



Home Office

The Gambia

Country of Origin Information (COI) Report

COI Service

5 November 2013

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Preface

- i. This Country of Origin Information (COI) report has been produced by COI Service, Home Office, for use by officials involved in the asylum and human rights determination process. The report provides background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom (UK). The main body of the report includes information available up to 15 October 2013. The report was issued on 5 November 2013.
- ii. The report is compiled from material produced by a wide range of external information sources published in English (occasionally the Home Office will arrange for a translation of source material from another language into English. Where this has occurred, this is stated in the text). All information in the report is attributed to the original source material.
- iii. The report aims to provide a compilation of extracts of the source material identified, focusing on the main issues raised in asylum and human rights applications in the UK. It is not intended to be a comprehensive survey of all issues that may arise in asylum and human rights claims. Officials are recommended to examine the original source material for further detail.
- iv. The structure and format of the report reflects the way it is used by Home Office decision makers and appeals presenting officers, who require quick, electronic access to information on specific issues and use the contents page to go directly to the subject of interest. Key issues arising in asylum and human rights claims are usually covered within a dedicated section but may also be referred to in other sections. Some repetition is therefore inherent in the structure of the report.
- v. The information included in this report is limited to that which can be identified from source documents. While the report aims to provide a range of information on topics relevant to asylum and human rights claims, it is not always possible to obtain information on all issues. For this reason it is important to note that information included in the report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi. As noted above, the report is a collation of material produced by a number of information sources. In compiling the report, no attempt has been made to resolve discrepancies between source documents. For example, source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling but to reflect the spellings used in the original source documents. Similarly, statistics given in different source documents sometimes vary and these are quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- vii. The report is based substantially upon source documents issued during the previous two years. However, some older source documents may be included because they

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

- viii This report and the accompanying source material are public documents. All COI reports are published on the Home Office website and the great majority of the source material is available in the public domain. Where the source documents identified are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, may be attached as an annex to the report or are available from COI Service upon request.
- ix COI reports are published on the 20 countries generating the most asylum claims in the UK. Reports on other countries may be published if there is a particular operational need. In addition, Home Office officials have access to an information request service for matters not covered by a report or where an update on a particular issue may be required.
- x In producing this report, COI Service has sought to provide an accurate, up-to-date, balanced, and impartial compilation of source material on the main issues relevant to the asylum decision making process. Any comments regarding this report or suggestions for additional source material are welcome and can be submitted to Home Office as below.

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Independent Advisory Group on Country Information

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI reports and other COI material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xii In the course of its work, the IAGCI reviews the content of selected Home Office COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI reports and other documents which have been reviewed by the IAGCI is available at <http://icinspector.independent.gov.uk/country-information-reviews>
- xiii Please note: it is not the function of the IAGCI to endorse any Home Office material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the IAGCI's work should not be taken to imply any endorsement of the

decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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1. Security forces

Overview

- 1.01 The US State Department's Country Reports on Human Rights Practices for 2012, Gambia, published in April 2013, stated:

'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 [National Intelligence Agency], 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 [National Drug Enforcement Agency], initially mandated to investigate narcotic crimes, received sweeping powers to protect state security, largely marginalizing the NIA.'¹

Police

- 1.02 IHS Jane's, Sentinel Security Country Assessments, Gambia, provided the following information, dated 27 September 2012: 'The Gambia Police Force (GPF) reports to the secretary of state for the interior and is headed by an inspector general of police. The president announced in January 2006 that the GPF was to become an armed force and to be divided into regional structures. According to Interpol, the GPF consists of around 5,000 uniformed and plain-clothes officers.'²

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Armed forces

- 1.03 IHS Jane's, a subscription-only website, described The Gambia's security forces in a piece dated 25 January 2012, stating, 'Gambia has no air force, only a tiny navy and no armoured or heavy weapons units, and a limited annual defence budget.'³
- 1.04 IHS Jane's provided the following information, dated 23 May 2013:

'Since the 1994 coup, both the military budget and the strength of the Gambian National Army (GNA) have been gradually increased... However, military effectiveness has been seriously affected by persistent disaffection within the ranks of the GNA, as well as by technical and financial constraints. Despite limited engagement with the Economic Community of West African States monitoring Group (ECOMOG) forces in Liberia and Guinea-Bissau and peacekeeping duties with a number of UN missions, the main role of the GNA is internal security.'

¹ US State Department <http://www.state.gov/> ; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> (Section 1.d) Date accessed: 29 July 2013

² IHS Jane's <http://www.ihs.com/products/janes/index.aspx>; Gambia; Security and foreign forces, dated 27 September 2012 <https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1305441> ; date accessed: 2 September 2013; hard copy available on request

³ IHS Jane's <http://www.ihs.com/products/janes/index.aspx> ; Gambia; Security, dated 25 January 2012 <https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1305624>; date accessed: 2 September 2013; hard copy available on request

'There have been a number of alleged plots and coup attempts by the army to overthrow the government resulting in the arrest and imprisonment of armed forces personnel. Allegations of a coup plot in March 2006 led to a new purge of the army. Similar suspicions of an impending threat to his rule by President Jammeh led to a widespread purge of the top echelons of the general staff in July 2012, which saw many dispatched to low-level ambassadorships overseas. Poor funding has led to resentment about overcrowding in barracks as well as salary arrears. However, new accommodation structures have been built and renovation work undertaken to improve the living conditions of officers, soldiers and their dependants.'⁴

See also sub-section on [Opposition groups and political activists](#) for information about the imprisonment of former military personnel accused of plotting against the Government.

- 1.05 The Central Intelligence Agency (CIA) World Factbook, Gambia, updated on 22 August 2013, stated that there is no military conscription but there is voluntary military service for males and females aged 18 and over.⁵

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National Intelligence Agency (NIA)

- 1.06 IHS Jane's provided the following information, dated 27 September 2012:

'The National Intelligence Agency (NIA) was established in 1995 to replace the previous structure, the National Security Service (NSS), which had been under the control of the deposed head of state. The NIA reports directly to the president and works closely with other security forces. Although the NIA was given leading responsibility for investigations and arrests under "Operation No Compromise" [regarding the hoarding of foreign currency], its personnel have not been exempt from prosecution. In the wake of the alleged coup plot of March 2006, the position of NIA director-general was changed twice in a few months, while restructuring and downsizing of the NIA was also reportedly planned.'⁶

- 1.07 Freedom Newspaper reported on 17 October 2012 that President Jammeh had ordered an increase in NIA operatives in Senegal to monitor Gambian dissidents there.⁷

[See section on Opposition groups and political activists.](#)

⁴ IHS Jane's <http://www.ihs.com/products/janes/index.aspx>; Gambia; Army, dated 23 May 2013 <https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1305440>; date accessed: 2 September 2013; hard copy available on request

⁵ Central Intelligence Agency <https://www.cia.gov/index.html>; World Factbook; Gambia, The; Military, last updated 13 August 2013 (regularly updated) <https://www.cia.gov/library/publications/the-world-factbook/geos/ga.html> Date accessed: 23 August 2013

⁶ IHS Jane's <http://www.ihs.com/products/janes/index.aspx> Gambia; Security and foreign forces, dated 27 September 2012 <https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1305441>; date accessed: 2 September 2013; hard copy available on request

⁷ Freedom Newspaper <http://freedomnewspaper.com/>; As Jammeh Declares Macky Sall A "Sworn Enemy" Gambia Bolsters NIA Presence In Senegal! Dated 17 October 2012 <http://www.freedomnewspaper.com/Homepage/tabid/36/mid/367/newsid367/8035/Breaking-News-As-Jammeh-Declares-Macky-Sall-A---Sworn-Enemy-Gambia-Bolsters-NIA-Presence-In-Senegal/Default.aspx> Date accessed: 3 September 2013

National Drug Enforcement Agency (NDEA)

- 1.08 The Point newspaper reported, on 10 January 2013, ‘The vision of the NDEA, according to Director General Jammeh is to contribute to national development by wiping out drugs from the face of The Gambia for once and for posterity, further stating that the agency will continue to conduct raids, arrest suspects of drug abuse and bring to justice the suspects in a professional manner, in accordance with the Drug Control Act 2003.’⁸
- 1.09 The same article provided further information about the drug problem in the Gambia here: <http://thepoint.gm/africa/gambia/article/pacpec-adopts-ndea-report>⁹

Human rights violations by government security forces

- 1.10 The US State Department’s Country Report on Human Rights Practices for 2012 stated, ‘Security force members were frequently corrupt and ineffective. Impunity was a problem, and police sometimes defied court orders.’¹⁰ The Freedom House report, Countries at the Crossroads, Gambia, September 2012, noted that, ‘The constitution calls for the protection of citizens from physical abuse, torture, extrajudicial executions, state-sponsored terror, and unjustified imprisonment; however, the state routinely violates these rights in practice.’¹¹

See also sections on [Human rights institutions, organisations and activists](#) and [Freedom of speech and media](#), and sub-section [Political affiliation – Opposition groups and political activists](#).

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Arbitrary arrest and detention

- 1.11 The US State Department’s Country Report 2012 stated:

‘The constitution and law prohibit arbitrary arrest and detention; however, there were instances of police and other security forces arbitrarily arresting and detaining citizens.

‘For example, on October 31, police arrested and detained for 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...He was dismissed shortly afterwards. On December 14, 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 and denied bail by a magistrate. No further details were given of the charges against him, and he remained in detention at year’s end.

⁸ The Point <http://thepoint.gm/> ; PAC/PEC adopts NDEA report, dated 10 January 2013
<http://thepoint.gm/africa/gambia/article/pacpec-adopts-ndea-report> Date accessed: 3 September 2013

⁹ The Point <http://thepoint.gm/>; PAC/PEC adopts NDEA report, dated 10 January 2013
<http://thepoint.gm/africa/gambia/article/pacpec-adopts-ndea-report> Date accessed: 3 September 2013

¹⁰ US State Department <http://www.state.gov/> ; Country Reports on Human Rights Practices for 2012; Gambia, The; published 19 April 2013; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> (Section 1.d) Date accessed: 29 July 2013

¹¹ Freedom House, <http://www.freedomhouse.org/> Countries at the Crossroads, Gambia, September 2012, http://www.ecoi.net/local_link/232536/341152_en.html (Civil liberties) Date accessed 1 September 2013

‘On December 3, authorities arrested prominent lawyer and former president of the Gambia Bar Association Amie Bensouda, reportedly for trying to obtain previous court judgements on land matters for a land governance assessment framework project for the World Bank. Police held her incommunicado for two days before releasing her. Her arrest coincided with the arrest of Imam Baba Leigh, who was thought to have been in the custody of the NIA in Banjul.’¹²

- 1.12 The US State Department Country Report 2012 further stated, ‘Security forces arbitrarily arrested journalists, an Islamic scholar, human rights activists, and other citizens during the year...’ The report described the arrest and prosecution of Lamin Mboge, ‘...a lawyer known for his commitment to human rights, on spurious charges. The trial remained ongoing at year’s end.’¹¹ The FCO provided an update on 30 September 2013 to the Human Rights and Democracy 2012 report, which described the detention of prominent members of Gambian society who were perceived to have criticised the Government, including Imam Baba Leigh, who was tortured during his detention, Imam Bakawsu Fofana, who also alleged torture, and TV personality and journalist Fatou Camera.¹³

See also sub-section on [Torture](#) below.

- 1.13 The US State Department report 2012 further stated, ‘While the law requires authorities to obtain a warrant before arresting a person, police often arrested individuals without a warrant.’¹¹
- 1.14 Amnesty International’s Annual Report 2013, covering January to December 2012, released May 2013, observed that, ‘The National Intelligence Agency (NIA) and police routinely carried out arbitrary arrests. Individuals were often held without charge and beyond the 72-hour time limit within which a suspect must be brought before a court, in violation of the Constitution.’¹⁴ The same source gave two examples of arbitrary arrest and detention.
- 1.15 The US State Department’s report also described military decrees, which give the NIA and the Interior Minister broad powers to detain individually indefinitely and without charge “in the interest of national security.” Further details are available here: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>¹⁵ (Section 1.d)

Treatment of those who are, and were perceived to be, political opponents, including arrest and detention, is covered in more in detail in the section, [Opposition groups and political activists](#)

¹² US State Department <http://www.state.gov/>; Country Reports on Human Rights Practices for 2012; Gambia, The; published 19 April 2013; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> (Section 1.d) Date accessed: 29 July 2013

¹³ Foreign and Commonwealth Office <https://www.gov.uk/government/organisations/foreign-commonwealth-office> Human Rights and Democracy 2012 report; Case Study: The Gambia – the death penalty, dated 30 September 2013 <http://www.hrdreport.fco.gov.uk/promoting-british-values/criminal-justice-and-the-rule-of-law/the-death-penalty/case-study-the-gambia-the-death-penalty/> Date accessed: 24 October 2013

¹⁴ [Amnesty International](http://www.amnesty.org/)<http://www.amnesty.org/>; Annual Report 2013; The State of the World’s Human Rights; covering 2012 and published May 2013; Gambia <http://www.amnesty.org/en/region/gambia/report-2013> date accessed: 30 July 2013

¹⁵ US State Department <http://www.state.gov/>; Country Reports on Human Rights Practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

Torture

- 1.16 The US State Department's Country Reports 2012 stated, 'The constitution and laws prohibit [torture]... ; however, there were reports that security forces tortured, beat, and mistreated persons in custody.' ¹⁵ (Section 1.c)
- 1.17 The same report provided examples of torture carried out by military officers, the police, the NIA and the NDEA. ¹⁵ (Section 1.c)

Avenues of complaint

- 1.18 The US State Department's Country Report for 2012, published in April 2013, stated:
- '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.' ¹⁶ (Section 1.c)
- 1.19 The US State Department Country Report added: '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.' ¹⁷ (Section 1.d)

2. Judiciary

Organisation

- 2.01 The US State Department's Reports on Human Rights Practices for 2012, published in April 2013, stated: 'Frequent delays and missing or unavailable witnesses, judges, and lawyers often impeded trials. Many cases also were delayed because of adjournments to allow the police or the NIA time to continue their investigations.' ¹⁸ (Section 1.e. Denial of Fair Public Trial)

The same report stated:

¹⁶ US State Department <http://www.state.gov/>; Country Reports on Human Rights Practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹⁷ US State Department <http://www.state.gov/>; Country Reports on Human Rights Practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹⁸ US State Department <http://www.state.gov/>; Country Reports on Human Rights Practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

‘The judicial system...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.’¹⁹ (Section 1.e. Denial of Fair Public Trial)

See also sub-section [Freedom of religion – Legal and policy issues](#) for further information about Qadi courts.

Independence

2.02 The US State Department’s Reports on Human Rights Practices for 2012, published in April 2013, stated:

‘The constitution and law provide for an independent judiciary; however, the courts lacked independence and were inefficient and corrupt. Amnesty International noted that 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...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 or other outside pressure.

‘In 2010 High Court judge Moses Richards was dismissed without explanation amid reports he criticized the domination of the bench by Nigerian judges and magistrates. In December 2010 Richards, who had gone into private legal practice, was arrested, denied bail, and charged with sedition and “giving false information to the public servant,” a reference to a letter he addressed to the sheriff of the High Court regarding a land dispute in the village of Jabang. On September 19, the Nigerian-born magistrate who presided over the case convicted Richards and sentenced him to two years’ imprisonment with hard labor. On October 14, a presidential pardon released Richards following an apology and a plea for mercy he addressed to President Jammeh.’²⁰ (Section 1.e. Denial of Fair Public Trial)

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Fair trial

¹⁹ US State Department <http://www.state.gov/>; Country Reports on Human Rights Practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

²⁰ US State Department <http://www.state.gov/>; Country Reports on Human Rights Practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

2.03 The US State Department's Reports on Human Rights Practices for 2012, published in April 2013, stated:

'The law provides for the presumption of innocence, a fair and public trial without undue delay, and adequate time and facilities to prepare defense. Under the law no one is compelled to testify or confess guilt. Trials were generally 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...Juries were not used. Defendants can consult an attorney and have the right to confront witnesses and 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, detainees were rarely informed of their rights or the reasons for their arrest or detention, according to Amnesty International. For example, outspoken Muslim cleric Imam Bakawsu Fofana, who was arrested on May 31 and held for nine days without charge, was never informed of the reason he was detained.'²¹ (Section 1.e. Denial of Fair Public Trial)

2.04 Further information about the fairness of trials in The Gambia can be obtained in Freedom House's Freedom in the World 2013 report, which covers 2012 and was published in May 2013.²²

See also Political affiliation – [Opposition groups and political activists](#).

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3. Prison conditions

3.01 Amnesty International's 2013 Annual Report, 'The State of the World's Human Rights' covering 2012 and dated May 2013, stated the following in the section on The Gambia: 'Poor sanitation, illness, lack of medical care, overcrowding, extreme heat and malnutrition plagued Gambia's prisons. External monitors were not allowed access. Lack of equipment such as fire extinguishers put prisoners' safety at risk.

'Prisoners on death row were not allowed visits by family or friends. Food in prisons was of poor quality but only remand prisoners were allowed food from outside. Rehabilitation programmes were non-existent.

