

THE GAMBIA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Gambia is a multiparty democratic republic with an elected president. International and domestic observers described the December 2021 presidential elections and April legislative elections as free, fair, transparent, and peaceful, despite widespread but minor administrative problems.

The Gambia Armed Forces aids civil authorities in emergencies and provides natural disaster relief, and reports to the minister of defense. The Gambia Police Force maintains internal security and reports to the Ministry of Interior. Civilian authorities maintained effective control over the security forces. There were reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: torture or cruel, inhuman, or degrading treatment or punishment by or on behalf of the government; harsh and life-threatening prison conditions; lack of investigation of and accountability for gender-based violence, including domestic and intimate partner violence, sexual violence, child, early, and forced marriage, and female genital mutilation/cutting and other forms of such violence; and laws criminalizing consensual same-sex sexual conduct between adults, although rarely enforced.

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

Section 1. Respect for the Integrity of the Person

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

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

b. Disappearance

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

Families of individuals detained during the Jammeh regime continued to demand information on their missing relatives and ask that those responsible for killings, disappearances, and other serious crimes be held accountable.

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

The constitution and the law prohibit such practices, but there were reports security personnel engaged in degrading treatment of citizens.

Impunity remained a problem in the security forces, including in the prison service, police, and military. Factors contributing to impunity included corruption, inadequate training, and lack of oversight and accountability mechanisms. Offices charged with investigation abuses included the National Human Rights Commission (NHRC), the Office of the Ombudsman, and the Truth, Reconciliation, and Reparation Commission (TRRC). The *Truth, Reconciliation, and Reparation Commission Report*, finalized in 2021, provided recommendations to hold accountable alleged wrongdoers from the Jammeh era.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to food shortages, gross overcrowding, physical abuse, lack of medical care, and poor sanitary conditions.

Abusive Physical Conditions: Overcrowding was a problem in some facilities, particularly in the remand wing of the Mile 2 Prison in Banjul, where police held detainees pending trial. There were credible reports of teenagers as young as age 15 being held with adults in pretrial detention facilities. Food quality, access to potable water, sanitation, ventilation, lighting, and medical care remained inadequate.

Administration: Authorities conducted investigations of credible allegations of mistreatment.

Independent Monitoring: The government granted unrestricted access to all prisons to the Office of the Ombudsman, the TRRC, and local and international nongovernmental organizations (NGOs).

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law requires a detainee be charged or released within 72 hours. There were numerous instances of detentions exceeding the 72-hour limit. There was a functioning bail system.

In some cases, officials did not allow detainees prompt access to a lawyer or family members. The judiciary provided lawyers at public expense only to indigent persons charged with capital crimes, such as murder, for which the death penalty may be imposed.

Pretrial Detention: Backlogs and inefficiency in the justice system resulted in lengthy pretrial detentions. In some instances, inmates in the remand wing of Mile 2 Prison awaited trial for several years; the length of pretrial detention occasionally equaled or exceeded the maximum sentence for the alleged crime.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides for the right to a fair and public trial, and the judiciary generally enforced this right. Officials did not always promptly inform defendants of the charges against them. Case backlogs hampered the right to a timely trial.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The High Court hears civil and human rights cases, including appeals from customary and sharia (Islamic) courts. Individuals may also seek assistance concerning abuses of human rights from the Office of the Ombudsman, which investigates such cases and recommends remedies for judicial consideration.

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

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

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

g. Conflict-related Abuses

In March, Senegalese soldiers, operating as part of an Economic Community of West African States mission in the country, and responding to earlier attacks, launched an operation against Movement of Democratic Forces of Casamance (MFDC) rebels along the border with Senegal.

Physical Abuse, Punishment, and Torture: According to the online portal *Conduct in UN Field Missions*, there was one open allegation, submitted in 2018, of sexual exploitation and abuse by one of the country's peacekeepers deployed to a UN peacekeeping mission. The incident allegedly involved an exploitative relationship with an adult from 2013 to 2015. The United Nations completed its investigation and awaited additional information and accountability measures from the government.

Other Conflict-related Abuse: According to the country's National Disaster Management Agency, the March fighting displaced 5,626 citizens.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

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

Violence and Harassment: In July, police detained journalist Yusef Taylor for four hours and reportedly charged him with “obstructing a police officer in the execution of his duty.” Police officers arrested Taylor after they forcibly removed him from their station’s premises as he tried to ask questions regarding the detention of Global Home of Medical Mission representatives involved in a dispute with the government concerning land rights.

