sanneh, Malang Fatty, and Alhagie Sambou Fatty – and a commissioner of oaths, Bakary Baldeh, confessing to allegations they had written and supported a false attestation to support a potential asylum application by Malang Fatty. They had been in detention approximately since September 19. Amadou Sanneh in particular looked weak, appeared to be in great pain with tears in his eyes and could hardly sit up straight. Journalist and television presenter Fatou Camara, who was in detention at the NIA at the time, said in a Facebook posting that Sanneh and his co-accused were severely tortured. In a statement on October 22, Amnesty International called on the government to drop the charges of sedition against the three UDP members, pointing to allegations the three men were tortured to "confess." Amnesty said "any evidence obtained through torture must not be admitted in court."

Imam Baba Leigh allegedly was tortured during his detention at the NIA from December 2012 until May. In an interview with *IBTimes UK* published on November 5, Imam Leigh, who was then abroad, stated that NIA officers beat and kicked him after he was arrested. He said he was held in a small filthy room full of rats and spiders for five months.

In 2011 officers of the NDEA arrested Alpha Omar Jobe on suspicion of cannabis trafficking. According to *The Daily News*, Jobe subsequently was tortured and released; he died six days later as a result of his injuries. In March 2012 the government brought NDEA officers Edrissa Jarju and Edrissa Jaiteh before the Special Criminal Court in Banjul and charged them with Jobe's murder. They were accused of subjecting Jobe to torture while he was in their custody, leading to his eventual death. They denied the charge, and on July 8, the trial judge acquitted and discharged both officers, saying he had not found any cogent and compelling evidence linking the injuries of the deceased to the assault by the accused persons. The case was ongoing at year's end.

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

### *Prison and Detention Center Conditions*

Prison conditions were harsh and life threatening. For example, according to a press release issued in October 2012 by the Civil Society Associations Gambia, a prisoner named Amadou Faal (also known as Njagga) lost an eye due to severe beatings by prison officials that month.

*Physical Conditions:* Prison conditions were poor and cells were overcrowded, damp, and poorly ventilated. Inmates complained of poor sanitation and food. Inmates occasionally slept on the floor. Officials allowed detainees to receive food from the outside prior to conviction, but not afterwards. Medical facilities in prisons were poor, and authorities sent sick inmates to the Royal Victoria Teaching Hospital in Banjul or nearby health centers for examination and treatment. Former inmates and human rights nongovernmental organizations (NGOs) reported that the prisoner mortality rate was high. Reports indicated that prisoners died of neglect or lack of access to healthcare. Water supply was adequate, but lighting in some cells was poor. During the summer

temperatures were extremely high, and there were no ceiling fans or other measures to reduce heat. Authorities at the NIA held most detainees in solitary confinement and often in dark and rat and insect-infested rooms. Former detainees have described the poor sanitary conditions.

At year's end there were approximately 1,000 inmates in the three prisons, more than double the intended capacity. Authorities did not hold men and women together, nor were children/juveniles held with adults.

*Administration:* Officials generally allowed prisoners access to visitors, although most political prisoners and inmates on the remand wing are denied access to lawyers and family members. Authorities permitted prisoners religious observance. Prisoners and detainees could transmit complaints to judicial authorities through their lawyer, if they could afford one, or relatives.

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

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

*Independent Monitoring:* The government did not permit the International Committee of the Red Cross or the media access to monitor prison conditions during the year. Only local NGOs or diplomatic missions that provided assistance to prisoners were allowed to hand over gifts, but authorities did not allow them to monitor conditions.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention; however, there were instances of police and other security forces arbitrarily arresting and detaining citizens. In August President Jammeh said he was surprised to hear about the poor conditions and lengthy detentions of inmates at the remand wing of Mile 2 Central Prison. Subsequently, authorities released several foreign nationals, one of whom had been held at the remand wing for more than three years.

Between September 19 and 25, the NIA arrested three members of the opposition UDP – Amadou Sanneh, Malang Fatty, and Alhagie Sambou Fatty – and a commissioner of oaths, Bakary Baldeh, on allegations of tarnishing the image of the country (see section 1.c.). It was not until October 20 that the government formally charged them with "conspiracy, sedition, possession of seditious publication, and false swearing" for making a false attestation for asylum seekers abroad. Malang Fatty and Alhagie Sambou Fatty pled guilty while Amadou Sanneh denied the charges against him. On October 23, the judge denied Sanneh bail. The fourth detainee, Commissioner of Oaths Bakary Baldeh, was not charged and was expected to serve as a prosecution witness. The case was ongoing at year's end.