'In October, it was reported that four inmates had died from illness, including two death row prisoners, Abba Hydara and Guinea-Bissau national Sulayman Ceesay; further information was not available. According to sources, inmate Amadou Faal, known as Njagga, was severely beaten in October by a prison officer. He suffered the loss of his

²¹ US State Department <http://www.state.gov/>; Country Reports on Human Rights Practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

²² Freedom House <http://www.freedomhouse.org/>; Freedom in the World 2013, The Gambia, covering 2012, published May 2013; <http://www.freedomhouse.org/report/freedom-world/2013/gambia>; Date accessed: 3 October 2013.

eye but was denied medical care for several days. The prison officer was not disciplined or charged.’²³

- 3.02 The US State Department’s Country Report on human rights practices for 2012 in The Gambia, published in April 2013, noted that, ‘Prison conditions were harsh and life-threatening.’ The same source provided further detail about prison conditions in section 1, Prison and detention center conditions.²⁴
- 3.03 The International Centre for Prison Studies’ undated World Prison Brief provided a snapshot of prisons in The Gambia.²⁵

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4. Death penalty

- 4.01 In an article dated 1 January 2013, the Hands Off Cain website stated:

‘The new Constitution adopted in 1996 retains the death penalty...Between 23 and 24 August 2012, The Gambia resumed executions after 31 years of de facto moratorium... On 14 September 2012...President Yahya Jammeh suspended the imminent executions of the remaining 38 prisoners on death row. [The Gambian government statement] warned, however, that the decision was only temporary. "What happens next will be dictated by either (a) declining violent crime rate, in which case the moratorium will be indefinite, or an increase in (the) violent crime rate, in which case the moratorium will be lifted automatically," the statement said...Before these executions, there was only one official execution since Gambia’s independence from the UK in 1965... However, it seems that executions in Gambia have continued unofficially with the most recent before August 2012 taking place in 2007.’²⁶

- 4.02 Amnesty International’s Annual Report 2013, ‘The State of the World’s Human Rights,’ covering 2012 and published in May 2013, stated:

‘In August [2012], nine death row prisoners – seven Gambian men, one Senegalese man and one Senegalese woman – were executed by firing squad, a week after President Jammeh had announced plans to carry out all existing death sentences. No prior notification was given to the individual prisoners, their families, their lawyers or the Senegalese authorities. The authorities did not confirm the executions – which caused an international outcry – until several days afterwards. Three of those executed, Malang Sonko, Tabara Samba and Buba Yarboe, were killed without exhaustion of their legal appeals, in violation of international fair trial standards. Another executed man, Dawda Bojang, had been sentenced in 2007 to life imprisonment for murder. When he appealed his conviction at the High Court in 2010, his sentence was changed to death. He had not exhausted his appeal to the Supreme Court when he was executed. The Constitution states that all those sentenced to death must be guaranteed the right of

²³ Amnesty International <http://www.amnesty.org/>; Annual report 2013; The state of the world’s human rights; Gambia; covering January to December 2012, published May 2013; <http://www.amnesty.org/en/region/gambia/report-2013> Date accessed: 30 July 2013

²⁴ US State Department <http://www.state.gov/>; Country Reports on Human Rights Practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

²⁵ International Centre for Prison Studies <http://www.prisonstudies.org/>; World Prison Brief; The Gambia, undated http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=21; Date accessed: 3 October 2013.

²⁶ Hands Off Cain <http://www.handsoffcain.info/>; information about The Gambia dated 1 January 2013; <http://www.handsoffcain.info/news/index.php?iddocumento=17001191> Date accessed: 8 August 2013

appeal to the Supreme Court...In October, the Supreme Court upheld the convictions for treason of seven men sentenced to death in June 2010 for plotting to overthrow the government. International observers were barred from the courtroom.

‘At the end of the year at least 36 people remained on death row.’²⁷

- 4.03 Further information about the death penalty is available at the US State Department’s [Country Report on human rights practices for 2012, The Gambia](#), published in April 2013²⁸ (Section 1a; Arbitrary or unlawful deprivation of life) and at the [Hands Off Cain](#)²⁹ website, which provides information dated 1 January 2013, including the wording of the Constitution relating to the death penalty.

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5. Political affiliation

This section should be read in conjunction with sections on [Freedom of speech and media](#) and [Human rights institutions, organisations and activists](#).

Overview

- 5.01 The US State Department’s Country Report on Human Rights Practices for 2012, Gambia, published in April 2013, stated:

‘The Gambia is a multiparty democratic republic. In November 2011 voters reelected 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 on March 29. Six of the seven opposition parties boycotted the elections in protest over government intervention and intimidation of opponents. There were instances in which elements of the security forces acted independently of civilian control.

‘The most serious human rights problems in the country included government interference with the election process; the government’s harassment and abuse of its critics; torture, arrest and detention, and sometimes enforced disappearance of its citizens; and executions as a result of a flawed, problematic, and politically charged legal process.’³⁰ (Executive summary)

See also section on [Freedom of speech and media](#)

Political parties

²⁷ Amnesty International <http://www.amnesty.org/> Annual report 2013; The state of the world’s human rights; Gambia; covering January to December 2012, published May 2013;

<http://www.amnesty.org/en/region/gambia/report-2013> Date accessed: 30 July 2013

²⁸ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

²⁹ Hands Off Cain <http://www.handsoffcain.info/>; information on The Gambia dated 1 January 2013

<http://www.handsoffcain.info/news/index.php?iddocumento=17001191> Date accessed: 8 August 2013

³⁰ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

- 5.02 The Independent Electoral Commission The Gambia provided (undated) information about each of the ten registered political parties in The Gambia:
<http://www.iec.gm/political-parties> ³¹

Freedom of political expression

- 5.03 The US State Department Country Report 2012 stated, '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 the government's intimidation of voters and ruling party control of the media.' ³²
- 5.04 The US State Department report added, 'The APRC [President Jammeh's party] 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.' ³³ (Section 3)
- 5.05 See also Freedom House's Countries at the Crossroads 2012; The Gambia, published in September 2012 (Accountability and Public Voice) ³⁴ which provides further information about freedom of political expression.

See also section on [Freedom of speech and media](#), which provides information about the control of the media for political reasons.

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Freedom of association and assembly

- 5.06 In its Freedom in the World 2013 report, covering 2012 and published in May 2013, Freedom House stated, 'Freedoms of assembly and association are legally protected but constrained by state intimidation in practice.' ³⁵
- 5.07 The US State Department's Report for 2012 stated, '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

³¹ Independent Electoral Commission – The Gambia <http://www.iec.gm/>; Political parties, undated <http://www.iec.gm/political-parties> Date accessed: 5 September 2013

³² US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

³³ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

³⁴ Freedom House <http://www.freedomhouse.org/>; Countries at the Crossroads 2012; The Gambia, published September 2012 <http://www.freedomhouse.org/report/countries-crossroads/2012/gambia>; Date accessed: 4 October 2013.

³⁵ Freedom House <http://www.freedomhouse.org/>; Freedom in the World 2013; Gambia, The; covering 2012, published May 2013 <http://www.freedomhouse.org/report/freedom-world/2013/gambia> Date accessed: 31 July 2013

issue permits to opposition parties wishing to hold political rallies.’³⁶ (Section 2.b) The same source provided a number of examples in section 2.b.³⁷

- 5.08 The report added, ‘Unlike in previous years, there were no reports that opposition leaders were imprisoned for organizing political rallies without permits. The constitution and law provide for freedom of association, and the government generally respected this right in practice.’³⁸ (Section 2.b)

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Opposition groups and political activists

This subsection covers ‘political’ activists, however other groups including civic society, human rights defenders and journalists who criticise or question the government’s activities or policies may also be considered to have a ‘political’ view. See sections on [Freedom of speech and media](#), and [Human rights institutions, organisations, and activists](#) for more information on these specific groups.

- 5.09 The US State Department Country Report stated:

‘During the year there were credible reports that the government held civilians based on their political views or associations, and some were held incommunicado for prolonged periods. 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. They were held in the security wing of Mile 2 Central Prison, but were occasionally allowed visits from family members. The government did not allow international human rights organizations to have regular access to these detainees.’³⁹ (Section 1.e) The report provided examples of political prisoners and detainees in section 1e.⁴⁰

- 5.10 In a news article dated 21 August 2012, Amnesty International stated, “‘Unfair trials are commonplace in the country, where death sentences are known to be used as a tool against the political opposition and international standards on fair trials are not respected”, said Audrey Gaughran [Amnesty International’s Africa Director]. “The number of grossly unfair trials is shocking and an especially serious concern in cases where the death penalty is handed down.”⁴¹

³⁶ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

³⁷ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

³⁸ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

³⁹ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

⁴⁰ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

⁴¹ Amnesty International <http://www.amnesty.org/>; Gambia: President Jammeh must retract call for execution of death row inmates, dated 21 August 2012 <http://www.amnesty.org/en/news/gambia-president-jammeh-must-retract-call-execution-death-row-inmates-2012-08-21> Date accessed: 6 September 2013

- 5.11 The Freedom House report, 'Countries at the Crossroads 2012; The Gambia,' published in September 2012, stated:

'In contrast, opposition political parties are sidelined and allowed little political space in one-sided electoral contests in which Jammeh is assured of victory. Jammeh's hold on power is aided by the poor financial base and the personal, political, and sometimes ideological differences among the opposition. Opposition political parties and their leaders are subject to frequent arrests, intimidation, and legal harassment, and they devote what little financial resources they have at their disposal to fight legal battles. Thus, elections are lost long before the first ballot is cast on election day.'⁴²

(Accountability and Public Voice) The report contains further information about state treatment of any groups accused of opposing the Government.

See also section on the [Death penalty](#) and the sub-sections on [Judiciary – Fair trial](#), [Human rights violations by government forces](#) and the [National Intelligence Agency](#).

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6. Freedom of speech and media

Overview

- 6.01 Chapter IV, Section 25 (1a) of the [Constitution](#), Freedom of Speech, Conscience, Assembly, Association and Movement, stated that:

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

'(a) freedom of speech and expression, which shall, include freedom of the press and other media...' ⁴³

- 6.02 The FCO provided an update to its Human Rights and Democracy 2012 report on 30 September 2013, which stated:

'Government pressure to restrict freedom of assembly and of speech continues. The freedom of the media continues to be curtailed. The introduction of the Information and Communication (Amendment) Act 2013 represses dissent still further, including publication on the internet. At its maximum, the sentencing for contravening this law carries a prison term of 15 years and a fine of up to Dalasi 3 million, about €64,000. Strict laws regulate libel, false information and sedition and are used regularly to silence political opponents. Several journalists have resorted to living in exile because of charges of treason and sedition pending against them.'⁴⁴

⁴² Freedom House <http://www.freedomhouse.org/>; Countries at the Crossroads 2012; The Gambia, published September 2012 <http://www.freedomhouse.org/report/countries-crossroads/2012/gambia>; Date accessed: 4 October 2013.

⁴³ World Intellectual Property Organisation <http://www.wipo.int/portal/index.html.en>; Constitution of the Republic of The Gambia, Adopted on 8 August 1996, entered into force in January 1997, last amended in 2001 http://www.wipo.int/wipolex/en/text.jsp?file_id=221243#LinkTarget_2234 Date accessed: 8 August 2013

⁴⁴ Foreign and Commonwealth Office <https://www.gov.uk/government/organisations/foreign-commonwealth-office> Human Rights and Democracy 2012; Case Study: The Gambia – the death penalty, dated 30 September 2013 <http://www.hrdreport.fco.gov.uk/promoting-british-values/criminal-justice-and-the-rule-of-law/the-death-penalty/case-study-the-gambia-the-death-penalty/> Date accessed: 24 October 2013

6.03 Freedom House's report, 'Freedom in the World 2013,' covering 2012 and published in May 2013, stated, 'The government does not respect freedom of the press. Laws on sedition give the authorities great discretion in silencing dissent, and independent media outlets and journalists are subject to harassment, arrest, and violence.'

'In July 2012, Abdulhamid Adiamoh, the managing editor of the newspaper Today, was convicted of contempt of court in connection with an opinion piece in which he criticized a defense lawyer in the trial of a former university lecturer; he was released after paying a fine of [US]\$3,100. In August, authorities shut down independent radio station Teranga FM after the station had been told to stop airing newspaper reports translated into local languages; it remained closed at year's end. In September, two independent papers, the Daily News and The Standard, were ordered by security officials to cease publication, though no official explanation was provided; both papers have reported on sensitive political issues, including the 2012 execution of nine death-row prisoners. In September, Jammeh announced that he would allow the United Nations to investigate the 2004 killing of Deyda Hydara and the disappearance of Ebrima Manneh, both prominent journalists, though the process was stalled at year's end. The government runs Radio Gambia, as well as the sole television channel and the Gambia Daily newspaper. There are several private radio stations and newspapers, and foreign broadcasts are available. While the state generally does not restrict internet usage, some websites, including that of the U.S.-based newspaper Gambia Echo, have been blocked.'⁴⁵ (Political rights and civil liberties)

6.04 Freedom House's report, Countries at the Crossroads 2012, published in September 2012, stated the following in its section on The Gambia:

'Gambia's political environment is hostile to journalists and privately-owned media, resulting in self-censorship. The only television station in the country, Gambia Radio and Television Services (GRTS), which is state-owned and controlled, along with the Daily Observer, believed to be owned by the president, and the Gambia Daily, a government-owned newspaper, serve as propaganda tools for the regime. In response to the crackdown on the media and its use as a tool of repression, Gambian online newspapers and radio stations established by self-exiled journalists have mushroomed to shed light on corruption and human rights violations committed by the regime. Seeking to maintain its power against a growing Gambian political community, the regime has countered with technologies to limit citizen access to online newspapers and hacked the Freedom newspaper in the U.S., and The Gambia Echo, an online newspaper based in the U.S. is blocked, during the period under review, in The Gambia and cannot be accessed by general readers.'⁴⁶ (Accountability and Public Voice)

6.05 The Gambia is ranked at number 152 out of 179 countries in Reporters Without Borders' 2013 World Press Freedom Index.⁴⁷

⁴⁵ Freedom House <http://www.freedomhouse.org/>; Freedom in the World 2013; Gambia, The; Covering 2012, published May 2013 <http://www.freedomhouse.org/report/freedom-world/2013/gambia> Date accessed: 31 July 2013

⁴⁶ Freedom House <http://www.freedomhouse.org/>; Countries at the Crossroads 2012; The Gambia, published September 2012 <http://www.freedomhouse.org/report/countries-crossroads/2012/gambia>; Date accessed: 4 October 2013.

⁴⁷ Reporters Without Borders <http://en.rsf.org/>; World Press Freedom Index 2013 http://fr.rsf.org/IMG/pdf/classement_2013_gb-bd.pdf; Date accessed: 4 October 2013.

- 6.06 'Freedom of the Press, 2013,' a report by Freedom House covering 2012 and published in July 2013, provided further information about conditions for press freedom in its section on The Gambia.⁴⁸

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Journalists

- 6.07 The Freedom House report, 'Freedom of the Press 2013,' covering 2012 and published in July 2013, stated the following in the section on The Gambia:

'Although Article 34 of the constitution provides for freedom of the press and freedom of expression, the government does not respect these rights in practice. Constitutional protections are undermined by other legislation, primarily the 2004 Newspaper Amendment Act, which established a newspaper registration process that extracts excessive bonds from media institutions, as well as a 2004 criminal law that mandates stiff penalties for offenses including publication of false information, sedition, and libel. Journalists are regularly arrested and detained on flimsy, superficial charges. In January 2012, reporter Mamadou S. Jallow of the private Daily News was arrested, detained, and charged with defamation for a story alleging that a local chief gave a state-sponsored travel voucher to his lover. Three journalists covering judicial decisions faced arrest and detention on contempt-of-court charges during the year. In June, a lower court ordered the arrest of Abdul Hamid Adiamoh, the managing editor of the newspaper Today, for an article that allegedly misrepresented a cross-examination in a criminal trial. He was later convicted and ordered to pay a fine of 100,000 dalasi (\$3,200) or serve six months in prison with hard labor. Also in June, the deputy editor of the Daily News, Lamin Njie, was arrested and held for three days for a story about the court proceedings in a case regarding economic crimes. In July, journalist Sidiq Asemota of the Daily Observer was arrested on the orders of the presiding judge of the Banjul High Court and detained for a day for allegedly misreporting the facts of a forgery case... Extralegal intimidation of journalists did not ease in 2012. In September, British Broadcasting Corporation (BBC) correspondent Thomas Fessy was detained and ordered to leave the country, despite having the proper entry visa. The reporter had flown into the Gambia from Senegal to report on the execution of the country's condemned inmates in August. Later in the year, journalists Abubacarr Saidykhan and Baboucarr Ceesay received written and verbal death threats from unknown men for their ongoing coverage of the death-row controversy. Saidykhan later fled the country due to the threats. In December, security forces entered his residence and arrested and temporarily detained his younger brother in an effort to ascertain his location. A number of other journalists continue to live in exile following earlier threats to their lives.