Internet Freedom

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

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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

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

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees, based in Senegal, and other organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Durable Solutions: In March an estimated 6,000 Senegalese took refuge in the country after fleeing fighting between the Senegalese army and MFDC rebels in the Casamance region of Senegal, in an area less than two miles from the border. The government began integration of the Senegalese into host communities.

f. Status and Treatment of Internally Displaced Persons

March fighting between the MFDC and Senegalese troops displaced 5,626 citizens from 23 villages along the border. The government promoted their safe, voluntary, and dignified resettlement or integration in various locations across the country.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: International and domestic observers described the December 2021 presidential elections and April legislative elections as free, fair, transparent, and peaceful, although election officials struggled at times to provide adequate crowd control and sufficient electricity to tally results. During the presidential election, officials sometimes struggled to provide clear communication during the

counting process.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. Cultural constraints, however, limited women's participation in the political process, particularly home and family responsibilities, including childcare. Women faced harassment when engaging in political activities.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not credibly investigate or prosecute any official accused of corruption. There were many reports of government corruption.

Corruption: A culture of corruption persisted among government officials, including many former officials of the Jammeh government who remained in government positions, as well as officials elected or appointed since 2017. Small-scale corruption remained the norm. Citizens reported frequent demands for bribes in exchange for smoothing regulatory hurdles, accessing port facilities, and obtaining government services. Police corruption remained a daily problem; officers routinely pulled over vehicles and fabricated infractions or demanded money to let drivers go.

A July 2021 Afrobarometer survey showed citizens perceived corruption as an increasingly serious problem. Six in 10 respondents said corruption had increased “somewhat” or “a lot” since 2020. Three-quarters of respondents said the government was not doing enough to combat the problem. Only half believed they could report corruption to authorities without fear of retaliation.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights

cases. Government officials were usually cooperative and responsive to their views. The law requires NGOs to register with the National Advisory Council, which has the authority to deny, suspend, or cancel the right of any NGO, including international NGOs, to operate in the country.

Government Human Rights Bodies: The Office of the Ombudsman operated a National Human Rights Unit (NHRU) with a mandate to promote and protect human rights and support vulnerable groups. The NHRU addressed complaints regarding unlawful dismissal, termination of employment, unfair treatment, and illegal arrest and detention. Observers considered the NHRU to be effective and independent.

The National Human Rights Council is an independent government body responsible for improving human rights standards in the country and nurturing a culture of respect for rights and freedoms protected by the rule of law. The NHRC investigated allegations of human rights abuses by both governmental and nongovernmental actors, issued findings intended to hold wrongdoers responsible and prevent further abuses, and conducted outreach and proactive education to raise awareness of human rights topics. Observers considered it to be generally effective and independent.

The Truth, Reconciliation, and Reparation Commission took testimony on abuses from the Jammeh era and made recommendations on holding alleged perpetrators accountable. Observers considered it to be independent and effective.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape without reference to gender and criminalizes domestic violence. The penalty for rape is life imprisonment. The maximum penalty for attempted rape is seven years' imprisonment. Spousal and intimate partner rape are not illegal. The penalty for domestic violence is two years' imprisonment, a substantial monetary fine, or both. The government did not enforce these provisions effectively.

Rape and domestic violence were widespread problems that often went unreported

due to survivors' fear of reprisal, unequal power in relationships, stigma, discrimination, and pressure from family and friends not to report abuses.

The Ministry of Women's Affairs, Children, and Social Welfare operated a shelter and cooperated with UN agencies and civil society organizations to address sexual- and gender-based violence.

Female Genital Mutilation/Cutting (FGM/C): The law bans FGM/C of girls and women. Authorities did not always enforce the law. Survivors and witnesses rarely reported abuses because they were uncomfortable implicating family or community members. According to UNICEF and NGOs, 76 percent of girls and women between ages 15 and 49 had been subjected to FGM/C as of 2020. Authorities made no FGM/C arrests during the year.

Sexual Harassment: The law prohibits sexual harassment and stipulates a one-year mandatory prison sentence for abuses. Sexual harassment was prevalent but not commonly reported due to discrimination, social stigma, and unwillingness to challenge the offenders. The government did not enforce the law effectively.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Barriers that impeded access to sexual and reproductive health services included religious reasons, cultural taboos, limited formal education with high illiteracy rates, low wages, and poor infrastructure, particularly in more rural areas of the country. Access to both routine and emergency health care, including access to emergency contraception as part of family planning method mix, was limited due to lack of capacity in all sectors of the health-care field.

The government attempted to provide access to sexual and reproductive health services for survivors of sexual violence, but residents in rural areas had very limited access to basic health care. Emergency contraception was available as part of the clinical management of rape cases, but limited to urban areas, with inconsistent supply at pharmacies and medical centers.

According to the World Health Organization (WHO), the country's maternal mortality rate in 2020 was 597 per 100,000 live births. The WHO identified

hemorrhage, anemia, early pregnancy, and obstructed labor as the main causes of maternal mortality. FGM/C negatively impacted reproductive and maternal morbidity (see the Female Genital Mutilation/Cutting subsection for additional information).