On June 16, NIA officers arrested former secretary general and minister of presidential affairs, Dr. Njogou Bah, at his home in Busumbala and held him without charge until July 15, when he appeared in court charged with abuse of office and conspiracy to commit a felony.

On May 21, authorities arrested former attorney general and minister of justice Lamin Jobarteh, who was dismissed from his position the previous day, and the solicitor general, Pa Harry Jammeh. They were detained at NIA headquarters in Banjul until June 19, when they were brought to court and charged with "abuse of office, conspiracy to defeat justice, destroying evidence, official corruption, and neglect of official duty." They were granted bail by the court June 25 but were rearrested shortly afterwards by the NIA. Despite protests in court by their defense lawyers, the two men remained in detention until August 13. In a separate case, Jobarteh and Jammeh were standing trial together with former secretary general at the office of the president Dr. Njogou Bah. Both cases were ongoing at year's end.

On January 16, police arrested the president of the court of appeal, Nigerian-born Justice Joseph Wowo, following his dismissal from the position. He was accused of giving false information to a public officer but was never formally charged. After nearly three weeks of detention, the case was withdrawn.

On August 6, Justice Wowo, dismissed from his new position of acting chief justice on July 19, was again arrested amid allegations he had solicited a bribe from a Dutch national who had a pending case in the courts. He was held until August 21 when he was granted bail. His co-accused in the trial was the former attorney general and minister of justice Lamin Jobarteh; the case was ongoing at year's end.

In October 2012 police arrested and detained for several days without charge former government minister Mambury Njie before releasing him on bail. Njie, as minister of foreign affairs, reportedly advised against the executions of death row prisoners on August 28 (see section 1.a.). He was dismissed shortly afterwards. In December 2012 when he reported to the police as required under his bail conditions, he was taken to court and charged with economic crimes and abuse of office. He was remanded to prison custody until February 4 when he was granted bail after relatives and friends deposited property deeds with 15 million dalasi (\$428,571). The case was still pending at year's end.

### *Role of the Police and Security Apparatus*

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

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

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

#### *Arrest Procedures and Treatment of Detainees*

While the law requires authorities to obtain a warrant before arresting a person, police often arrested individuals without a warrant. Periods of detention generally ranged from a few to 72 hours, the legal limit after which detainees must be charged or released; however, there were numerous instances of detentions surpassing the 72-hour limit. Authorities generally did not inform detainees promptly of charges against them. There was a functioning bail system; however, prosecutors customarily opposed applications for bail for detainees charged with misdemeanors and ordered lengthy adjournments to allow additional time to prepare their cases. Judges and magistrates sometimes set bail bonds at unreasonably high amounts. The courts occasionally released accused offenders on bail only to have police or other law enforcement personnel re-arrest them as they were leaving the court, sometimes to provide the prosecution more time to prepare cases. Officials did not allow detainees prompt access to a lawyer or family members, although convicted prisoners generally were permitted to meet privately with an attorney. The judiciary provided indigent persons accused of murder or manslaughter with lawyers at public expense.

Military decrees enacted prior to the adoption of the constitution give the NIA and the interior minister broad powers to detain individuals indefinitely without charge "in the interest of national security." These detention decrees were inconsistent with the constitution but have not been subject to judicial challenge. While the government claimed it no longer enforced the decrees, such detentions continued to occur.

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

On September 17, NIA officers arrested journalist and television presenter Fatou Camara, who had recently been dismissed from her position as director of press and public relations in the office of the president. On September 19, authorities released her, but immediately re-arrested her and held her for 22 days before bringing her to court and charging her with "spreading false news and publication of false news with intent to tarnish the image of the president." Prosecutors accused her of providing information to the editor of the Freedom online news site. She was granted bail and later fled the country.