'Efforts by the Economic Community of West African States (ECOWAS) Court of Justice in Abuja to hold the government accountable for past mistreatment of journalists have borne little fruit. In February 2012, the court rejected the Gambian government's appeal against a judgment awarding \$200,000 in damages for the 2006 imprisonment of now exiled journalist Musa Saidykhan. At the time of his arrest, Saidykhan was editor in chief of the Independent, a weekly that has since been banned. The government has so far ignored the court's ruling. In another ongoing case, in 2008 the ECOWAS court had ordered the Gambian government to release and compensate "Chief" Ebrimah Manneh,

⁴⁸ Freedom House <http://www.freedomhouse.org/>; Freedom of the Press 2013; The Gambia; covering 2012 and published in July 2013 <http://www.freedomhouse.org/report/freedom-press/2013/gambia> ; Date accessed: 4 October 2013.

who was arrested in 2007 by state security agents and has been missing since. The government rejected the decision in 2009, with the attorney general and justice minister formally declaring that Manneh was not in government custody. In October 2011, Justice Minister Edward Gomez claimed in an interview with the Daily News that Manneh was alive, though he revealed no more information regarding his whereabouts. In February 2012, the Gambian government asked for UN assistance in Manneh's disappearance, but no further developments in the case were reported by year's end.' ⁴⁹

- 6.08 Further information regarding freedom of the media is available in Freedom House's Freedom of the Press 2013 report, which covers 2012 and was published in July 2013.⁵⁰ [Amnesty International](#) provided information about harassment of journalists in their [Annual Report 2013](#)⁵¹ (Repression of dissent and Freedom of expression sections). The Report stated that two journalists were arbitrarily arrested and detained and two newspapers were closed.
- 6.09 Further information about media freedom, particularly in relation to journalists, can be found at [Committee to Protect Journalists' Gambia page](#).⁵²

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Radio and television

- 6.10 The BBC's Gambia Country Profile, dated 7 March 2012, stated, 'State-run Radio Gambia broadcasts tightly-controlled news, which is relayed by private radio stations. Radio France Internationale is available on FM. The government operates the only national TV station.'⁵³ (Media)

Internet

- 6.11 The US State Department's Country Report on Human Rights Practices for 2012, published in April 2013, stated:

'There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail. However, Internet users reported they could not access the Web sites of foreign online newspapers Freedom, The Gambia Echo, Hellogambia, and Jollofnews, which criticized the government. According to the International

⁴⁹ Freedom House <http://www.freedomhouse.org/>; Freedom of the Press 2013; The Gambia; covering 2012 and published in July 2013 <http://www.freedomhouse.org/report/freedom-press/2013/gambia> ; Date accessed: 4 October 2013.

⁵⁰ Freedom House <http://www.freedomhouse.org/> ; Freedom of the Press 2013; The Gambia; covering 2012 and published in July 2013 <http://www.freedomhouse.org/report/freedom-press/2013/gambia> ; Date accessed: 4 October 2013.

⁵¹ Amnesty International <http://www.amnesty.org/> ; Annual report 2013; The state of the world's human rights; Gambia; covering January to December 2012, published May 2013; <http://www.amnesty.org/en/region/gambia/report-2013> Date accessed: 30 July 2013

⁵² Committee to Protect Journalists <http://www.cpj.org/> ; Gambia <http://www.cpj.org/africa/gambia/> Date accessed: 8 August 2013

⁵³ BBC <http://www.bbc.co.uk/> ; The Gambia Profile, dated 7 March 2012 <http://www.bbc.co.uk/news/world-africa-13378353> Date accessed: 8 August 2013

Telecommunications Union, 10.87 percent of individuals used the Internet in 2011.’⁵⁴
(Section 2a; Internet freedom)

- 6.12 However, the Committee to Protect Journalists reported on 10 July 2013 that: ‘The Committee to Protect Journalists condemns an amendment to a media law adopted by the Gambian parliament that imposes lengthy prison sentences and heavy fines on individuals who use the Internet in any capacity to criticize government officials.’⁵⁵

7. Human rights institutions, organisations and activists

For a fuller picture of freedom of expression and attitudes of the state towards real and perceived opposition or criticism, officials are advised to read this section in conjunction with sections on [Political affiliation](#) and [Freedom of speech and media](#).

- 7.01 Front Line Defenders (International Foundation for the Protection of Human Rights Defenders) provided the following undated information, accessed on 27 August 2013:

‘Human rights defenders (HRDs) in The Gambia operate in a widespread climate of fear, suspicion and self-censorship. Freedom of expression is gravely limited and human rights defenders and journalists critical of the government are under threat. NGOs operate in a restrictive environment, are subjected to strict monitoring by the authorities and pushed to act on issues in accordance with the government's agenda. Of further concern is the issue of the independence of the judiciary (or lack thereof): the State has taken action to have full control over it, as illustrated by several cases of fabricated charges and trials against HRDs.... Two statements made by the government also demonstrate its will to vigorously punish any sort of criticism. In a televised statement on 21 September 2009 the Gambian President threatened human rights defenders – Gambians and foreigners alike – with death should they criticize the government. On 10 January 2011, the Justice Minister Edward Anthony Gomez gave an interview to The Daily News where the state official threatened to persecute expatriate Gambians that criticize the country's human rights records if they ever return home... NGOs in Gambia are limited [sic] in the range of activities they can undertake, are closely monitored by the government and pressured to work on non-sensitive issues. In 2010, the NGOs Affairs Agency was moved from the Ministry of Interior to the office of the President, thus increasing the monitoring of civil society. NGO registration is burdensome and includes the mandatory acceptance to conform to government development plans. Harassment of NGOs monitoring human rights violations or working on politically sensitive issues was reported. As a result, many NGOs exercise self-censorship and opt to work on less sensitive matters.’⁵⁶
(Overview)

See also section on [Judiciary](#)

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⁵⁴ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

⁵⁵ Committee to Protect Journalists <http://www.cpj.org/>; Amended Gambian media law restricts Internet freedom, dated 10 July 2013 <http://www.cpj.org/2013/07/amended-gambian-media-law-restricts-internet-freed.php> Date accessed: 8 August 2013

⁵⁶ Front Line Defenders <http://www.frontlinedefenders.org/> The Gambia; Overview; undated <http://www.frontlinedefenders.org/The-Gambia> Date accessed: 27 August 2013

7.02 The US State Department's Country Report on Human Rights Practices for 2012, The Gambia, published in April 2013, stated:

'A number of domestic and international human rights groups generally operated despite government restrictions, investigating and publishing their findings on human rights cases. However, government officials were seldom cooperative or responsive to their views. According to Annual Report 2011 of the Observatory for the Protection of Human Rights Defenders, the legal and institutional environment in the country continued to limit nongovernmental organizations (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.' [The report cited a number of examples of harassment.] (section 5)⁵⁷

7.03 The US State Department's report continued:

'UN and Other International Bodies: The government allowed visits during the year by the UN 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 to 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 on November 27, the Office of the Ombudsman 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.'⁵⁸ (Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights)

7.04 Further information about the situation for NGOs can be found in Freedom House's Countries at the Crossroads 2012 report, published in September 2012⁵⁹ (Accountability and Public Voice). The Observatory for the Protection of Human Rights Defenders' report, 'The Gambia; Climate of fear amongst the community of human

⁵⁷ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

⁵⁸ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

⁵⁹ Freedom House <http://www.freedomhouse.org/>; Countries at the Crossroads 2012; The Gambia, published September 2012 <http://www.freedomhouse.org/report/countries-crossroads/2012/gambia>; Date accessed: 4 October 2013

rights defenders,'⁶⁰ dated July 2011, provided information about the position for NGOs (p 12 onwards).

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8. Freedom of religion

Legal and policy issues

8.01 The US State Department's International Religious Freedom Report for 2012, covering 2012 and published on 20 May 2013, stated, 'The constitution and other laws and policies protect religious freedom.

'The constitution establishes Qadi courts, with Muslim judges trained in the Islamic legal tradition, in such places as the chief justice determines. The Qadi courts sit in each of the country's seven regions and apply traditional Islamic law. Their jurisdiction applies only to marriage, divorce, and inheritance questions for Muslims. A five-member Qadi appeals panel deals with appeals against decisions of the Qadi courts and district tribunals relating to Islamic law.

'The Supreme Islamic Council is an independent body that advises the government on religious issues. Although not represented on the council, the government provides the council with substantial funding. The minister of religious affairs maintains a formal relationship with the council.

'The government does not require religious groups to register. Faith-based nongovernmental organizations (NGOs) must meet the same registration and licensing requirements as other NGOs.

'The government permits religious instruction in schools. Both public and private schools throughout the country provide Biblical and Quranic studies without government restriction or interference. The government funds religious instruction in public schools, but this instruction is not mandatory.

'The government observes the following religious holidays as national holidays: Maulid al-Nabi (the Birth of the Prophet Muhammad), Good Friday, Easter Monday, Assumption Day, Koriteh (Eid al-Fitr), Tobaski (Eid al-Adha), Yaomul Ashura (the Islamic New Year), and Christmas.'⁶¹ (Section II. Legal/Policy Framework)

See also [Judiciary – organisation](#) for further information about the Judiciary in general.

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Religious demography

8.02 The US State Department's Religious Freedom Report for 2012, covering 2012 and published in May 2013, stated:

⁶⁰ The Observatory for the Protection of Human Rights Defenders <http://www.omct.org/human-rights-defenders/observatory/>; The Gambia; Climate of fear amongst the community of human rights defenders, dated July 2011; http://www.omct.org/files/2011/07/21336/the_gambia_mission_report.pdf; Date accessed: 4 October 2013

⁶¹ US State Department <http://www.state.gov/>; International Religious Freedom Report for 2012; Gambia, The; covering 2012 and published 20 May 2013 <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper> Date accessed: 23 August 2013

'The Bureau of Statistics estimates the population to be 1.74 million. Sunni Muslims constitute more than 90 percent of the population. The majority is Malikite Sufi and the main orders represented are Tijaniyah, Qadiriya, and Muridiyah. Small numbers of immigrants from South Asia are Shafi'i Sunnis. Sufi orders pray together at common mosques. There are also small numbers of non-Sufi Muslims, including members of the Ahmadiyya Muslim community.

'An estimated 9 percent of the population is Christian. Most Christians are Roman Catholic. There are also Anglicans, Methodists, Baptists, Seventh-day Adventists, Jehovah's Witnesses, and a number of evangelical groups. Less than 1 percent of the population is Bahai or practices indigenous animist religious beliefs. There is a small community of Hindus among South Asian immigrants and business persons.'⁶²
(Section I. Religious Demography)

State attitudes

- 8.03 The US State Department's International Religious Freedom Report, covering 2012 and published in May 2013, stated, '...in practice, the government generally respected religious freedom. The trend in the government's respect for religious freedom did not change significantly during the year.'⁶³ (Executive Summary)
- 8.04 The same report added, 'There were no reports of abuses of religious freedom. Government meetings and events typically commenced with two prayers, one Islamic and one Christian. The government often invited senior officials of both religious groups to open major government events with prayers. The president, a Muslim, delivered an annual Christmas message to the nation and also delivered messages for major Muslim feasts.'⁶⁴ (Section II. Government Practices)
- 8.05 Freedom House reported the following in its 'Freedom in the World 2013' report, covering 2012 and published in May 2013: '...in 2009, state forces led mass hunts for those accused of witchcraft. Nearly 1,000 people were kidnapped, with many brought to secret government detention centers, beaten, and forced to drink hallucinogenic substances, resulting in two deaths. Open and free private discussion is limited by fears of government surveillance and retaliation.'⁶⁵

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Societal attitudes

- 8.06 The US State Department's International Religious Freedom Report for 2012, which covered 2012 and was published in May 2013, stated, 'There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice.'

⁶² US State Department <http://www.state.gov/>; International Religious Freedom Report for 2012; Gambia, The; covering 2012 and published 20 May 2013

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper> Date accessed: 23 August 2013

⁶³ US State Department <http://www.state.gov/>; International Religious Freedom Report for 2012; Gambia, The; covering 2012 and published 20 May 2013 <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper> Date accessed: 23 August 2013

⁶⁴ US State Department <http://www.state.gov/>; International Religious Freedom Report for 2012; Gambia, The; covering 2012 and published 20 May 2013 <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper> Date accessed: 23 August 2013

⁶⁵ Freedom House <http://www.freedomhouse.org/>; Freedom in the World 2013; Gambia, The; covering 2012, published May 2013 <http://www.freedomhouse.org/report/freedom-world/2013/gambia> Date accessed: 31 July 2013

'The Interfaith Group for Dialogue and Peace, comprised of representatives from the Muslim, Christian, and Bahai communities, met regularly to discuss matters of mutual concern, such as religious freedom and the need to live together in harmony. The Interfaith Group did not include some groups such as Baptists, Seventh-day Adventists, and the Church of Christ the Redeemer.

'Intermarriage between Muslims and Christians was common.'⁶⁶ (Section III. Status of Societal Respect for Religious Freedom)

8.07 Freedom Newspaper reported the following on 9 October 2011:

'Gambia is one country endowed with high level religious tolerance. It is one of the greatest social values every Gambian prides of [sic]. Though the population is said to be about 90% Muslims, anyone visiting the country in December during the Christmas and New Year seasons will be surprised. Christmas is celebrated in much the same way that every Muslim feast is observed throughout the country.

'Muslims and Christian intermarry and attend funerals or naming ceremonies as part of shared social events. There is no religious discrimination. Even non-religious members of Gambian society enjoy great respect from rest of the population. Social relation in Gambia is so mutually inclusive that the naked eye is unable to pick where a person belongs by way of dress and association.'⁶⁷

8.08 A website called The Mandinka People, which has links with The Southern Baptist Convention, stated, 'The few MNKs [Mandinkas] who have converted to Christianity are viewed as traitors to Mandinka society, to their heritage, and to their ancestors. Often they are driven from their compounds and villages, rejected by their families.'⁶⁸

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9. Ethnic groups

Overview

9.01 The CIA World Factbook stated that in July 2013 the population of The Gambia was estimated to be 1,883,051⁶⁹ (Gambia, The; People and Society)

9.02 The CIA World Factbook gave the following breakdown of ethnic groups in The Gambia: 'African 99% (Mandinka 42%, Fula 18%, Wolof 16%, Jola 10%, Serahuli 9%, other 4%), non-African 1% (2003 census)'⁷⁰ (Gambia, The; People and Society)

⁶⁶ US State Department <http://www.state.gov/>; International Religious Freedom Report for 2012; Gambia, The; covering 2012 and published 20 May 2013 <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper> Date accessed: 23 August 2013

⁶⁷ Freedom Newspaper <http://freedomnewspaper.com/>; President Jammeh castigates Gambian Muslims, seeks friendship with Islamic nations, posted 9 October 2011 <http://www.freedomnewspaper.com/Homepage/tabid/36/newsid367/6893/mid/367/Gambia-President-Jammeh-castigates-Gambian-Muslims-seeks-friendship-with-Islamic-nations/Default.aspx> Date accessed: 23 August 2013

⁶⁸ The Mandinka People <http://www.mandinkapeople.org/>; Mandinka Beliefs, undated <http://www.mandinkapeople.org/beliefs.htm> Date accessed: 23 August 2013

⁶⁹ Central Intelligence Agency <https://www.cia.gov/index.html> World Factbook; Gambia, The; last updated 13 August 2013 <https://www.cia.gov/library/publications/the-world-factbook/geos/ga.html> Date accessed: 23 August 2013

Inter-ethnic relations

9.03 Gambia.com, an undated online resource for promoting businesses in The Gambia, accessed on 23 August 2013, stated:

‘There are 9 main ethnic groups in Gambia living side by side with a minimum of inter-tribal friction, each preserving its own language, music, cultural traditions and even cast systems though there is an increasing amount of cultural interaction and fusion. The tribes are Mandinka, Wolof, Fula, Jola, Serehulae, Serreher, Akus, Lebanese and Mauritians. While there is growth in multi-ethnic expressions, the search by groups to reaffirm their identities remains. As a whole they represent a snap-shot of Senegambia society.