Girls often missed school if they were unable to afford menstruation products. Girls who became pregnant while in school were unlikely to return after giving birth.

Discrimination: The constitution and law provide for equality of all persons, including race, color, gender, language, religion, political or other opinion, national or social origin, and birth. The law prohibits discrimination in employment, access to credit, owning and managing a business, housing, or education. Nevertheless, the law does not provide the same legal status and rights for women regarding adoption, marriage, divorce, burial, and inheritance of property. The government enforced the law effectively.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits specific types of racial and ethnic discrimination. Political candidates are forbidden from stoking tribal or ethnic tensions. The government evenly and effectively administered these laws.

Children

Birth Registration: Children derive citizenship from a citizen parent. Birth registration was provided on a nondiscriminatory basis. Due to lack of access, parents in rural areas typically did not register births, but this did not preclude their children from receiving public health and education services.

Education: The constitution and law mandate compulsory, tuition-free primary- and lower-secondary-level education. Families often must pay fees for books, uniforms, lunches, school fund contributions, and examination fees. These costs often restricted the ability of low-income families to send children to school. Girls comprised approximately one-half of primary school students but only one-third of high school students.

Child Abuse: There are laws against child abuse.

Child, Early, and Forced Marriage: By law children younger than age 18 may not marry. Although government campaigns in several areas of the country, particularly in remote villages, sought to create awareness of the law, there were no reports of the government enforcing it.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, grooming, or using children for commercial sexual exploitation, including child sex trafficking, and practices related to child pornography. NGOs attributed difficulties in enforcement of the law to a culture of secrecy regarding intimate family matters and a penchant for resolution of problems outside of the formal legal system. There was limited information on the nature and extent of the problem. The minimum age for consensual sex is 18.

Antisemitism

There was no known Jewish community, and there were no reports of antisemitic acts.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law criminalizes consensual same-sex sexual conduct between adults by punishing "aggravated homosexuality," acts "against the order of nature," and "gross indecency." The law also punishes so-called cross-dressing. Authorities did not enforce these provisions.

Violence against LGBTQI+ Persons: There was no government-reported violence against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. Members of the LGBTQI+ community, however, reported government-

perpetrated violence, as they witnessed police beating 15 LGBTQI+ persons allegedly for being gay.

Discrimination: The law does not address discrimination against LGBTQI+ persons regarding essential goods and services such as housing, employment, and access to government services, including health care. There was strong societal discrimination against LGBTQI+ persons. There was limited information on equal access to housing, employment, and education. LGBTQI+ community members reported a lack of access to HIV and AIDS care and treatment due to lack of privacy at health facilities and stigma by health-care workers.

Availability of Legal Gender Recognition: There was no process for legal gender recognition.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of the practice of so-called conversion therapy.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no legal restrictions on addressing LGBTQI+ matters, but LGBTQI+ individuals did not engage in public messaging, public meetings, or organizational efforts due to heavy social pressure and the risk of violence and harassment.

Persons with Disabilities

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

Children with disabilities attended school through secondary education at a lower rate than other children.

An NHRC report in August 2021 detailed access problems for persons with

disabilities trying to register to vote. There were no sign language interpreters present and documentation was not available in braille, but commission observers saw registration officials assisting a blind woman. Many registration sites were not at ground level and did not have ramps for persons with crutches or wheelchairs. Persons with disabilities found it very difficult to vote in the December 2021 elections, although some were seen navigating crowds and uneven ground to do so. Persons with disabilities joined observer teams during the April legislative elections.

Other Societal Violence and Discrimination

Although there were no documented incidents of HIV-related stigma and discrimination in employment, housing, or access to education or health care, stigma and discrimination existed. Societal discrimination against persons with HIV and AIDS and fear of rejection by partners and relatives sometimes hindered identification and treatment. The government response was unclear.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides that workers, except for civil servants, domestic workers, court officers and certain other categories of workers, are free to form and join independent unions, bargain collectively, and conduct legal strikes. The law does not prohibit antiunion discrimination. A broad range of essential service employees, including in the military, police, health, ambulance, prison, water, electricity, and radio and telecommunication sectors, are prohibited from forming unions or going on strike. Additionally, the law authorizes the minister responsible for labor matters to exclude any other category of workers from the protection of the law. Police and military personnel have access to a complaint unit, and civil servants may bring workplace complaints to the public service commission or the government's personnel management office. Unions must register to be recognized. The law requires a minimum membership of 50 workers for the registration of a trade union, a threshold few workplaces could meet. In 2021, the International Labor Organization (ILO) noted that the processes for recognizing unions as having the status to bargain, and for organizing secret ballot union

elections, were not consistent with the country's obligations under relevant ILO conventions. The ILO also noted the categories of workers deprived of the right to form unions under the law were exceedingly broad.