Authorities also arrested and prosecuted Lamin Mboge, a lawyer known for his commitment to human rights, on spurious charges. In 2011 Mboge, a former magistrate and leading counsel to the Gambia Committee on Traditional Practices Affecting the Health of Women and Children (GAMCOTRAP) in its legal case (see section 5), was arrested and charged with "false swearing" and "uttering false documents" and remanded to Mile 2 Central Prison. The arrest followed a criminal complaint lodged by one of Mboge's clients over land he allegedly sold without lawful authority. In February 2012 the court convicted Mboge as charged and sentenced him to two years in prison. A month later, the high court hearing his appeal against the lower court's sentence confirmed the conviction but reduced the sentence from a prison term to a fine of 90,000 dalasi

(\$2,571) and compensation of 6,500 dalasi (\$185.71) to the complainant in the trial. Mboge paid the fine and later resumed his legal practice.

*Pretrial Detention:* Backlogs and inefficiency in the justice system resulted in lengthy pretrial detention. Approximately 30 percent of inmates in the prison system were in pretrial detention, and some had been incarcerated for several years awaiting trial.

*Amnesty:* The government pardoned 35 prisoners during the year – 19 to mark the end of the Muslim fasting month in August and 16 in commemoration of the Muslim feast of Eid el-Adha in October.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary; however, the courts lacked independence and were inefficient and corrupt. Amnesty International noted the president's power to remove a judge, nominally in consultation with the Judicial Service Commission, impeded judicial independence. Judges presiding over "sensitive" cases who made decisions not considered favorable to the government risked being fired. Further, there was little stability in senior judiciary positions; for example, the government removed three Supreme Court chief justices during the year.

Frequent delays and missing or unavailable witnesses, judges, and lawyers often impeded trials. Many cases also were delayed because of adjournments to allow police or the NIA time to continue their investigations.

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

#### *Trial Procedures*

The law provides for the presumption of innocence, a fair and public trial without undue delay, and adequate time and facilities to prepare a defense. Defendants, however, generally did not enjoy the right to be informed promptly and in detail of the charges against them. Under the law no one is compelled to testify or confess guilt. Trials generally were open to the public, unless closed-court sessions were necessary to protect the identity of a witness. In one instance NIA officials denied accredited diplomats entrance to the final session of the Supreme Court appeal hearing regarding seven former government officials sentenced to death for treason (see section 1.e.). Juries were not used. Defendants can consult an attorney and have the right to confront witnesses and challenge evidence against them, present witnesses and evidence on their own behalf, and appeal judgment to a higher court. The law extends these rights to all citizens, and no persons were denied these rights during the year; however, authorities rarely informed detainees of their rights or the reasons for their arrest or detention, according to Amnesty International. For example, Muslim cleric Imam Bakawsu Fofana, who was arrested in May 2012 and held for nine days without charge, was never informed of the reason he was detained.

Military tribunals cannot try civilians. Court-martial proceedings are presided over by a judge advocate assisted by a panel of senior military officers. In December 2012 *Foroyaa* newspaper reported that three soldiers of the GAF had been charged with beating and abusing two female army

recruits. The government brought Lieutenant Serigne Jallow, Sergeant Manlafi Jarju, and Corporal Karamo Jatta, all instructors at the GAF Training School, before a court martial presided over by Justice Mikailu Abdullahi as judge advocate. The offences reportedly were committed in 2009. The trial was ongoing at year's end.

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

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

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

#### *Political Prisoners and Detainees*

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

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

In October 2012 the Supreme Court dismissed the appeals of seven of eight men convicted of plotting to overthrow the government in 2009 and sentenced to death in 2010. The seven were former GAF chief of defense staff General Lang Tombong Tamba; former GAF director of operations and training Brigadier General Omar Bun Mbye; commander of the army unit in the president's home village Lieutenant Colonel Kawsu Camara; head of GAF intelligence Major Momodou Lamin Bo Badjie; former deputy inspector general of police Momodou Gaye; former diplomat Ngorr Secka; and real estate dealer Abdoulie Joof. The eighth man, businessman Yusuf Ezziden, appealed separately but did not appear in court; authorities reportedly allowed him to leave the country. In April 2011 the Court of Appeal dismissed the appeal of the seven men, who exhausted the appeals process and awaited possible execution.