‘However, classifying people by blood or ethnic traits is increasingly difficult as there has been extensive migrations and inter-marriages over the centuries.’⁷¹

9.04 Freedom House’s ‘Freedom in the World 2013’ report, covering 2012 and published in May 2013, stated, ‘The Gambia’s various ethnic groups coexist in relative harmony, though critics have accused Jammeh of giving preferential treatment to members of his Jola ethnic group in the military and government.’⁷² (Political Rights and Civil Liberties)

9.05 The Point, a Gambian news website, stated the following in an article dated 22 April 2010:

‘Almost all major ethnic groups are represented in most areas of Senegambia meaning that indigenous languages, religious beliefs, social values, patterns of living, traditional, social and political organisations are approximately identical or similar... indeed there is no region or area in either The Gambia or Senegal exclusively inhabited by one ethnic group as is often the case in many other countries in our continent and elsewhere with all the too familiar negative implications. And although group identity and allegiances are not unimportant, their impact is minimized by the existence of dynamic socio-cultural relationships, intermarriage and religion for example, that cut across diverse ethnic groups in a manner (frequency, scale and spontaneity) rarely found in other parts of the world or even in other African countries.’⁷³

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Language

⁷⁰ Central Intelligence Agency <https://www.cia.gov/index.html> World Factbook Gambia, The; last updated 13 August 2013 <https://www.cia.gov/library/publications/the-world-factbook/geos/ga.html> Date accessed: 23 August 2013

⁷¹ Gambia.com <http://www.gambia.com/>; Ethnic Groups of The Gambia, dated 15 March 2013 <http://www.gambia.com/gambia-news/ethnic-groups-of-the-gambia/> Date accessed: 23 August 2013

⁷² Freedom House <http://www.gambia.com/>; Freedom in the World 2013; Gambia, The; Covering 2012, published May 2013 <http://www.freedomhouse.org/report/freedom-world/2013/gambia> Date accessed: 31 July 2013

⁷³ The Point <http://thepoint.gm/>; Senegambian Ethnic Groups: Common Origins and Cultural Affinities Factors and Forces of National Unity, Peace and Stability, dated 22 April 2010; <http://thepoint.gm/africa/gambia/article/senegambian-ethnic-groups-common-origins-and-cultural-affinities-factors-and-forces-of-national-unity> Date accessed: 27 August 2013

- 9.06 The CIA World Factbook listed the languages spoken in The Gambia: 'English (official), Mandinka, Wolof, Fula, other indigenous vernaculars'⁷⁴ (Gambia, The; People and Society)
- 9.07 Minority Rights Group International provided the following information in its undated Gambia Overview:
- 'The peoples of Gambia comprise two major linguistic groups. Dominant Mandinka agriculturalists, who make up 44 per cent of the population, and traders who speak West Atlantic languages. Speakers of Manding include the pastoralist Fula as well as Wolof and Jola cultivators, albeit as a second language. Although each people has its own language, Mandinka serves as a lingua franca, with Wolof often performing that role in Banjul. English is the official language.'⁷⁵
- 9.08 On 22 April 2010, The Point stated, 'Wollof, Peul, Serere, Mandinka, Jola and Sarahuli are spoken and understood in all parts of The Gambia and Senegal...'⁷⁶

See also the sub-sections below on individual ethnic groups.

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Main ethnic groups

- 9.09 Please note that this section is not intended to form a comprehensive list of every ethnic group in The Gambia.

Mandinka

- 9.10 A website called The Mandinka People, which is linked to The Southern Baptist Convention, stated:

'Today 95% of Mandinkas are Muslims. Most Mandinkas live in family-related compounds in traditional rural villages. Mandinka villages are fairly autonomous and self-ruled, being led by a chief and group of elders.

'Learning is traditionally done through stories, songs and proverbs. Western education's impact is minimal; the literacy rate in Roman script overall in The Gambia, Senegal, and Guinea-Bissau is quite low. However, more than half the adult population can read the local Arabic script; small Qur'anic schools for children where this is taught are quite more common...

'Most Mandinkas are poor subsistence farmers living on the edge of survival; one poor rainy season can spell a year of hunger and despair. In the rainy season (June through October), men plant peanuts as their main cash crop; peanuts are also a staple of the

⁷⁴ Central Intelligence Agency <https://www.cia.gov/index.html> World Factbook; Gambia, The; last updated 13 August 2013 <https://www.cia.gov/library/publications/the-world-factbook/geos/ga.html> Date accessed: 23 August 2013

⁷⁵ Minority Rights Group International <http://www.minorityrights.org/>; Gambia Overview; undated <http://www.minorityrights.org/4153/gambia/gambia-overview.html> Date accessed: 23 August 2013

⁷⁶ The Point <http://thepoint.gm/>; Senegambian Ethnic Groups: Common Origins and Cultural Affinities Factors and Forces of National Unity, Peace and Stability, dated 22 April 2010 <http://thepoint.gm/africa/gambia/article/senegambian-ethnic-groups-common-origins-and-cultural-affinities-factors-and-forces-of-national-unity> Date accessed: 27 August 2013

MNK [Mandinka] diet. Men also plant millet (coos) and corn, mostly for family consumption. Women work in the rice fields, tending the plants by hand. This is an extremely labor intensive and physically demanding work. Only about 50% of the rice consumption needs are met by local planting; the rest is imported from Asia and the United States.

'While farming is the predominant profession among the Mandinka, men also work as tailors, butchers, taxi drivers, woodworkers, metal workers, soldiers, nurses, and extension workers for aid agencies. However, most women, probably 95%, remain in the home as wives and mothers.'⁷⁷

Fula

- 9.11 Minority Rights Group International described the Fula in its (undated) Gambia Overview: 'A pastoral people from the Upper Senegal River region, the Fula speak a variant of the Niger-Kordofanian language family. Fula are also known as Fulani, Fulbe and Peul.'⁷⁸
- 9.12 The Joshua Project, a ministry of the US Center for World Mission, gave the following (undated) information: 'Their lives center around their herds of cattle or sheep... The Fulani of Gambia are a Muslim people, following the teachings of Mohammed. They adhere strongly to virtues and good morals, such as justice, honesty, generosity, and patience.'⁷⁹

Wolof

- 9.13 Minority rights Group International gave the following (undated) information:

'Wolof in Gambia mainly inhabit upper and lower Saloum districts, Banjul, and the northern sections of Niani, Sami, Niimi and Jokadu. The Wolof language is part of the northern subgroup of the Niger-Kordofanian family and is a commercial language spoken beyond the boundaries of Senegal and Gambia. Wolof social organization is extremely complex based upon a tripartite division of society into freeborn, low-caste people and slaves. Although many contemporary Wolof are involved in trading and urban life, the majority are agriculturists and live in villages.'⁸⁰

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Jola

- 9.14 Minority rights Group International gave the following (undated) information:

'A majority of Jola reside in the Foni areas south of Bintang Bolon. While Jola comprise only 10 per cent of Gambia's population, they are very close to the more numerous Diola (as Jola are called in Senegal) of Senegal's Casamance region. Their political and social organization has traditionally been village-oriented and sub-group identities are

⁷⁷ The Mandinka People <http://www.mandinkapeople.org/>; Who are the Mandinka people? undated <http://www.mandinkapeople.org/index.htm> Date accessed: 23 August 2013

⁷⁸ Minority Rights Group International <http://www.minorityrights.org/>; Gambia Overview; undated <http://www.minorityrights.org/4153/gambia/gambia-overview.html> Date accessed: 23 August 2013

⁷⁹ The Joshua Project <http://www.joshuaproject.net/>; People-In-Country Profile; The Gambia; undated <http://www.joshuaproject.net/people-profile.php?peo3=11772&rog3=GA> Date accessed: 23 August 2013

⁸⁰ Minority Rights Group International <http://www.minorityrights.org/>; Gambia Overview; undated <http://www.minorityrights.org/4153/gambia/gambia-overview.html> Date accessed: 23 August 2013

very pronounced. It is likely that Jola are among the longest-residing people in the Gambia region.’⁸¹

Serahuli

- 9.15 Minority rights Group International gave the following (undated) information: ‘Serahuli form the largest group in the extreme Upper River region of Gambia, inhabiting part of the area which once was the ancient kingdom of Wuli. They are a mixture of Mandinka, Berber and Fula. Primarily farmers, they are hampered by the poor soil in the area.’⁸²

Aku

- 9.16 Minority rights Group International gave the following (undated) information: ‘Aku live in and around Banjul. They are predominantly Christian and are employed in business and the professions... Adopting Western lifestyles, they accepted Christianity and educated their children in Sierra Leone and the UK. Aku became successful traders, entered the civil service and in the period between 1945 and independence came to dominate many important government positions in Gambia.’⁸³

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10. Sexual orientation and gender identity

Legal information

- 10.01 The US State Department’s Country Report for 2012, Gambia, published in April 2013, stated: ‘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. There was no similar law applicable to women.’⁸⁴ (Section 6). However, the Amnesty International report, ‘Making love a crime; Criminalization of same-sex conduct in sub-Saharan Africa,’ dated June 2013, stated that both male and female same-sex activity is illegal.⁸⁵ (p77) The FCO’s Human Rights and Democracy Report 2012, in its update of 30 September 2013, stated that any male found guilty of dressing in female clothes can be given a prison term of five years.⁸⁶

⁸¹ Minority Rights Group International <http://www.minorityrights.org/> ; Gambia Overview; undated <http://www.minorityrights.org/4153/gambia/gambia-overview.html> Date accessed: 23 August 2013

⁸² Minority Rights Group International <http://www.minorityrights.org/>; Gambia Overview; undated <http://www.minorityrights.org/4153/gambia/gambia-overview.html> Date accessed: 23 August 2013

⁸³ Minority Rights Group International <http://www.minorityrights.org/> ; Gambia Overview; undated <http://www.minorityrights.org/4153/gambia/gambia-overview.html> Date accessed: 23 August 2013

⁸⁴ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

⁸⁵ Amnesty International <http://www.amnesty.org/> ‘Making Love a Crime; Criminalisation of same-sex conduct in Sub-Saharan Africa,’ dated June 2013; <http://www.amnesty.org/en/library/asset/AFR01/001/2013/en/9f2d91b7-bc0e-4ea7-adae-7e51ae0ce36f/af010012013en.pdf>; date accessed: 8 October 2013.

⁸⁶ Foreign and Commonwealth Office <https://www.gov.uk/government/organisations/foreign-commonwealth-office> Human Rights and Democracy 2012; Case Study: The Gambia – the death penalty, dated 30 September 2013 <http://www.hrdreport.fco.gov.uk/promoting-british-values/criminal-justice-and-the-rule-of-law/the-death-penalty/case-study-the-gambia-the-death-penalty/> Date accessed: 24 October 2013

- 10.02 The International Lesbian and Gay Association's report, 'State-Sponsored Homophobia; A World Survey of Laws: Criminalisation, protection and recognition of same-sex love,' dated May 2013, referenced the relevant law criminalising sex between men:

'Criminal Code 1965, as amended in 2005170 Article 144: Unnatural offences

'(1) Any person who—

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

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

- (a) carnal knowledge of the person through the anus or the mouth of the person;
- (b) inserting any object or thing into the vulva or the anus of the person for the purpose of simulating sex; and
- (c) committing any other homosexual act with the person.' ⁸⁷

- 10.03 Foreign travel advice provided for British nationals travelling to The Gambia on the UK government's website, undated (regularly updated), accessed on 1 September 2013, provided the following information about local laws and customs in The Gambia:

'There is a zero tolerance towards LGBT people in The Gambia. Although there are no laws specifically covering homosexuality, the Gambian Criminal Code states that any person who has or attempts to have "carnal knowledge" of any person "against the order of nature" is guilty of a crime and could face 14 years' imprisonment. Any private citizen has the power of arrest for these offences... Gambian law criminalises the act of men dressing as women with a 5-year jail term.' ⁸⁸

- 10.04 The ILGA 2013 report observed the following in its section, 'Refugee Context Considered' by Jenni Millbank, Professor of Law, University of Technology, Sydney, and Eddie Bruce-Jones, Lecturer in Law, Birkbeck College School of Law, University of London:

'Criminalisation of same-sex activity may be relevant to the determination of risk of persecution in a number of ways. The imposition of criminal sanctions by the State in and of itself may constitute persecution (UNHCR 2002; 2008). Criminal laws prohibiting gay sex, whether or not regularly enforced, render sexual minorities vulnerable to extortion, exploitation and other forms of abuse at the hand of both state and non-state actors. Such criminal laws systematically contribute to a failure of State protection, by preventing victims of homophobic violence from seeking and being provided assistance. Furthermore, criminal laws of this kind, whether or not enforced, contribute to persecutory environments, by stigmatising LGBTI people through official means. However the absence of, or repeal of, criminal proscriptions absolutely must not be taken as establishing the reverse proposition. Lack of explicit criminalisation of same-

⁸⁷ International Lesbian and Gay Association <http://ilga.org/>; State-Sponsored Homophobia; A World Survey of Laws: Criminalisation, protection and recognition of same-sex love, dated May 2013; http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2013.pdf; date accessed: 8 October 2013

⁸⁸ GOV.UK <https://www.gov.uk/>; Foreign travel advice; Gambia; Local laws and customs, updated October 2013 <https://www.gov.uk/foreign-travel-advice/gambia/local-laws-and-customs> Date accessed: 11 October 2013

sex sexual activity does not prevent LGBTI people from facing extreme violence. The absence of criminalisation does not demonstrate the absence of risk of persecution and/or sufficiency of state protection. The question of legality of gay sex is only one element, and cannot alone be taken as an answer to the question of risk of persecution based on sexuality.’⁸⁹ (p10)

- 10.05 COI service was unable to find information about the law in regard to transsexual and intersex persons at the time of writing (October 2013).

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Treatment by, and attitude of, state authorities

- 10.06 Human Rights Watch referred to its ‘2013 Hall of Shame’ in an article dated 17 May 2013. This ‘Hall of Shame’ included:

‘Yahya Jammeh, the president of Gambia, for his homophobic vitriol and promotion of anti-gay laws. At the opening of the Gambian Parliament in Banjul in March, Jammeh gave a stark warning to LGBT people in Gambia: “If you are convicted of homosexuality in this country, there will be no mercy for offenders.” Claiming that homosexuality is “anti-God, anti-human, and anti-civilization,” Jammeh issued a threat to all gay people in Gambia: “Homosexuals are not welcome in the Gambia. If we catch you, you will regret why you are born.” Jammeh’s homophobia has been persistent. In 2008 he promised “stricter laws than Iran” regarding homosexuality and to “cut off the head” of any LGBT person found in Gambia. In 2012, 20 people were charged with committing “unnatural offenses,” but were acquitted because of lack of evidence.’⁹⁰

- 10.07 The US State Department’s Country Report for 2012, published in April 2013, stated, ‘In a January 2011 speech to army officers, President Jammeh announced he wanted a professional army “free of gays and saboteurs.”’⁹¹ (Section 6)

- 10.08 The US State Department’s Report further stated:

‘There were antidiscrimination laws, but they did not apply to LGBT individuals.

‘On April 6, police arrested 18 men and two women for alleged same-sex sexual conduct at a dance ceremony for tourists at the village of Kololi. Members of the group were predominantly Gambian but also included one Nigerian and one Senegalese. The dance in question reportedly involved men dressing up as women, and police charged the group with “unnatural offences” and “conspiracy to commit a felony”; all pled not guilty. Authorities detained them for two weeks and later granted bail of 100, 000 dalasi

⁸⁹ International Lesbian and Gay Association <http://ilga.org/>; State-Sponsored Homophobia; A World Survey of Laws: Criminalisation, protection and recognition of same-sex love, dated May 2013; http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2013.pdf; date accessed: 8 October 2013

⁹⁰ Human Rights Watch <http://www.hrw.org/>; LGBT Rights: The 2013 ‘Hall of Shame,’ dated 17 May 2013 <http://www.hrw.org/news/2013/05/17/lgbt-rights-2013-hall-shame> Date accessed: 22 August 2013

⁹¹ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

(\$2,940) each. After a trial lasting several weeks, on August 1, the state withdrew the charges due to lack of evidence.’⁹² (Section 6)

- 10.09 At the time of writing (September 2013), COI service was unable to find information specifically about state treatment of lesbians, bi-sexual, trans or intersex persons.

For information on the position of women within The Gambia generally, see section on Women.

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Societal treatment and attitudes

- 10.10 The US State Department’s Country Report for 2012 stated, ‘There was strong societal discrimination against LGBT individuals, further enhanced by statements by President Jammeh and the enforcement of a law, nicknamed Operation Bulldozer, designed to enforce harsh penalties for criminals but also directed at gay men. There were no LGBT organizations in the country.’⁹³ (Section 6)

- 10.11 PR Log, a free press distribution service, commented as below, in an article dated 1 August 2012, on the impact of the trial of people accused of being homosexual, which collapsed due to lack of evidence:

‘...the defendants still have the stigma of being "outed" as homosexual, having had their photographs published along with their names. This has led to retribution from the general public and also from some of the defendant’s family who feel that they have dishonoured them. In addition, as homosexuality is not tolerated in Gambia, I been informed that there has been verbal abuse and shunning of the defendants. Some have been even called gorr jigeen [which is a derogative term for homosexuals in Gambia] and been referred to as prostitutes.

‘Though the “trial has ended” with relief at the outcome their situation is dire: Having been publicly "marked", life can never be the same for them in Gambia. In fact one of the defendants’ parents - despite knowing that he is gay - are now trying to force him to get married to a woman to try and restore family honour and show that he has repented his actions, which naturally is unacceptable to him . He feels that he shall “have to leave Gambia” because of this and the publicity of the trail.’⁹⁴

See also sub-section above, Treatment by, and attitude of, state authorities.

- 10.12 At the time of writing (September 2013), COI service was unable to find information specifically about societal attitudes to and treatment of lesbians, bi-sexual, trans or intersex persons.

⁹² US State Department <http://www.state.gov/> ; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

⁹³ US State Department <http://www.state.gov/> ; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

⁹⁴ PR Log <http://www.prlog.org/> ; LGBT Advocate remarks on the devastation in the wake of failed Gambian trial, dated 1 August 2012 <http://www.prlog.org/11940074-lgbt-advocate-remarks-on-the-devastation-in-the-wake-of-failed-gambian-trial.html> Date accessed: 22 August 2013

For information on the position of women in The Gambia generally, see section on [Women](#).