The law also states that the registrar of unions must give the commissioner of labor written notice 14 days before beginning an industrial action (28 days for actions involving essential services). An employer may apply for a court injunction to prohibit industrial action deemed to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. The law prohibits retribution against strikers who comply with the law regulating 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 government did not consistently enforce the law; however, there were no official reports of persistent abuses of workers' right to join a union. Inspections and remediation were inadequate. Penalties were commensurate with those for similar offenses but were rarely applied. Administrative and judicial procedures were subject to lengthy delays and appeals.

Although trade unions were small and fragmented, collective bargaining occurred. Union members negotiated without government interference but often lacked experience, organization, and professionalism and turned to the government for assistance.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced or compulsory labor, including by children. The government did not effectively enforce the law. Inspection and training for inspectors were inadequate. The law does not offer protection to domestic laborers, leaving them vulnerable to exploitation.

Women, girls, and, to a lesser extent, boys were subjected to forced labor in street vending and domestic work. Some corrupt Quranic teachers exploited their students in forced begging, street vending, and agricultural work. The law permits compulsory labor for prisoners convicted of possession of prohibited publications, seditious statements, or writings, or publishing rumors or false statements, but no

defendant had been convicted or sentenced under this law for many years.

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

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits employment and occupation discrimination based on race, religion, national origin, color, sex (including pregnancy), ethnicity, disability, or age. The law does not specifically prohibit discrimination based on HIV and AIDS status, sexual orientation, or gender identity. The government did not enforce the law consistently, applying it in the formal sector but not in the large informal sector. Penalties were commensurate with those for other similar violations but were rarely applied against violators.

Employment in the formal sector was open to women at the same salary rates as men; however, societal discrimination lingered, and women generally worked in such low-wage pursuits as food vending and subsistence farming. Survivors of sexual harassment must resign to pursue redress through court action, which is limited to compensation.

The government did not report any cases of discriminatory practices with respect to employment or occupation. The ILO attributed this to poor structures for collecting information, noting that the private-sector wage gap between women and men in the country was 65 percent. Public-sector pay scales were the same for men and women. Persons with disabilities and LGBTQI+ persons experienced discrimination in employment.

e. Acceptable Conditions of Work

Wage and Hour Laws: Minimum wages and working hours are established by law through six joint industrial councils: commerce, artisans, transport, port

operations, agriculture, and fisheries. Only 20 percent of workers were covered by minimum wage laws, and almost 50 percent of the population lived below the national poverty line. Individuals often shared earnings and resources within extended families.

The basic legal workweek is 48 hours within a period not to exceed six consecutive days. The government's workweek consists of four eight-hour workdays Monday through Thursday and a four-hour workday on Friday. The private sector typically operates from Monday through Saturday. Regulations mandate a 30-minute lunch break and entitle workers to a minimum of 14 days of paid leave after one year of service. Overtime pay is calculated at time-and-a-half per hour. The rules apply equally to foreign or migrant workers.

Occupational Safety and Health: Occupational safety and health (OSH) standards were appropriate for the main industries in the country. OSH experts did not actively identify unsafe conditions. The law specifies appropriate safety equipment an employer must provide in designated occupations. The Department of Labour regulates factory health and safety, accident prevention, and dangerous trades. Workers may demand protective equipment and clothing for hazardous workplaces and have legal recourse for violations. The law does not prevent possible termination for workers who remove themselves from unsafe conditions. The law protects foreign workers employed by the government; it provides protection for privately employed foreigners only if they have valid work permits.

Violations of health and safety standards were common in the service, construction, agricultural, and domestic labor sectors. According to Forbes' 2020 report, *The World's Most Dangerous Countries for Workers*, 64 percent of workers stated they had been injured on the job.

Wage, Hour, and OSH Enforcement: The Department of Labour is responsible for enforcing the minimum wage, overtime, and OSH regulations. The government did not enforce the law. Penalties were not commensurate with those for similar violations such as fraud or negligence, and penalties were rarely applied. The number of inspectors was insufficient to enforce compliance, although inspectors did have the right to make unannounced inspections and initiate sanctions. Court cases to enforce compliance were lengthy, expensive, and

generally ineffective.

Informal Sector: The government did not apply labor laws in the large informal sector, which accounted for two-thirds of workers, according to the United Nations Development Program, or to part-time workers. Most informal-sector employees were women. Violations of freedom of association, forced labor, wage, and safety laws were common. Working conditions were especially poor among domestic employees, who were often subject to extremely long hours for low pay in unsuitable conditions.