On April 16, the Special Criminal Court convicted and sentenced Alieu Jobe to 20 years' imprisonment for "concealment of treason and perjury." The court acquitted and discharged his co-

accused Abdoulie Njie regarding the same charges. The two were arrested following disclosure of the abortive 2006 coup plot. They were detained for five-and-a-half years before being formally charged. Lowe is a nephew of fugitive coup leader Ndure Cham. The trial of a third detainee, Hamadi Sowe, also charged with concealment of treason relating to the 2006 coup plot, continued at year's end.

#### *Civil Judicial Procedures and Remedies*

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

#### *Regional Human Rights Court Decisions*

Citizens can appeal decisions to the regional court of the Economic Community of West African States (ECOWAS).

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

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

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

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

The constitution and law provide for freedom of speech and press; however, the government restricted these rights. According to a statement issued in 2011 by the Observatory for the Protection of Human Rights Defenders, "the environment for independent and opposition media remained hostile, with numerous obstacles to freedom of expression, including administrative hurdles, arbitrary arrest and detention, intimidation and judicial harassment against journalists, and the closure of media outlets, leading to self-censorship."

*Freedom of Speech:* Individuals who publicly or privately criticized the government or the president risked government reprisal. For example, in 2011 security forces arrested without charge Alhaji Ismaila Manjang, a prominent Islamic scholar and imam in the coastal town of Gunjur. The arrest followed Manjang's graduation speech at his Islamic institute in which he condemned practices that could be considered idolatrous, such as visits to shrines to seek blessings. Authorities subsequently held Manjang incommunicado at NIA headquarters for four days. As of year's end, Manjang had not been charged with any offense.

*Press Freedoms:* Laws that impose excessive bonds on media institutions require newspapers to reregister annually, and mandate harsh punishment for the publication of so-called false

information, undermining constitutional protections. According to Freedom House, these provisions gave authorities great power to silence dissent.

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

The government published *The Gambia Now* newspaper, formerly called *The Gambia Info*. The privately owned *Daily Observer* newspaper favored the government in its coverage. There were five other independent newspapers, including one published by an opposition political party that remained highly critical of the government. There was one independent biweekly magazine dealing with political and economic issues. Two newspapers – *The Standard* and *The Daily News* – remained banned since 2012.

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

*Violence and Harassment:* Media restrictions tightened during the year, and the government continued to harass and detain journalists. Numerous journalists remained in self-imposed exile due to government threats and harassment.

The government routinely denied journalists from news outlets perceived to be critical of the government access to public information and excluded them from covering official events at certain venues. For example, on May 23, Lamin Sanyang, a reporter for opposition newspaper *Foroyaa*, was stopped from entering a court room at Yundum Army Barracks to cover the trial of five soldiers arrested following their return from peacekeeping duties in Darfur. There was no indication of the offenses the soldiers were believed to have committed. The soldiers included Major Musa Gibba, Lieutenant Ebrima Kujabi, Warrant Officer Suwaibou Ceesay, Warrant Officer Karamo Drammeh, and Corporal Waggeh. A military officer at the barracks said the reporter needed clearance to cover the trial.

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

On July 5, the National Assembly passed the Information and Communication (Amendment) Act, which created several new offences for online speech that are punishable by a 15-year prison term and/or a fine of three million dalasi (\$85,714). The act criminalizes the spreading of false news about the government or public officials, caricatures or the making of derogatory statements regarding public officials, and inciting dissatisfaction with or instigating violence against the government.

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

### *Internet Freedom*

There were few government restrictions on access to the internet or reports that the government monitored e-mail or internet chat rooms without judicial oversight. Individuals and groups could generally engage in the peaceful expression of views via the internet, including by e-mail. Internet users, however, reported they could not access the websites of foreign online news blogs such as Freedom Online and occasionally other Gambian dissident blogs.

Additionally, internet users' ability to access the internet in internet cafes was restricted. The government blocked Voice Over Internet Protocol services such as Skype, dating websites, and other "prohibited information." Cafe owners who violate these rules face the suspension or revocation of their licenses. These sites remained available on users' personal devices.

In July the National Assembly passed amendments to the state's 2009 Information and Communications Act. The government subsequently announced its plans to fully implement the amendments, which allow for penalties against those who spread "false news against the government or public officials" online. The law imposes a jail term of 15 years and/or a fine of three million dalasi (\$85,714). Information Minister Nana Grey-Johnson stated the purpose of the amendments is the "deterrent punishment" of those who engage in "treacherous campaigns" and incite "unpatriotic behavior."