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11. Disability

Legal issues

11.01 The US State Department Country Report on Human Rights Practices for 2012, published in April 2013, stated:

‘The constitution prohibits discrimination or exploitation of disabled persons, 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. The law also requires that judicial proceedings involving a person with disabilities take into account the disability. There were no laws or programs to ensure that persons with disabilities had access to information or communications.’⁹⁵

11.02 However, the Daily Observer, a Gambian news website, reported the following on 4 July 2013:

‘Gambian lawmakers Monday unanimously considered and ratified the Convention on the Rights of Persons with Disability and Optional Protocol at the National Assembly Chambers in Banjul; a move seen by many as a manifestation of the nation’s renewed commitment to their cause.

‘The Convention is intended to be a human rights instrument with an explicit, social development dimension. It adopts a broad classification of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms.’⁹⁶

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Treatment of people with disabilities

11.03 The US State Department Country Report on Human Rights Practices for 2012, published in April 2013, stated, ‘Persons with severe disabilities experienced discrimination and subsisted primarily through private charity. Persons with less severe

⁹⁵ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

⁹⁶ Daily Observer <http://observer.gm/>; Lawmakers ratify Convention on rights of persons with disability, dated 4 July 2013 <http://observer.gm/africa/gambia/article/lawmakers-ratify-convention-on-rights-of-persons-with-disability> Date accessed: 27 August 2013

disabilities encountered less discrimination, including in employment for which they were physically and mentally capable.’⁹⁷

11.04 The Point, a Gambian news website, reported the following on 13 February 2012:

‘People with disabilities are disadvantaged in many aspects of social inclusion in the society...It is a fact that people affected by one form of disability or the other face discrimination, and social exclusion in many communities....most disabled persons are not well involved in the country’s development activities. For instance, take the attitude of most taxi drivers to wheel-chair bound persons. It is bad, as they see picking them as time-wasting for the cab driver. Accessing certain national infrastructure is practically impossible for most people affected by some form of disability. This important segment of our society lives in exclusion for many years, especially those in the provinces. There families solely take the burden of taking care of them without any government support in a form of social security assistance, as obtains in other countries. Lack of appropriate learning facilities in schools for people living with disabilities in the provinces makes their situation worse, and their potentials remain unharnessed. Despite efforts by activists and disabled groups to tackle discrimination against the disabled, many with learning, walking, and hearing disabilities still have poor access to some ministries, leisure facilities and public transport.’⁹⁸

11.05 The Point further reported the following on 19 August 2011:

‘Some of the challenges hindering special needs children are inadequate formal special resource centres providing educational services to children with disabilities. All special needs schools are located in the urban and semi-urban areas of KMC [Kanifing Municipal Council] and WCR [West Coast Region]. Other challenges include unavailability of critical services including identification and assessment of children with special needs for appropriate placement. There are also inadequate or no specialised training for teachers handling children with special needs.’⁹⁹

11.06 West Africa Democracy Radio (WADR) reported the following on 16 June 2012:

‘...Plan [Plan International, a child relief agency], which is working with children and their communities in West Africa, said children with disabilities and their families constantly experience barriers to the enjoyment of their basic human rights and to their inclusion in society.

“In West Africa, children with disabilities and their families continue to experience discrimination, they are not yet fully able to enjoy their basic human rights; with the stigma, many children with disabilities are abandoned or hidden away from society by their parents; despite effort that have been done in terms of advocacy and actions,” the child rights and development agency said.

⁹⁷ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

⁹⁸ The Point <http://thepoint.gm/>; Social inclusion of persons with disabilities, dated 13 February 2012 <http://thepoint.gm/africa/gambia/article/social-inclusion-of-persons-with-disabilities> Date accessed: 27 August 2013

⁹⁹ The Point <http://thepoint.gm/>; Special needs children needs special treatment, dated 19 August 2011 <http://thepoint.gm/africa/gambia/article/special-needs-children-needs-special-treatment> Date accessed: 27 August 2013

'Plan International further said the abilities of disabled children and their families "are overlooked, their needs are given low priority and their capacities are underestimated."' ¹⁰⁰

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Assistance

11.07 The US State Department Country Report on Human Rights Practices for 2012, published in April 2013, stated:

'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. 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 [National Human Rights Unit] specifically sought to promote the rights of women with disabilities. Persons with disabilities were given priority access to polling booths on election days.' ¹⁰¹

11.08 The Gambia Federation for the Disabled provided the following (undated) information on its website, accessed on 27 August 2013:

'The Gambia Federation of the Disabled (GFD) is an umbrella organisation that represents the disability sector and brings together all Disabled Peoples Organisations (DPOs) and People With Disabilities (PWDs) in The Gambia. GFD was formed by the Disabled Peoples Organisations (DPOs) and its history of formation dates back to the early 1990s. The purpose for its formation is to advocate for the promotion, protection and empowerment of PWDs and encourage, support and monitor activities done by stakeholders in the Disability sector that improve the living conditions of the Disabled.

'Its membership currently totals to eight Disabled Peoples Organisations (DPOs), i.e., Gambia Association of the Physically Disabled (GAPD), Gambia Organisation of the Visually Impaired (GOVI), Gambia Association of the Deaf and Hard Of Hearing (GADHOH), National Union of the Disabled Youth (NUDY), Gambia Organisation for the Learning Difficulties (GOLD), Rural Support Organisation for the Disabled (RSOD), Association for the Mentally Disabled Gambians (AMDG) and Gambia National Paralympics Committee (GNPC).' ¹⁰² (About us)

11.09 The Daily Observer reported the following on 25 April 2013:

'The newly instituted Disability Employment Services (DES) is poised to empower and promote the welfare of persons with disability in the country through the facilitation of employment opportunities. Among the project's objectives are to create a mechanism

¹⁰⁰ West Africa Democracy Radio (WADR) <http://www.wadr.org/en/site/>; Urgent need to break barriers for children with disabilities, dated 16 June 2012 http://wadr.org/en/site/news_en/3805/Urgent-need-to-break-barriers-for-children-with-disabilities.htm Date accessed: 27 August 2013

¹⁰¹ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹⁰² Gambia Federation of the Disabled <http://gfdgambia.weebly.com/>; About us, undated <http://gfdgambia.weebly.com/about-us.html>; date accessed: 11 October 2013.

for people with disability to link to employers and to help create employment opportunities. It also aims to raise awareness and to use policies to enhance the welfare of people with disability.

‘Since inception, DES, an initiative under The Gambia Federation of Disabled (GFD) has registered over 1, 800 persons with disability, according to its project officer, Theresa Colley, who was speaking to the Daily Observer on Tuesday afternoon during an interview at her office in Kanifing. Colley disclosed that these registered people are part of three organisations namely: The Gambia Association of Physically Disabled (GAPD), The Gambia Association of Visually Impaired (GOVI) and The Gambia Association of the Deaf and Hard of Hearing (GADHOH).’¹⁰³

See also section on [Medical issues](#) for information about public health care and mental health care.

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12. Women

Legal rights

12.01 Gambia signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 29 July 1980 and then ratified the convention on 16 April 1993.¹⁰⁴ The last report by the Committee on the CEDAW was in 2005 and can be located on the [Office of the United Nations High Commissioner for Human Rights \(OHCHR\) website](#).¹⁰⁵

12.02 However, the undated Social Institutions and Gender Index 2012 (SIGI 2012), based on sources released up to November 2011, noted that The Gambia has not ratified the Optional Protocol of the CEDAW on violence against women.¹⁰⁶ (Background) The GAMCOTRAP Working Paper, ‘Gender in The Gambia in Retrospect and Prospect,’ dated 2012, noted, ‘This means that even the recent passing of the Women’s Act in April 2010 may not go very far in enforcing its rhetoric of gender equality in respect of political representation, women’s human rights, property entitlements, and protection of women against domestic violence.’¹⁰⁷ (p 4-5)

12.03 SIGI 2012 added the following:

‘The country has also ratified the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa. A National Policy for the

¹⁰³ Daily Observer <http://observer.gm/>; DES poised to promote welfare of persons with disabilities, dated 25 April 2013 <http://observer.gm/africa/gambia/article/des-poised-to-promote-welfare-of-persons-with-disabilities>
Date accessed: 27 August 2013

¹⁰⁴ United Nations <http://www.un.org/>; Convention on the Elimination of All Forms of Discrimination Against Women http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en Date accessed: 12 September 2013

¹⁰⁵ Office of the High Commissioner for Human Rights <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>; Gambia <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/GMIndex.aspx> Date accessed: 12 September 2013

¹⁰⁶ Social Institutions and Gender Index 2012 <http://genderindex.org/>; Gambia, The <http://genderindex.org/country/gambia> Date accessed: 12 September 2013

¹⁰⁷ GAMCOTRAP <http://www.gamcotrap.gm/content/index.php>; GAMCOTRAP Working Paper No.1; Gender in The Gambia in Retrospect and Prospect, dated 2012 http://www.gamcotrap.gm/content/images/stories/documents/Chant_Touray.pdf Accessed: 5 August 2013

Advancement of Women was put in place in 1999, and the National Women's Council advises the government on all matters pertaining to women's rights. In 2010, the Ministry of Women's Affairs of Gambia developed the Gambia National Gender Policy 2010-2020 as an integral part of the national development objectives to enhance the overall government strategy of growth through poverty eradication.' ¹⁰⁸ (Background)

- 12.04 The Social Institutions and Gender Index 2012 stated, 'There are no reported legal restrictions on women's freedom of movement. Data is unavailable regarding day-to-day restrictions on women's freedom of movement, imposed by husbands and families.' ¹⁰⁹ (Restricted Civil Liberties)
- 12.05 The US State Department's Country Reports on Human Rights Practices for 2012, published on 19 April 2013, reported the following about The Gambia: 'The constitution prohibits discrimination based on race, religion, gender, disability, language, or social status, and the government generally enforced these prohibitions. However, discrimination against women remained a problem.' ¹¹⁰ (Section 6)
- 12.06 SIGI 2012 noted:

'Gender inequality is accepted as a given by many women and men in Gambian society. Women occupy very low status in Gambian society, in part due to the incorporation of Sharia and customary law into the country's legal codes, enshrining discriminatory practices in matters relating to marriage, bodily integrity, and inheritance and ownership rights. The failure of the government to criminalise female genital mutilation (FGM) or to openly condemn the practice is particularly worrying, as is the lack of laws addressing violence against women more generally. A so-called "Women's bill" that would remove many of the discriminatory clauses in current legislation, and cover domestic violence, has been under consideration since 2007.' ¹¹¹ (Background)

See also sub-sections on [Family and personal law](#), [Female genital mutilation/cutting and Domestic violence](#).

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Family and personal law

- 12.07 The Social Institutions and Gender Index 2012 stated, 'While women are accorded protection from gender-based discrimination under the Constitution, an exception is made for laws on adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law. In regard to family law, four different legal systems are in operation and are recognised under article 7 of the 1997 Constitution – civil, customary, Christian and Sharia. The majority of the population (over 90%) are Muslim, and hence, come under the jurisdiction of Sharia law.' ¹¹² (Discriminatory Family Code)

¹⁰⁸ Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

¹⁰⁹ Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

¹¹⁰ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹¹¹ Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

¹¹² Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

- 12.08 Freedom House's 'Freedom in the World 2013' report stated, 'Sharia provisions regarding family law and inheritance restrict women's rights.'¹¹³
- 12.09 Further information can be found in the [Social Institutions and Gender Index 2012](#) (Discriminatory Family Code).

See sub-section on [Marriage and divorce](#) below.

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Political rights

- 12.10 Freedom House's Freedom in the World 2013 report, covering 2012 and published in May 2013, stated, 'While the vice president and several cabinet ministers are women, there are only 4 women in the 53-seat National Assembly.'¹¹⁴ The US State Department's Country Report on Human Rights Practices for 2012, The Gambia, published 19 April 2013, noted, '...three [women] were elected [to the National Assembly] and the president nominated one. At year's end there were six women in the 18-member cabinet, including the vice president.'¹¹⁵ (Section 3; Participation of Women and Minorities)
- 12.11 Further information about women's involvement in politics is available at the [Social Institutions and Gender Index 2012](#)¹¹⁶ (Restricted civil liberties).

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Social and economic rights

Access to education and employment

- 12.12 The report by Freedom House, 'Freedom in the World 2013,' covering 2012 and published in May 2013, stated, 'Women enjoy fewer opportunities for higher education and employment than men.'¹¹⁷
- 12.13 The US State Department's Country Reports on Human Rights Practices for 2012, published on 19 April 2013, stated, '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, or owning and managing a business; however,

¹¹³ Freedom House <http://www.freedomhouse.org/>; Freedom in the World 2013; Gambia, The; covering 2012 and published May 2013 <http://www.freedomhouse.org/report/freedom-world/2013/gambia> Date accessed: 31 July 2013

¹¹⁴ Freedom House <http://www.freedomhouse.org/>; Freedom in the World 2013; Gambia, The; covering 2012 and published May 2013 <http://www.freedomhouse.org/report/freedom-world/2013/gambia> Date accessed: 31 July 2013

¹¹⁵ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹¹⁶ Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

¹¹⁷ Freedom House <http://www.freedomhouse.org/>; Freedom in the World 2013; Gambia, The; covering 2012 and published May 2013 <http://www.freedomhouse.org/report/freedom-world/2013/gambia> Date accessed: 31 July 2013

societal discrimination lingered, and women generally were employed in such pursuits as food vending or subsistence farming.’¹¹⁸ (Section 6)

See also section on [Land ownership](#).

- 12.14 Information about women’s access to employment is available at the [Social Institutions and Gender Index 2012](#)¹¹⁹ (Restricted civil liberties).

Marriage and divorce

Legal position

- 12.15 The US State Department’s Country Reports on Human Rights Practices for 2012, published on 19 April 2013, stated:

‘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.’¹²⁰ (Section 6; Women)

See sub-section on [Family and personal law](#).

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Marriage

- 12.16 The Social Institutions and Gender Index 2012 stated, ‘Polygamy is permissible under Sharia and is practised among some ethnic groups. Muslim men may take up to four wives...’¹²¹ (Discriminatory Family Code)

- 12.17 Access Gambia, a website dedicated to providing information about The Gambia, provided the following (undated) information:

‘Polygamy is also practiced as it is not uncommon, particularly up-country, to find a man with up to 4 wives (Jabarr, wife). This is seen by many locals as a mark of prestige and

¹¹⁸ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹¹⁹ Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

¹²⁰ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹²¹ Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

status in the local community that they live in. This practice of keeping 4 wives however, is becoming less common among the middle classes in the Kombos (west coast) and it may be more common to see a man with 2 wives instead.’¹²² (Gambian Muslims and Islamic Practices)

- 12.18 The GAMCOTRAP Working Paper, ‘Gender in The Gambia in Retrospect and Prospect,’ dated 2012, stated that around 50% of wives in polygamous marriages are aged between 15 and 34, ‘with the tendency being for men to marry younger and younger women as time goes on.’¹²³ (p 42)

See also sub-section on Children - Forced and child marriage.

- 12.19 Access Gambia also stated, ‘The wedding is mainly an arrangement between two families and not between individuals, especially when it is a case of a second or third wife, although today in most of the country the couple to be wed is consulted and their wishes respected. However, great importance is still placed on marrying within the social group.’¹²⁴ (Weddings in Gambia; Further reading)

- 12.20 Access Gambia further stated:

‘It should be noted that a wedding can take place even if the groom and bride are outside the country and living in different continents for that matter. Furthermore there is virtually no engagement period as it is simply announced a week or less before the wedding date, though arrangements would have taken place one or two weeks prior.

‘If a Christian woman and a Muslim man are to wed then it could be possible to have a ceremony in the Mosque and a civil ceremony in Banjul at the registry office.’¹²⁵ (Weddings in Gambia)

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Divorce

- 12.21 The Social Institutions and Gender Index 2012 stated, ‘Under Sharia law, a man has the right to divorce his wife at will, but a woman does not have the same right.’¹²⁶ (Discriminatory Family Code)
- 12.22 The US State Department’s Country Reports on Human Rights Practices for 2012, published on 19 April 2013, stated, ‘[Women] also had the option to divorce, but no legal

¹²² Access Gambia <http://www.accessgambia.com/>; Weddings in Gambia, undated <http://www.accessgambia.com/information/weddings.html> Date accessed: 5 August 2013

¹²³ GAMCOTRAP <http://www.gamcotrap.gm/content/index.php>; GAMCOTRAP Working Paper No.1; Gender in The Gambia in Retrospect and Prospect, dated 2012 http://www.gamcotrap.gm/content/images/stories/documents/Chant_Touray.pdf Accessed: 5 August 2013

¹²⁴ Access Gambia <http://www.accessgambia.com/> Weddings in Gambia, undated <http://www.accessgambia.com/information/weddings.html> Date accessed: 5 August 2013

¹²⁵ Access Gambia <http://www.accessgambia.com/>; Weddings in Gambia, undated <http://www.accessgambia.com/information/weddings.html> Date accessed: 5 August 2013

¹²⁶ Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

right to disapprove or be notified in advance of subsequent marriages by their husbands.’¹²⁷ (Section 6; Women)

- 12.23 Access Gambia provided information about the process of divorce: <http://www.accessgambia.com/information/weddings.html>¹²⁸ (Weddings in Gambia)

See sub-sections on Family and personal law and Forced and child marriage

Violence against women

Domestic violence

- 12.24 The Social Institutions and Gender Index 2012 stated, ‘There is no specific law dealing with domestic violence, although this can be prosecuted under laws prohibiting rape, spousal rape, and assault, and is considered grounds for divorce under civil law. There are no figures available as to rates of domestic violence (even where cases are reported), but it is believed to be quite common. Police rarely investigate, as domestic violence is treated as a family matter.’¹²⁹ (Restricted Physical Integrity)

- 12.25 The US State Department’s Country Reports on Human Rights Practices for 2012, published on 19 April 2013, stated: ‘The law prohibits any form of violence against women; however, domestic violence was a problem. Domestic violence was underreported due to social stigma, and family elders usually settled incidents.