The International Telecommunication Union reported that 10.87 percent of individuals in the country used the internet in 2011.

### *Academic Freedom and Cultural Events*

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

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

### *Freedom of Assembly*

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

In September 2012 police arrested two journalists, Baboucarr Ceesay, first vice president of the Gambian Press Union, and freelance journalist Abubacarr Saidykhan, for requesting a permit to stage a peaceful demonstration protesting the execution of nine death row prisoners in August 2012. The authorities charged them with conspiracy to commit a felony. Ceesay later had a charge of "seditious publication" added to his indictment; authorities further charged Saidykhan with "inciting violence." The court granted bail of 250,000 dalasi (\$7,143), and 43 days later, the government dropped the charges. The two journalists later reported intimidation and death threats, and Saidykhan left the country.

### *Freedom of Association*

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

### **c. Freedom of Religion**

See the Department of State's [International Religious Freedom Report](#).

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

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

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

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

### *Protection of Refugees*

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

The UNHCR reported 9,597 refugees in the country, of whom 9,042 were Senegalese who fled the Casamance conflict in Senegal. The UNHCR provided assistance with basic needs and services and implemented livelihood programs. During the year the number of refugees from Cote d'Ivoire increased from 184 to 299. The country also hosted smaller numbers of refugees from Togo, the Democratic Republic of the Congo, Somalia, Eritrea, Sudan, Guinea-Bissau, and Cameroon.

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

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

### **Elections and Political Participation**

*Recent Elections:* In March 2012 voters elected members of the National Assembly. Six of the seven opposition parties boycotted the poll after the Independent Electoral Commission (IEC) refused to accept the demands they had submitted, including for a postponement of the election. President Jammeh's party, the APRC, won 43 seats, the opposition National Reconciliation Party one seat, and independent candidates four seats.

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

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

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

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

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#### **Section 4. Corruption and Lack of Transparency in Government**

While the law provides criminal penalties for corruption by officials, the government did not implement the law effectively. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a serious problem.

*Corruption:* The president spoke against corruption on numerous occasions during the year. There were several prosecutions for corruption of senior police, military, and civilian officials during the year.

For example, on February 11, a court in Banjul convicted a former director of operations at the NDEA, Mbye Njie, on charges of official corruption, extortion, and abuse of office. The court fined him 50,000 dalasi (\$1,428), or in default of payment ordered him to serve three years in prison. Njie was arrested in July 2012 and accused of accepting 20,000 dalasi (\$572) for releasing a suspect and preventing his prosecution.

In May 2012 police arrested Director of Intelligence and Investigation at the NDEA Foday Barry and Crime Management Coordinator at the NDEA Pa Habibou Mbye on allegations of theft related to their handling of the case of suspected Ghanaian drug trafficker Roberth Danquah. They were accused of demanding the sum of 230, 000 dalasi (\$6,571). On January 28, a court acquitted Mbye. Barry's trial was ongoing at year's end.

In May 2012 a court convicted four former senior NDEA officers on charges of corruption, drug-related offenses, and abuse of office and sentenced each to a cumulative term of 18 years' imprisonment. The court fined a fifth officer, Marie Sanneh, 200,000 dalasi (\$5,714) or, in default of payment, ordered her to serve five years in prison. The officers had been dismissed and arrested in 2010.

*Whistleblower Protection:* The law does not provide protection to public or private employees for making internal disclosures or lawful public disclosures of evidence of illegality, such as the solicitation of bribes or other corrupt acts, gross waste or fraud, gross mismanagement, abuse of power, or substantial and specific dangers to public health and safety.

*Financial Disclosure:* Public officials, both appointed and elected, are subject to financial disclosure laws, but the government seldom enforced these laws. No particular agency is mandated to monitor and verify disclosures, but the president may appoint judicial commissions of inquiry to investigate any category of public officials or private sector operators. The proceedings of such commissions are held in public.

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

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

A number of domestic and international human rights groups generally operated despite government restrictions, investigating and publishing their findings on human rights cases. Government officials seldom were cooperative or responsive to their views. According to the Annual Report 2011 of the Observatory for the Protection of Human Rights Defenders, the legal and institutional environment in the country continued to limit NGOs and human rights monitoring activities. The NGO Decree of 1996 imposes a cumbersome registration process, allows the government to reject valid NGO registration, and requires annual submissions of budgets and work programs. The 2010 decision to place supervision of NGO activities under the Office of the President resulted in increased restrictions. Human rights organizations censored themselves and

focused on nonsensitive problems. Several groups expressed concern over detainees held incommunicado, but the government did not respond.

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

In November 2012 the magistrate's court in Banjul acquitted and discharged two prominent women's rights activists and campaigners against FGM/C, Isatou Touray, executive director of the NGO GAMCOTRAP, and Amie Bojang Sissoho, the agency's program coordinator. Authorities arrested Touray and Sissoho in 2010 and charged them with mismanaging a 30,000 euro (\$40,541) grant by the Spanish NGO Yolocamba Solidaridad. Authorities denied them bail, and they spent eight days in prison before their trial could proceed. The charges of theft reportedly were based on the findings of an investigative panel that looked into GAMCOTRAP's management of the Yolocamba grant. A previous panel set up by the Office of the President in 2010 concluded the allegations of mismanagement were unfounded. During the trial the director of the Spanish NGO denied accusing anyone associated with GAMCOTRAP of theft. Both Touray and Sissoho continued their work with GAMCOTRAP during the year.

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

*Government Human Rights Bodies:* The governmental office of the ombudsman operated a National Human Rights Unit (NHRU) to promote and protect human rights and support vulnerable groups. During the year the unit addressed complaints regarding unlawful dismissal, termination of employment, unfair treatment, and illegal arrest and detention. According to its 2011 report, presented to the National Assembly in November 2012, the ombudsman's office received 73 complaints, most of which involved the prison service, police force, and the ministry of education. Most of the cases were resolved in favor of complainants.

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

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

### **Women**

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

The law prohibits any form of violence against women, but there are no specific penalties. Domestic violence was underreported due to social stigma, and most cases are settled through family mediation. No statistics were available for abusers prosecuted or convicted.

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

In February 2012 the Special Criminal Court in Banjul convicted and sentenced to death 81-year-old Sheriff Aba Hydera of Bakalarr village for shooting and killing his wife in 2010. Hydera stated his late wife had angered him over her control of his garden and that he had no regrets over killing her.

In July 2012 police arrested Libelley Ceesay of Kantong Kunda village for hitting his wife with a hoe, which led to her death. Police stated that the incident happened during a fight over a bag of rice Ceesay intended to divide between his two wives. His trial was ongoing at year's end.

GAMCOTRAP, one of the leading women's rights NGOs in the country, included gender-based violence in its training modules for combating FGM/C. Another group, the Female Lawyers' Association of The Gambia, educated women on their rights and represented them, often without charge, in domestic violence cases.

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

*Sexual Harassment:* The law prohibits sexual harassment and provides for a one-year mandatory prison sentence for offenders. Although sexual harassment was considered a common problem, few cases were reported to the police.

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

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

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

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

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

## **Children**

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

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

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

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

For example, on November 7, the court sentenced Alpha Jallow of Brikama Nyambai to 20 years in prison for having carnal knowledge of an eight-year-old girl in July 2012.

On April 15, Momodou Camara was convicted and sentenced to 20 years in prison for raping a four-year-old girl in Tanje in September 2012.

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

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

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

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

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

## **Anti-Semitism**

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

## **Trafficking in Persons**

See the Department of State's [Trafficking in Persons Report](#).

## **Persons with Disabilities**

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

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

The Department of Social Welfare is responsible for protecting the rights of persons with disabilities and worked with the Gambia Organization for the Visually Impaired and the School for the Deaf and Blind to help educate children with disabilities and to promote relevant skills. Most children with disabilities, however, do not attend school. The department also worked with international donors to supply wheelchairs to some persons with disabilities. Several NGOs sought to improve awareness of the rights of persons with disabilities and encouraged their participation in sports and other physical activities. The NHRU specifically sought to promote the rights of women with disabilities. Persons with disabilities were given priority access to polling booths on election days.

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

The law establishes prison terms ranging from five to 14 years for any man who commits in public or private "any act of gross indecency," engages a male sex worker, or has actual sexual contact with another man. The law, however, has never been applied. There was no similar law applicable to women. There were antidiscrimination laws, but they did not apply to LGBT individuals.