‘Between January and October, officials from 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. For example, on February 14, 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 killing her. On July 30, Libelley Ceesay of Kantong Kunda village was arrested for hitting his wife with a hoe, leading to her death. Police stated that the incident happened during a fight over a bag of rice that Ceesay intended to divide between his two wives. His trial was ongoing at year’s end.’¹³⁰ (Section 6; Women)

- 12.26 Further information about domestic violence may be found in GAMCOTRAP’s Gender in The Gambia in Retrospect and Prospect,¹³¹ dated 2012 (p 46 on).

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¹²⁷ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹²⁸ Access Gambia <http://www.accessgambia.com/>; Weddings in Gambia, undated <http://www.accessgambia.com/information/weddings.html> Date accessed: 5 August 2013

¹²⁹ Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

¹³⁰ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹³¹ GAMCOTRAP <http://www.gamcotrap.gm/content/index.php>; GAMCOTRAP Working Paper No.1; Gender in The Gambia in Retrospect and Prospect, dated 2012 http://www.gamcotrap.gm/content/images/stories/documents/Chant_Touray.pdf Accessed: 5 August 2013

Rape

12.27 The US State Department's Country Reports on Human Rights Practices for 2012, published on 19 April 2013, stated:

'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. At least six rape cases reported to police during the year were prosecuted; 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.'¹³² (Section 6; Women)

Sexual harassment

12.28 The US State Department's Country Reports on Human Rights Practices for 2012, published on 19 April 2013, stated, 'The law prohibits sexual harassment and provides for a one-year mandatory prison sentence for offenders. No cases were reported during the year, but sexual harassment remained an ongoing problem.'¹³³ (Section 6)

NGO assistance

12.29 The US State Department's Country Reports on Human Rights Practices for 2012, published on 19 April 2013, stated:

'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 pro bono, in domestic violence cases.'¹³⁴ (Section 6)

12.30 Further information about the role of NGOs in assisting women to advance in politics and decision-making may be found in GAMCOTRAP's [Gender in The Gambia in Retrospect and Prospect](#),¹³⁵ dated 2012 (p 62 on).

See also sub-section on [Political rights](#)

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Health and welfare

12.31 The US State Department's Country Reports on Human Rights Practices for 2012, published in April 2013, noted:

¹³² US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹³³ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹³⁴ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹³⁵ GAMCOTRAP <http://www.gamcotrap.gm/content/index.php>; GAMCOTRAP Working Paper No.1; Gender in The Gambia in Retrospect and Prospect, dated 2012 http://www.gamcotrap.gm/content/images/stories/documents/Chant_Touray.pdf Accessed: 5 August 2013

'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.' ¹³⁶ (Section 6)

See also sub-sections on [Female Genital Mutilation \(FGM\)](#) and [Medical issues](#)

- 12.32 The World Health Organisation provided information about maternal and child health in The Gambia dated March 2012:

http://www.who.int/woman_child_accountability/countries/Gambia.pdf ¹³⁷

Human trafficking

- 12.33 For information about human trafficking, please see [Children - Human trafficking](#)

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13. Children

Legal rights

- 13.01 The Gambia is a party to The Convention on the Rights of the Child (CRC), ratified on 8 August 1990. (United Nations Treaty Collection, status as at 9 September 2013)¹³⁸ The last report by the Committee on the CRC was in 2001 and can be located on the [Office of the United Nations High Commissioner for Human Rights \(OHCHR\) website](#).¹³⁹

¹³⁶ US State Department <http://www.state.gov/>; a Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹³⁷ World Health Organisation <http://www.who.int/en/>; Gambia; Countdown to 2015; Maternal, Newborn and Child Survival, dated March 2012 http://www.who.int/woman_child_accountability/countries/Gambia.pdf Date accessed: 6 September 2013

¹³⁸ United Nations <http://www.un.org/>; Treaty Collection Chapter IV Human Rights: Gambia – The Convention on the Rights of the Child (CRC), Status as at: 9 September 2013 http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en Date accessed: 9 September 2013

¹³⁹ United Nations <http://www.un.org/>; Gambia and UN Treaty Bodies <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/GMIndex.aspx> Date accessed: 30 July 2013

13.02 A child is defined as anyone below the age of 18 years.¹⁴⁰ The legal age for voting is 18 years. (Child Soldiers Global Report 2008: The Gambia)¹⁴¹ The legal age for children to carry out 'light work' is 16. (USSD Human Rights Report 2012)¹⁴² (Section 7c). A person is deemed as criminally responsible from the age of 12. (National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: submitted to the UN Human Rights Council by the Republic of the Gambia, 20 January 2010)¹⁴³. Military service is voluntary and may be undertaken by both men and women at the age of 18; there is no conscription. (CIA World Factbook; The Gambia; Military)¹⁴⁴

See also sub-section on Forced and child marriage for the legal position on age of marriage.

13.03 The US State Department's Country Report for 2012, published in April 2013, stated, 'Citizenship is derived by birth within the country's territory and from one's parents...' ¹⁴⁵ (Section 6. Children)

13.04 The rights of children in the Constitution may be found in section 29:
http://www.wipo.int/wipolex/en/text.jsp?file_id=221243#LinkTarget_2234 ¹⁴⁶ (29. Rights of Children)

Violence and exploitation

13.05 The US State Department's Country Report on Human Rights Practices for 2012, The Gambia, published in April 2013, stated, '...reported human rights problems included... violence against women and girls, including female genital mutilation/cutting (FGM/C); forced child marriage; ...child prostitution; ...and child labor.' ¹⁴⁷ (Executive Summary)

See sub-sections on Female genital mutilation/cutting, Forced and child marriage and Child labour

13.06 The US State Department's Country Report for 2012 further stated: 'Child abuse occurred. Serious cases of abuse and violence against children were subject to criminal

¹⁴⁰ Child Rights International Network <http://www.crin.org/index.asp>; GAMBIA: Child Rights References in the Universal Periodic Review, dated 10 February 2010; <http://www.crin.org/resources/infodetail.asp?ID=22139>; date accessed: 9 October 2013.

¹⁴¹ Child Soldiers <http://www.child-soldiers.org/index.php>; Child Soldiers Global Report 2008: The Gambia http://www.child-soldiers.org/global_report_reader.php?id=97 Date accessed: 9 September 2013

¹⁴² US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹⁴³ United Nations <http://www.un.org/>; The National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: [Universal Periodic Review]: Gambia, written and submitted to the UN Human Rights Council by The Republic of The Gambia, published on 20 January 2010 (accessed via Refworld) <http://www.unhcr.org/refworld/pdfid/4b66e7d02.pdf> Date accessed: 9 September 2013

¹⁴⁴ Central Intelligence Agency <https://www.cia.gov/index.html>; World Factbook, The Gambia, updated 22 August 2013; <https://www.cia.gov/library/publications/the-world-factbook/geos/ga.html>; date accessed: 9 October 2013.

¹⁴⁵ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹⁴⁶ World Intellectual Property Organisation <http://www.wipo.int/portal/index.html.en>; Constitution of the Republic of The Gambia Adopted on 8 August 1996, entered into force in January 1997, last amended in 2001 http://www.wipo.int/wipolex/en/text.jsp?file_id=221243#LinkTarget_2234; Date accessed: 8 August 2013

¹⁴⁷ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

penalties, and authorities generally enforced laws when cases of child abuse or mistreatment came to their attention.’¹⁴⁸

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Sexual abuse

13.07 The US State Department’s Country Report for 2012 stated, ‘The penalty for rape is life imprisonment. However, because of the difficulty 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. There were at least five convictions for rape and one conviction for sexual abuse during the year...’¹⁴⁹ (Section 6. Children)

13.08 The US State Department report added:

‘The law provides for 14 years’ imprisonment for commercial sexual exploitation of children and a five-year prison term for child pornography. The minimum age for consensual sex is 18. Children in prostitution worked in some brothels, often to support their families or because they were orphans. A small number of children were also trafficked for forced commercial sexual exploitation. NGOs believed that 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.’¹⁵⁰ (Section 6)

Corporal punishment

13.09 The Global Initiative to End All Corporal Punishment of Children provided information about corporal punishment in the home and in schools, stating that the Gambia Multiple Indicator Cluster Survey (MICS) carried out in 2010 found that 90% of children aged 2-14 had been physically and/or psychologically punished by their mothers/caregivers or other household members in the past month. There was a high incidence of corporal punishment used in schools, and UNICEF statistics from 2005-2006 indicated that nearly three quarters of girls and women aged 15-49 thought that a husband is justified in hitting or beating his wife under certain circumstances. Further information is provided in the document.¹⁵¹

Human trafficking

13.10 The US State Department’s Trafficking in Persons Report 2013, published in June 2013, stated, ‘The Gambia is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Within The Gambia, women, girls,

¹⁴⁸ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹⁴⁹ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹⁵⁰ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹⁵¹ Global Initiative to End All Corporal Punishment of Children <http://www.endcorporalpunishment.org/>; Gambia, undated <http://www.endcorporalpunishment.org/pages/research/gambia.html> Date accessed: 9 September 2013

and, to a lesser extent, boys are subjected to sex trafficking and domestic servitude.’¹⁵² (Country Narratives: D-I, p 173)

- 13.11 Further information, including details of protection available, is provided in the US State Department report.¹⁵³ (Country Narratives: D-I, p 173)

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Forced and child marriage

Legal rights

- 13.12 The US State Departments’ Country report on human rights practices for 2012 in The Gambia, published in April 2013, stated, ‘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.’¹⁵⁴ (Section 6; Children)

- 13.13 The Social Institutions and Gender Index 2012 stated:

‘The 1997 Constitution states that all marriages shall be based on the free and full consent of the intended parties. But under customary and Sharia law, according to the report to the CEDAW committee made by the government of Gambia in 2003, “it is not unusual for a woman to be forced into marriage”. Child marriage and child betrothal are not prohibited by law, and some girls are married off as young as the age of 12 years. Article 27 states that men and women “of full age and capacity” have the right to marry, but does not define “full age”.’¹⁵⁵ (Discriminatory Family Code)

See also sub-section on [Women - Legal information](#)

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Variation in child marriage: educational, geographical and ethnic factors

- 13.14 The UN Population Fund provided statistics in their report, ‘Marrying too young; End child marriage,’ published in 2012, stating that 36% of Gambian girls were married by age 18, 2000-2011. (p 23) The proportion ranged from 45.3% in rural areas to 24.4% in urban areas. (p 74) Access Gambia provided undated information, stating, ‘Although men marry at a somewhat later age, most women marry between the ages of 14-20 (20-30 in urban areas).’¹⁵⁶

- 13.15 The same UN Population Fund report provided further information about girls who married by age 18, 2000-2011, stating that numbers varied from 51.1% for those with no education, to 42.1% for those with primary education, and to 10.5% for those with

¹⁵² US State Department <http://www.state.gov/>; Trafficking in Persons Report 2013; Country Narratives: D-I; published in June 2013 <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm> Date accessed: 6 September 2013

¹⁵³ US State Department <http://www.state.gov/>; Trafficking in Persons Report 2013; Country Narratives: D-I; published in June 2013 <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm> Date accessed: 6 September 2013

¹⁵⁴ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹⁵⁵ Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

¹⁵⁶ UN Population Fund <http://www.unfpa.org/public/>; Marrying Too Young; End Child Marriage, published 2012 <http://www.unfpa.org/public/home/publications/pid/12166> Date accessed: 29 July 2013

secondary/higher education. (p 74) The proportion was 56.3% for the poorest 20% of the population and 18.1% for the richest 20%.¹⁵⁷ (p 74)

- 13.16 The Social Institutions and Gender Index 2012 stated, 'By contrast, ...only 1.7% and [sic] of men aged 15-19 and 12.4% of men aged 20-25 had ever been married, indicating that girls were being married to men significantly older than them. This has implications in terms of married girls' power and decision-making capabilities within such marriages.'¹⁵⁸ (Discriminatory Family Code)
- 13.17 The GAMCOTRAP Working Paper stated, 'Although age at marriage is increasing in The Gambia, especially among men, some girls, particularly from Fula and Mandinka groups, continue to marry very young.' (p 38) The same Paper stated, '...Fula girls, in particular, are often married off at menarche.'¹⁵⁹ (p 23)

See also [Women – Marriage](#)

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Factors leading to forced/child marriage

- 13.18 The GAMCOTRAP Paper stated, 'Fear of unwanted pregnancy is a major factor in early wedlock, as is the stigma attached to being unmarried where marriage is the norm... Early matrimony helps girls to escape the charge that they might have been "tampering with the men"... as well as to avoid being in the potentially even more invidious position of having to support themselves.'¹⁶⁰ (p 38)

- 13.19 The GAMCOTRAP Paper continued

'...age gaps between Gambian husbands and wives are often in the order of at least ten years, and sometimes up to fifty years, with the ability to procure young spouses being a considerable source of male pride and satisfaction. As noted in Skramstad's (2008) study of The Gambia: "Some men emphasise the advantage of marrying young girls because they can teach them 'everything,' not only sexual behaviour but how to be a good wife and person in general."...Yet spousal age differences are unlikely to change in the near future, not only because of cultural precedents, but also because mothers themselves may be threatened with divorce if they do not allow their daughters to be married off to older men, and because the downward age-raiding of partners among senior males means that younger counterparts have few options other than to "follow little girls" themselves...Another problem for young men in a Muslim world where "adulthood has been linked to early and universal marriage", is that postponement of wedlock means that they are condemned to a protracted period of social adolescence

¹⁵⁷ UN Population Fund <http://www.unfpa.org/public/>; Marrying Too Young; End Child Marriage, published 2012 <http://www.unfpa.org/public/home/publications/pid/12166> Date accessed: 29 July 2013

¹⁵⁸ Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

¹⁵⁹ GAMCOTRAP <http://www.gamcotrap.gm/content/index.php>; GAMCOTRAP Working Paper No.1; Gender in The Gambia in Retrospect and Prospect, dated 2012

http://www.gamcotrap.gm/content/images/stories/documents/Chant_Touray.pdf Accessed: 5 August 2013

¹⁶⁰ GAMCOTRAP <http://www.gamcotrap.gm/content/index.php>; GAMCOTRAP Working Paper No.1; Gender in The Gambia in Retrospect and Prospect, dated 2012

http://www.gamcotrap.gm/content/images/stories/documents/Chant_Touray.pdf Accessed: 5 August 2013

during which they continue to be regarded as “small boys” rather than as “big men.”¹⁶¹ (p 39)

Impact of forced/child marriage

- 13.20 Human Rights Watch explained the impact of child marriage and associated abuses in a Q and A¹⁶² not specific to Gambia dated 14 June 2013

Campaign to end forced/child marriage

- 13.21 Tostan, an NGO working with African communities, stated the following on 18 June 2013:

‘The theme of this year’s Day of the African Child...focused on the need to end social and cultural practices that are harmful to children and the collective responsibility we all have to do so. A very apt day, then, for 242 communities who gathered in Ndorna, a village in the Kolda region of southern Senegal, and 42 communities in Basse, The Gambia to publicly declare their abandonment of two harmful practices affecting children: female genital cutting (FGC) and child/forced marriage.’¹⁶³

See sub-section on Female genital mutilation/cutting.