On September 27, President Jammeh, addressing the UN General Assembly in New York, described homosexuality as evil, antihuman, and anti-Allah and said the practice represented one of the biggest threats to human existence.

In a June 25 speech to thousands of persons in the village of Faraba Banta during his "Dialogue with the People" tour, President Jammeh reiterated his government's zero tolerance for homosexuality and what he called other menaces such as the use of illicit drugs, corruption, rape, and murder. He said anyone found engaged in these would be "living hell on earth."

There was strong societal discrimination against LGBT individuals, further enhanced by statements by President Jammeh. There were no LGBT organizations in the country.

### **Other Societal Violence or Discrimination**

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

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## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

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

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

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

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

Although trade unions were small and fragmented, collective bargaining took place. Unions were able to negotiate without government interference; however, in practice they lacked experience, organization, and professionalism and often turned to the government for assistance in negotiations. Collective bargaining, arbitration, or agreements reached between unions and management determined union members' wages, which generally exceeded legal minimums. The Department of Labor registered most collective agreements, which remained valid for a period of three years, after which they could be renewed.

The government intervened to assist workers whose employers had fired or discriminated against them. For example, the Department of Labor and the Gambia Workers Union supported the case of a female employee of a local company, Shyben A. Madi and Sons Limited, who took the company to court in 2011 for wrongful termination, claiming damages of 9.3 million dalasi (\$265,714 ). The employee, Ida Suso-Fay, claimed her supervisor repeatedly harassed her after she became pregnant

in 2010 and fired her without explanation while she was on maternity leave. The case continued at year's end.

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

## **b. Prohibition of Forced or Compulsory Labor**

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

While officials took part in a number of programs designed to increase their sensitivity to the problem and educate them on ways to investigate and combat the problem, child labor continued to occur. Women and children were primary targets subjected to trafficking and commercial sexual exploitation. Inadequate resources made enforcement difficult.

During the year police and social workers did not report coming across any incidents of Koranic teachers, known as "marabouts," forcing their students, known as "almudus," to sell items on the streets. The practice has become rare since police intervened and ordered marabouts to stop.

See also the Department of State's [\*Trafficking in Persons Report\*](#).

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The constitution prohibits economic exploitation of children under age 16, and the law prohibits exploitive labor or hazardous employment of children under age 18. The Children's Act sets the minimum age for light work at 16 years and at 12 years for apprenticeship in the informal sector.

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

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

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

relied heavily on international donations. Implementation of the act and prosecution of suspected offenders also remained infrequent.

See also the Department of Labor's [\*Findings on the Worst Forms of Child Labor\*](#).

#### **d. Acceptable Conditions of Work**

The minimum wage was 50 dalasi (\$1.43) per day, although this only covered the 20 percent of the workforce employed in the formal sector. The government considered the national poverty baseline to be 38 dalasi (\$1.09) per person per day. Most workers were paid above the minimum wage. The Department of Labor is responsible for enforcing the minimum wage. A majority of workers were employed in the private sector or were self-employed, often in agriculture. Most citizens did not live on a single worker's earnings and shared resources within extended families.

The basic legal workweek is 48 hours within a period not to exceed six consecutive days. Nationwide the workweek included four 10-hour workdays (Monday through Thursday) with schools open on Friday and the private sector on both Friday and Saturday. There are no limits on hours worked per week and no prohibition of excessive compulsory overtime. A 30-minute lunch break is mandated. Government employees are entitled to one month of paid annual leave after one year of service. The government did not pay most government employees overtime. Government workers holding temporary positions and private sector workers, however, received overtime pay calculated per hour. Private sector employees received between 14 and 30 days of paid annual leave, depending on length of service. There was no exception for foreign or migrant workers.

The law specifies the safety equipment that an employer must provide to employees working in designated occupations. The law also authorizes the Department of Labor to regulate factory health and safety, accident prevention, and dangerous trades and to appoint inspectors to ensure compliance with occupational safety and health standards. Workers may demand protective equipment and clothing for hazardous workplaces and have recourse to the department. The law provides that workers may refuse to work in dangerous situations without risking loss of employment. The law protects foreign workers employed by the government; however, it only provides protection for privately employed foreigners if they have a currently valid work permit.

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

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

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

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

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