Female Genital Mutilation/Cutting (FGM/C)

Legal rights

- 13.22 The US State Department’s Report on Human Rights Practices for 2012 stated, ‘The law does not prohibit female genital mutilation/cutting (FGM/C), and the practice remained widespread.’¹⁶⁴ (Section 6. Children. Harmful traditional practices)
- 13.23 Orchid Project stated on 5 February 2013, ‘To date, there have been no court cases concerning this issue [of FGM].’¹⁶⁵ (Country File: The Gambia; Legal Status)

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Prevalence of FGM

- 13.24 The UNICEF report, ‘The Gambia; Multiple Indicator Cluster Survey 2010,’ dated June 2012, provided the following statistics for FGM/C in The Gambia: ‘Approval for female genital mutilation/cutting (FGM/C) - 64.2 percent [;] Prevalence of female genital

¹⁶¹ GAMCOTRAP <http://www.gamcotrap.gm/content/index.php>; GAMCOTRAP Working Paper No.1; Gender in The Gambia in Retrospect and Prospect, dated 2012

http://www.gamcotrap.gm/content/images/stories/documents/Chant_Touray.pdf Accessed: 5 August 2013

¹⁶² Human Rights Watch <http://www.hrw.org/>; Q and A: Child Marriage and Violations of Girls’ Rights, dated 14 June 2013 <http://www.hrw.org/news/2013/06/14/q-child-marriage-and-violations-girls-rights> Date accessed: 10 September 2013

¹⁶³ Tostan <http://www.tostan.org/>; Declaring Abandonment of FGC and Child/Forced Marriage on the Day of the African Child, dated 18 June 2013 <http://www.tostan.org/news/declaring-abandonment-fgc-and-childforced-marriage-day-african-child> Date accessed: 5 August 2013

¹⁶⁴ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹⁶⁵ Orchid Project <http://orchidproject.org/>; Country File: The Gambia, dated 5 February 2013 <http://orchidproject.org/resource/country-file-the-gambia/> Date accessed: 31 July 2013

mutilation/cutting (FGM/C) among women - 76.3 percent [;] Prevalence of female genital mutilation/cutting (FGM/C) among daughters of respondents aged 0-14 years - 42.4 percent' ¹⁶⁶ (p vii + 163-167)

- 13.25 On 5 February 2013, Orchid Project, which works to end the practice of FGM/C, stated, '... unlike many African countries, the percentage of women age 15-19 that have undergone FGC (79.9%) is actually slightly higher than the percentage of women age 35-39, which stands at 79.5%. This stands in contrast to the general pattern of decline (to varying extents) in FGC that has been documented across most of Africa.' ¹⁶⁷ (Country File: The Gambia; Additional information)

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Tribal and ethnic variation

- 13.26 The Landinfo report, 'Female genital mutilation of women in West Africa,' dated 12 January 2009, covered 22 countries, including The Gambia. The report stated, 'Attitudes toward the practice of FGM in West Africa are as complex as the societies in the region – and this is a part of the world with extraordinary cultural variation. There hardly exists any community in West Africa, even in remote rural areas, which is not multi-ethnic, multi-religious and socially differentiated on several levels.' ¹⁶⁸ (p 10)

See section on [Ethnic groups](#) for further information about individual ethnic groups and languages spoken.

- 13.27 The US State Department The Gambia: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC), dated June 2001 described the incidence of FGM in The Gambia:

'The estimated percentage of all women in The Gambia who have undergone one of the forms of FGM/FGC ranges from 60 to 90 percent. The Foundation for Research on Women's Health, Productivity and the Environment (BAFFROW) reports that seven of The Gambia's nine ethnic groups practice one of these forms. Nearly all Mandinkas, Jolas and Hausas (together 52 percent of the population) practice Type II on girls between 10 years and 15 years of age. The Sarahulis (nine percent of the population) practice Type I on girls one week after birth. The Bambaras (one percent of population) practice Type III, which takes place when girls are between 10 years and 15 years of age. The Fulas (18 percent of the population) engage in a practice analogous to Type III that is described as "vaginal sealing" or Type IV on girls anywhere between one week and 18 years of age.

'The Wolofs, Akus, Sereres and Manjangos (together 16 percent of the population) generally do not practice any of these forms. However, if a woman marries a member of an ethnic group that engages in this practice, she may be forced to undergo the procedure prior to marriage.

¹⁶⁶ UNICEF <http://www.unicef.org/>; The Gambia; Multiple Indicator Cluster Survey 2010, dated June 2012; http://www.childinfo.org/files/Gambia_2010_MICS_Final_Report.pdf; date accessed: 10 October 2013.

¹⁶⁷ Orchid Project <http://orchidproject.org/>; Country File: The Gambia, dated 5 February 2013 <http://orchidproject.org/resource/country-file-the-gambia/> Date accessed: 31 July 2013

¹⁶⁸ Landinfo <http://www.landinfo.no/id/162.0>; Female genital mutilation of women in West Africa, dated 12 January 2009 http://www.landinfo.no/asset/768/1/768_1.pdf Date accessed: 1 August 2013

'Of those who have undergone any of these procedures, twenty percent are below the age of five and fifty percent are between the ages of five and eighteen, with the average being approximately age twelve. The urbanized areas of the western division have a high concentration of ethnic Wolofs who do not practice any of these procedures...' ¹⁶⁹

See also sub-section on Prevalence of FGM.

- 13.28 Orchid Project noted, in information dated 5 February 2013, that the following ethnic groups practise FGM: Mandinka 98%, Fula/Peul 32%, Wolof 4%, Diola, Sarahule, Serer, Aku, Tilibonka, Karonika. ¹⁷⁰ (Country File: The Gambia; Practising ethnic groups)

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Religious variation

- 13.29 Orchid Project stated, in information dated 5 February 2013, that 'FGC is known to have been performed on young girls before the birth of Islam or Christianity and cuts across cultural and religious lines.' ¹⁷¹ (Country File: The Gambia; History of FGC in The Gambia)
- 13.30 The UNICEF report, published in July 2013, indicated that nearly 80% of girls and women aged 15 to 49 years who have undergone FGM/C in The Gambia were Muslim; 20% were Christian (not including Roman Catholics). ¹⁷² (p73)
- 13.31 Further information about the impact of religious belief can be found in the Landinfo report (sections 3.2.2 and 3.3.7). ¹⁷³

Urban/rural and educational variation

- 13.32 The US State Department's Country Report on Human Rights Practices for 2012 in The Gambia, published in April 2013, stated, 'FGM/C was less frequent among educated and urban groups.' ¹⁷⁴
- 13.33 The US State Department's Report on FGM/C in The Gambia, dated June 2001, stated, 'Rural women in groups that practice any form of FGM/FGC, strongly support the practice.' ¹⁷⁵

¹⁶⁹ US State Department <http://www.state.gov/>; The Gambia: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC), dated June 2001 http://www.asylumlaw.org/docs/gambia/usdos01_fgm_Gambia.pdf Date accessed: 30 July 2013

¹⁷⁰ Orchid Project <http://orchidproject.org/> Country File: The Gambia, dated 5 February 2013 <http://orchidproject.org/resource/country-file-the-gambia/> Date accessed: 31 July 2013

¹⁷¹ Orchid Project <http://orchidproject.org/>; Country File: The Gambia, dated 5 February 2013 <http://orchidproject.org/resource/country-file-the-gambia/> Date accessed: 31 July 2013

¹⁷² UNICEF <http://www.unicef.org/>; Female Genital Mutilation/Cutting; A statistical overview and exploration of the dynamics of change; published July 2013 http://www.unicef.org/media/files/FGCM_Lo_res.pdf Date accessed: 31 July 2013

¹⁷³ Landinfo <http://www.landinfo.no/id/162.0>; Female genital mutilation of women in West Africa, dated 12 January 2009 http://www.landinfo.no/asset/768/1/768_1.pdf Date accessed: 1 August 2013

¹⁷⁴ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

- 13.34 Further information about these issues can be found in the Landinfo report (sections 3.3.4 to 3.3.6). It should be noted that the report covers 22 countries in West Africa, one of which is The Gambia.¹⁷⁶

Types of FGM

- 13.35 The US State Department's Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC), dated June 2001, accessed via the Asylum Law website, stated:
- 'Type I (commonly referred to as clitoridectomy) and Type II (commonly referred to as excision) are the most common forms of female genital mutilation (FGM) or female genital cutting (FGC) widely practiced in The Gambia. Type III (commonly referred to as infibulation) is practiced among only a small percentage of women and girls. Type IV (described in The Gambia as vaginal sealing) is also practiced. These practices are rooted in tradition and custom and cross ethnic, religious and cultural boundaries.'¹⁷⁷
- 13.36 The US State Department report also explained the different types of FGM performed in more detail in the report.¹⁷⁸

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Attitude of the authorities

- 13.37 The Social Institutions and Gender Index 2012 stated: 'In the 1990s, the government publicly supported campaigns run by NGOs to eradicate the practice, but more recently, women's rights NGOs working to eradicate FGM have faced threats and intimidation, the government has prohibited the dissemination of anti-FGM messages in the state media, and the president's spiritual advisor has spoken out in favour of the practice.'¹⁷⁹ (Restricted Physical Integrity)
- 13.38 On 5 February 2013, Orchid Project, an organisation which works to end FGM, noted, 'In 1999 President Jammeh announced that The Gambia would not ban these practices. He also stated that FGC was part of Gambian culture. Several members of the National Assembly and the Supreme Islamic Council have publicly supported continuation of FGC. The Vice President, on the other hand, has voiced support for reform.'¹⁸⁰ (Country File: The Gambia; Ongoing challenges)

¹⁷⁵ Asylumlaw.org <http://www.asylumlaw.org/>; The Gambia: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC), dated June 2001 http://www.asylumlaw.org/docs/gambia/usdos01_fgm_Gambia.pdf Date accessed: 30 July 2013

¹⁷⁶ Landinfo <http://www.landinfo.no/id/162.0>; Female genital mutilation of women in West Africa, dated 12 January 2009 http://www.landinfo.no/asset/768/1/768_1.pdf Date accessed: 1 August 2013

¹⁷⁷ US State Department <http://www.state.gov/>; The Gambia: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC), dated June 2001 http://www.asylumlaw.org/docs/gambia/usdos01_fgm_Gambia.pdf Date accessed: 30 July 2013

¹⁷⁸ US State Department <http://www.state.gov/>; The Gambia: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC), dated June 2001 http://www.asylumlaw.org/docs/gambia/usdos01_fgm_Gambia.pdf Date accessed: 30 July 2013

¹⁷⁹ Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

¹⁸⁰ Orchid Project <http://orchidproject.org/>; Country File: The Gambia, dated 5 February 2013 <http://orchidproject.org/resource/country-file-the-gambia/> Date accessed: 31 July 2013

- 13.39 The US State Department's Country Report on Human Rights Practices for 2012 in The Gambia, published in April 2013, stated, 'Some religious leaders publicly defended the practice.'¹⁸¹

See sub-sections on Societal attitudes, Campaign against FGM below and section on Human rights institutions, organisations and activists.

Societal attitudes

- 13.40 The US SD report on FGM/C in The Gambia, dated June 2001, explained attitudes and beliefs concerning FGM/FGC: 'It is generally the older women and excisors who are the major force behind maintaining the practice. The enticement of a big party, festive cooking and new clothes are commonly used as incentives for a girl to undergo the procedure.'¹⁸²
- 13.41 A UNICEF report, 'Female Genital Mutilation/Cutting; A statistical overview and exploration of the dynamics of change,' published in July 2013, stated, 'The highest levels of support can be found in Mali, Guinea, Sierra Leone, Somalia, Gambia and Egypt, where more than half the female population think the practice should continue. However, in most countries where FGM/C is concentrated (19 out of 29), the majority of girls and women think it should end.'¹⁸³ (p52)
- 13.42 The report added, 'In the Gambia, for instance, 82 per cent of girls and women who have undergone the procedure think the practice should continue, compared to 5 per cent of girls and women who are uncut.'¹⁸⁴ (p75-76)
- 13.43 The same UNICEF report stated that when girls and women aged 15 to 49 years who had heard of FGM/C in The Gambia were asked to cite specific benefits or advantages for a girl to undergo the procedure, 28% cited no benefits, 19% cited preservation of virginity, and 6% gave 'other' reason(s).¹⁸⁵ (p67)

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Family and community pressure

- 13.44 The US State Department report on FGM or FGC, dated June 2001, explained, 'In some cases, older women have been known to pursue a reluctant young woman and force her to undergo the procedure. It is difficult for a young woman to resist in the face

¹⁸¹ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹⁸² Asylumlaw.org <http://www.asylumlaw.org/>; The Gambia: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC), dated June 2001 http://www.asylumlaw.org/docs/gambia/usdos01_fgm_Gambia.pdf Date accessed: 30 July 2013

¹⁸³ UNICEF <http://www.unicef.org/>; Female Genital Mutilation/Cutting; A statistical overview and exploration of the dynamics of change; published July 2013 http://www.unicef.org/media/files/FGCM_Lo_res.pdf Date accessed: 31 July 2013

¹⁸⁴ UNICEF <http://www.unicef.org/>; Female Genital Mutilation/Cutting; A statistical overview and exploration of the dynamics of change; published July 2013 http://www.unicef.org/media/files/FGCM_Lo_res.pdf Date accessed: 31 July 2013

¹⁸⁵ UNICEF <http://www.unicef.org/>; Female Genital Mutilation/Cutting; A statistical overview and exploration of the dynamics of change; published July 2013 http://www.unicef.org/media/files/FGCM_Lo_res.pdf Date accessed: 31 July 2013

of powerful extended family members should she decide not to. Occasionally the procedure is performed without the parents' consent.' ¹⁸⁶

- 13.45 The Landinfo report, 'Female genital mutilation of women in West Africa,' , which addresses FGM in West Africa generally, not specifically the Gambia, dated 12 January 2009, stated:

'In collectively oriented societies like the African ones, personal identity is often intrinsically linked to group identity, and membership in a group or community is generally more important than individual life projects. In many communities, having gone through FGM is a crucial factor when defining women as members of a particular social group. Especially in communities where the large majority of women have been subjected to FGM, being among the few who have not may lead to social ostracisation.

'The consequence of this may both be pressure from adults in a girl's or young woman's community, but also considerable peer pressure.' ¹⁸⁷ (p13)

- 13.46 The same report added, 'In cases where a woman who belongs to a community that does not practice FGM marries a man from a community that does, her future in-laws may demand that she undergoes FGM in accordance with the traditions of her future husband's community, before they are allowed to marry. (This, however, is not inevitable.)' ¹⁸⁸ (p14)

- 13.47 The report stated:

'FGM is associated with traditions shared by communities, and the practice of FGM has social consequences for a number of people apart from girls and young women. Physically, the operation involves the girls themselves, as well as the people performing the operation and those who assist them. However, these people are not necessarily involved in making the decision to perform FGM. The parents of a girl or young woman are important, maybe especially her mother, but there are others who traditionally have a say in the decision. Grandparents, aunts and uncles (especially older siblings of both parents) have a lot of influence, but more distant relatives may also be involved in the decision. It is extremely rare that the upbringing of children is perceived as something that only concerns the children's parents.' ¹⁸⁹ (p21)

- 13.48 The Landinfo report stated, 'Finally it is extremely difficult to state who will have the last word in cases where there are differences of opinion around the question of whether to subject girls and young women to FGM – the girls/young women themselves, their parents, other guardians or members of the extended family. This will depend on a number of factors – both decided by local cultural patterns and purely individual circumstances that are very difficult to predict.' ¹⁹⁰ (p23)

¹⁸⁶US State Department <http://www.state.gov/>; The Gambia: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC), dated June 2001 http://www.asylumlaw.org/docs/gambia/usdos01_fgm_Gambia.pdf Date accessed: 30 July 2013

¹⁸⁷ Landinfo <http://www.landinfo.no/id/162.0>; Female genital mutilation of women in West Africa, dated 12 January 2009 http://www.landinfo.no/asset/768/1/768_1.pdf Date accessed: 1 August 2013

¹⁸⁸ Landinfo <http://www.landinfo.no/id/162.0>; Female genital mutilation of women in West Africa, dated 12 January 2009 http://www.landinfo.no/asset/768/1/768_1.pdf Date accessed: 1 August 2013

¹⁸⁹ Landinfo <http://www.landinfo.no/id/162.0>; Female genital mutilation of women in West Africa, dated 12 January 2009 http://www.landinfo.no/asset/768/1/768_1.pdf Date accessed: 1 August 2013

¹⁹⁰ Landinfo <http://www.landinfo.no/id/162.0>; Female genital mutilation of women in West Africa, dated 12 January 2009 http://www.landinfo.no/asset/768/1/768_1.pdf Date accessed: 1 August 2013

13.49 The same report stated:

‘Conflicts of interest around FGM usually (though not always) take one of the two following forms:

- Parents/guardians wish to subject a daughter to FGM, against her will.
- Parents/guardians wish to abstain from subjecting a daughter to FGM, but meet pressure from other relatives who wish the girl to be subjected to FGM.

‘Most conflicts between girls/young women and their parents/guardians will end with the girls having to submit and let themselves be subjected to FGM. This is closely related with girls’ and young women’s relatively limited autonomy in most West African societies, compared to what is common in i.e. [sic] Western European societies. The social risk connected to acting against the will of close relatives can be considerable, as most depend on them in their daily lives. One consequence of this is that compromises or the weaker party in a relationship accommodating the stronger is the most common result when there is conflict. Standing alone, with limited or no support from family and relatives, is usually considered worse than accommodating them or even submitting completely, against one’s own personal wishes.

‘In situations where parents/guardians wish not to have their daughters subjected to FGM, but where other relatives may try to intervene and overrule their decision, the circumstances are more complex... it is not given who will have the last word – parents/guardians or other relatives, and the result is far from certain.’¹⁹¹ (p24)

See also [Women – Discrimination](#)

13.50 Further information about family and community pressure and the resolution of such conflicts can be found in the [Landinfo report](#)¹⁹² (sections 3.4 and 4).

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Impact on health

13.51 The US State Department’s Country Report on Human Rights Practices for 2012 in The Gambia, published in April 2013, stated, ‘There were reports of health complications, including deaths, associated with FGM/C; however, no accurate statistics were available.’¹⁹³

13.52 Further information about the physical, emotional, psychological and other long-term impacts of FGM are available via the [Orchid Project](#).¹⁹⁴

¹⁹¹ Landinfo <http://www.landinfo.no/id/162.0>; Female genital mutilation of women in West Africa, dated 12 January 2009 http://www.landinfo.no/asset/768/1/768_1.pdf Date accessed: 1 August 2013

¹⁹² Landinfo <http://www.landinfo.no/id/162.0>; Female genital mutilation of women in West Africa, dated 12 January 2009 http://www.landinfo.no/asset/768/1/768_1.pdf Date accessed: 1 August 2013

¹⁹³ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

¹⁹⁴ Orchid Project <http://orchidproject.org/>; The impacts of FGC, undated <http://orchidproject.org/category/about-fgc/impacts/> Date accessed: 11 September 2013

Assistance from NGOs

- 13.53 The Landinfo report, 'Female genital mutilation of women in West Africa,' dated 12 January 2009, commented on the region generally not Gambia specifically, noted the possibility of an NGO providing assistance to resist family or community pressure when FGM is not wanted:

'Organisations working for women's and children's rights in general, and against FGM in particular, could be expected to inspire larger trust with most people than public authorities. However, representatives of such organisations may be dismissed as outsiders if they involve themselves in family conflicts on behalf of a young woman or her parents/guardians in order to resist pressure to undergo FGM.

'In the cases where people do contact such organisations, they can often provide both help with mediation and legal assistance. However, most such organisations have limited resources, something which has consequences for the help they are able to provide in different cases – especially to people who live far away from the capital or other large cities.' ¹⁹⁵ (p27)

See also section on [Human rights institutions, organisations and activists.](#)

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Campaign against FGM

- 13.54 The US State Department's Country Report on Human Rights Practices for 2012 in The Gambia, published in April 2013, stated, '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 [Gambia Committee on Traditional Practices Affecting the Health of Women and Children] 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.' ¹⁹⁶

- 13.55 The Daily Observer reported the following on 12 December 2012: 'In what is seen as a major victory for the campaign against Female Genital Mutilation (FGM), a total of 21 communities in the Upper River Region (URR) Districts of Sandu, Wulli West and East have publicly declared their abandonment of the practice. People in these communities have also agreed to stop early marriage among young girls, as well as other related harmful traditional practices that affect women.

'The symbolic declaration that was organised under the aegis of Tostan International The Gambia, an organisation that has been engaging in the campaign against the practice, was made at Bantunding in Wulli East District. The ceremony was witnessed by the governor of the region, members of the URR Technical Advisory Committee (TAC), and district chiefs, amongst others.

¹⁹⁵ Landinfo <http://www.landinfo.no/id/162.0>; Female genital mutilation of women in West Africa, dated 12 January 2009 http://www.landinfo.no/asset/768/1/768_1.pdf Date accessed: 1 August 2013

¹⁹⁶ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

“Today, we solemnly and with full knowledge engage in abandoning the practice of Female Genital Cutting [Mutilation] and early and forced marriages in our communities,” one Mansata Keita, who read the declaration statement on behalf of the communities declared.¹⁹⁷

- 13.56 Further information about groups working to end FGM/C can be found at [Orchid Project](#)¹⁹⁸ (Country File: The Gambia; Current efforts to abandon FGC) and UNICEF’s ‘Female Genital Mutilation in The Gambia; A Desk Review,’ published in 2002 (p 22-26).¹⁹⁹

See also section on [Human rights institutions, organisations and activists](#) and sub-section on [Forced and child marriage](#) for further information about these issues.

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Harassment of campaigners

- 13.57 Human Rights Watch published an article dated 22 October 2010 which stated:

‘On October 11 [2010], security forces arrested two prominent women’s rights defenders who, for years, had been conducting an effective campaign against Female Genital Mutilation (FGM) and other harmful practices. Gambian authorities have in the past announced that they would not guarantee the safety of activists who campaign against FGM. Although the police later said that the arrests were for theft-related charges, local activists do not rule out the possibility that the defenders’ campaign is connected to their predicament.

‘The suspicion is not without merit, given the country leadership’s record in launching direct attacks on human rights defenders. Just last year, President Yaya Jammeh lashed out at rights defenders and their “collaborators” and even threatened them with death: “If you think that you can collaborate with so-called human rights defenders, and get away with it, you must be living in a dream world. I will kill you, and nothing will come out of it.”²⁰⁰

- 13.58 Freedom House’s Freedom in the World report 2013, covering 2012 and published in May 2013, stated, ‘Local groups working to combat FGM reported being harassed in 2012 by judicial authorities.’²⁰¹

See also [Human rights institutions, organisations and activists](#)

Further background information about FGM

¹⁹⁷ Daily Observer <http://observer.gm/>; 21 communities in URR abandon FGM, dated 12 December 2012 <http://observer.gm/africa/gambia/article/21-communities-in-urr-abandon-fgm> Date accessed: 31 July 2013

¹⁹⁸ Orchid Project <http://orchidproject.org/>; Country File: The Gambia, dated 5 February 2013 <http://orchidproject.org/resource/country-file-the-gambia/> Date accessed: 31 July 2013

¹⁹⁹ UNICEF <http://www.unicef.org/>; ‘Female Genital Mutilation in The Gambia; A Desk Review,’ published in 2002 http://www.unicef.org/wcaro/wcaro_gambia_FGM_Desk_Review.pdf ; date accessed: 10 October 2013.

²⁰⁰ Human Rights Watch <http://www.hrw.org/>; Africa Rights Day: halting threats against rights defenders is a top priority, dated 22 October 2010 <http://www.hrw.org/news/2010/10/22/africa-rights-day-halting-threats-against-rights-defenders-top-priority> Date accessed: 31 July 2013

²⁰¹ Freedom House <http://www.freedomhouse.org/>; Freedom in the World 2013; Gambia, The; covering 2012 and published May 2013 <http://www.freedomhouse.org/report/freedom-world/2013/gambia> Date accessed: 31 July 2013

13.59 FGM in The Gambia was considered in the Upper Tribunal's (Immigration and Asylum Chamber) determination of November 2012 in the case of K and others which looked at a range of sources including information provided by expert witnesses.²⁰²

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Street children

13.60 StarAfrica.com reported the following on 1 May 2013:

'The population of street children is very high in The Gambia, particularly in border towns. Government measures have been adopted to reduce this phenomenon. The authorities take children to transit centres where they try to return them to their families. There are, however, not enough resources to care for all the children, who, moreover, resent this, the minister said.

'Many children thus still live and work in the street and remain vulnerable to adults and other children. They are often malnourished, live half naked, are beaten, exploited and risk having unprotected sex. According to a joint assessment report conducted in 2006, by Child Fund and UNICEF, street children in The Gambia spend an average of six hours a day roaming the streets and begging. The government recently passed a law banning street begging.'²⁰³

13.61 The US State Department's Trafficking in Persons Report 2013, published in June 2013, covering the period April 2012 to March 2013, stated, 'Many Gambian boys attend Koranic schools led by religious teachers, known as marabouts; some corrupt or unscrupulous marabouts sometimes force such boys into begging and street vending.'²⁰⁴ (Country Narratives: D-I, p 174) Further information about this practice, dated December 2010, is available on the website of Child Hope, an international charity supporting street/working children: <http://www.childhope.org.uk/article.asp?id=754>²⁰⁵

See also sub-section on [Child labour](#).

Child labour

13.62 The US Department of Labor (USDOL) report, 'Findings on the Worst Forms of Child Labor,' The Gambia, covering the period January to December 2011 and published in September 2012, stated:

'Children in The Gambia are engaged in the worst forms of child labor, including in commercial sexual exploitation. Commercial sexual exploitation of children continues to be a serious problem in The Gambia. Some children are exploited in brothels. Evidence

²⁰² British and Irish Legal Information Institute <http://www.bailii.org/>; Upper Tribunal (Immigration and Asylum Chamber); K and others (FGM) The Gambia CG [2013] UKUT 62(IAC), dated November 2012 http://www.bailii.org/uk/cases/UKUT/IAC/2013/00062_ukut_iac_k_ors_gambia_cg.html Date accessed: 11 September 2013

²⁰³ StarAfrica.com <http://en.starafrika.com/>; Gambia reaffirms commitment to child protection, dated 1 May 2013 <http://en.starafrika.com/news/gambia-reaffirms-commitment-to-child-protection.html> Date accessed: 6 September 2013

²⁰⁴ US State Department <http://www.state.gov/>; Trafficking in Persons Report 2013 <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm> Date accessed: 13 September 2013

²⁰⁵ Child Hope <http://www.childhope.org.uk/>; December 2010 update <http://www.childhope.org.uk/article.asp?id=754> Date accessed: 6 September 2013

suggests that sexual exploitation of Gambian children in touristic areas persists, although stricter laws and enforcement have driven such activity away from major hotels and toward lower-end guest houses and motels.

‘Children in rural areas are engaged in agricultural production. Children’s work in agriculture commonly involves using dangerous tools, carrying heavy loads, and applying harmful pesticides.

‘Children in The Gambia also work in domestic service. In particular, some girls from rural areas reportedly leave school to seek work as domestic servants in urban centers. Child domestics may work long hours, performing strenuous tasks, without sufficient food or shelter. These children may also be isolated in private homes and are susceptible to physical and sexual abuse.’²⁰⁶

13.63 Further information about child labour is available in the US DoL report.²⁰⁷

See also sub-sections on [Street children](#) and [Human trafficking](#).

Childcare and protection

13.64 The US State Department’s Bureau of Consular Affairs provided the following information about children’s homes in The Gambia, dated July 2012, noted as a disclaimer to the limited information it was able to provide about adoption in Gambia: ‘In many countries, birth parents place their child(ren) temporarily in an orphanage or children’s home due to financial or other hardship, intending that the child return home when this becomes possible. In such cases, the birth parent(s) have rarely relinquished their parental rights or consented to their child(ren)’s adoption.’²⁰⁸

13.65 The website of Child Rights International Network (CRIN) explained the work carried out by Child Protection Alliance in The Gambia and provided a list of other similar organisations working in the country:
<http://www.crin.org/organisations/viewOrg.asp?ID=1985>²⁰⁹

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Education

13.66 The US State Department’s Country Report for 2012, published in April 2013, stated:

‘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 that primary schools enrolled 75 percent of children. Islamic

²⁰⁶ US Department of Labor <http://www.dol.gov/>; 2012 Findings on the Worst Forms of Child Labor; The Gambia; covering January to December 2011; published in September 2012 <http://www.dol.gov/ilab/reports/child-labor/gambia.htm>; date accessed: 10 October 2013

²⁰⁷ US Department of Labor <http://www.dol.gov/>; 2012 Findings on the Worst Forms of Child Labor; The Gambia; covering January to December 2011; published in September 2012 <http://www.dol.gov/ilab/reports/child-labor/gambia.htm>; date accessed: 10 October 2013

²⁰⁸ US State Department <http://www.state.gov/>; Bureau of Consular Affairs; Intercountry Adoption; Gambia; updated July 2012 http://adoption.state.gov/country_information/country_specific_info.php?country-select=gambia Date accessed: 9 September 2013

²⁰⁹ Child Rights International Network (CRIN) <http://crin.org/>; Child Protection Alliance (CPA), undated <http://www.crin.org/organisations/viewOrg.asp?ID=1985> Date accessed: 9 September 2013

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 numbers of girls in school, the government ensured that tuition for female students was waived consistently.' ²¹⁰ (Section 6. Children)

- 13.67 The Social Institutions and Gender Index 2012 stated, 'Expectations that girls will not work outside the home once they marry mean that girls' education has not been a priority for many families.' ²¹¹ (Son bias)
- 13.68 The website of the US Embassy in Banjul provided (undated) information about the educational system in The Gambia:
<http://banjul.usembassy.gov/news/education/educational-system-of-the-gambia.html> ²¹²

Health and welfare

- 13.69 The Gambian Ministry of Health and Social Welfare's website provided the following (undated) information:
- 'The Gambia has an Infant Mortality Rate of 84/1000 live births, 60% of which is attributable to malaria, diarrheal diseases and acute respiratory tract infections. The main causes of mortality in infants (0-12 months) are neonatal sepsis, premature deliveries, malaria, respiratory infections, diarrheal diseases and malnutrition. For child mortality, main causes are: malaria, pneumonia, malnutrition, and diarrheal diseases...
- 'There has been a decline in national coverage for fully immunized children to a present level of 68.6% for under 1 year and 76.0% for the under 2 year in 2000...
- 'Malnutrition continues to be a major public health problem in The Gambia. A 1998 national anthropometrics study of children under five conducted in the dry season indicated 16.8% stunting, 6.8% wasting and 17.1% underweight.' ²¹³
- 13.70 The World Health Organisation provided information about maternal and child health in The Gambia dated March 2012:
http://www.who.int/woman_child_accountability/countries/Gambia.pdf ²¹⁴

See also section on Disability.

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²¹⁰ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

²¹¹ Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

²¹² US Embassy, Banjul, The Gambia <http://banjul.usembassy.gov/>; Education, undated <http://banjul.usembassy.gov/news/education/educational-system-of-the-gambia.html> Date accessed: 6 September 2013

²¹³ Ministry of Health and Social Welfare, The Gambia <http://www.moh.gov.gm/>; Health Services, undated http://www.moh.gov.gm/index.php?option=com_content&view=article&id=44&Itemid=78 Date accessed: 6 September 2013

²¹⁴ World Health Organisation <http://www.who.int/en/>; Gambia; Countdown to 2015; Maternal, Newborn and Child Survival, dated March 2012 http://www.who.int/woman_child_accountability/countries/Gambia.pdf Date accessed: 6 September 2013

Documentation

13.71 The US State Department's Country Report for 2012, published in April 2013, stated:

'Citizenship is derived by birth within the country's territory and from one's parents; however, not all births were registered. To access health care and treatment at public health centers, children were required to have a clinic card, which was available without birth registration. Birth certificates often were required to enroll in school, and they could easily be obtained.'²¹⁵ (Section 6. Children)

See also sub-section on Legal position.

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14. Medical issues

Overview

14.01 The US State Department provided the following information, dated 21 March 2013: 'Medical facilities in The Gambia are very limited, some treatments are unavailable, and emergency services can be unpredictable and unreliable.'²¹⁶ (Medical facilities and health information)

14.02 In information updated on 13 August 2013, the CIA World Factbook stated that there were 0.04 physicians/1,000 population (2008) and 1.1 beds/1,000 population (2011)²¹⁷ (People and Society)

14.03 The World Health Organisation provided the following (undated) information, accessed on 12 June 2013:

'The vision of the Department of Public & Environmental Health (DPEH) in Banjul, Gambia is the attainment of accessible quality health care for the Gambian population that would be a model in the Africa Region by the year 2020. It involves partners, donors, local and international agencies, interest groups and private sector in the Planning and Implementation of Health Services. The Gambia is located on the West African coast and extends about 400 km inland, with a population density of 97 persons per square kilometre. The public health service delivery system is three tier based on the primary health care strategy. Presently services are provided by 3 hospitals, 36 health facilities at the secondary level and 492 health posts at the primary level. Gambia's health sector has over the years been under great pressure due to a number of factors: the high population growth rate, inadequate financial and logistic support, shortage of adequately and appropriately trained health staff, high attrition rate and lack of efficient and effective referral system. Poverty and ignorance have led to inappropriate health seeking behaviours and contributed to ill health.

²¹⁵ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

²¹⁶ US State Department <http://www.state.gov/>; Travel.State.Gov; Gambia, The; Country Specific Information; dated 21 March 2013 http://travel.state.gov/travel/cis_pa_tw/cis/cis_1121.html#medical Date accessed: 28 August 2013

²¹⁷ Central Intelligence Agency <https://www.cia.gov/index.html>; World Factbook; Gambia, The; last updated 13 August 2013 <https://www.cia.gov/library/publications/the-world-factbook/geos/ga.html> Date accessed: 23 August 2013

'Main activities

'The goals of DPEH are:

to develop sustainable Essential Care Packages for all levels of the health care delivery system, to provide required resources for efficient delivery of the essential care package, and to implement delivery of essential care packages at all levels.'²¹⁸

- 14.04 Further information about health services, facilities and diseases is available at the website of the Ministry of Health and Social Welfare: <http://www.moh.gov.gm/>²¹⁹

HIV/AIDS

- 14.05 The Point newspaper reported the following on 29 November 2012:

'Statistics from the UNAIDS (the Joint United Nations Programme on HIV/AIDS) country officer in The Gambia has revealed that between 18,000 to 24,000 people are living with HIV and the AIDS disease in the country, and for more than two decades now about 500 people died annually of HIV and AIDS and related diseases.'²²⁰

- 14.06 The US State Department's Country Report for 2012, published in April 2013, stated:

'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 multisectoral approach to fighting HIV/AIDS through its national strategic plan, which provided for care, treatment, and support to persons living with or affected by HIV/AIDS. The plan also included HIV prevention programs for high-risk populations. Throughout the year the Ministry of Health urged voluntary HIV/AIDS counseling and testing.'²²¹

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Mental health

- 14.07 The Mental Health Leadership and Advocacy Programme (mhLAP) is a partnership between the University of Ibadan and CBM, an international NGO. The project is funded by the Australian Aid Agency. The initiator and project director is a Professor at the University of Ibadan. MhLAP provided the following (undated) information, accessed on 28 August 2013:

'The Gambia has only one mental health institution with a capacity of 100 patients and currently has only one trained mental health nurse countrywide, no rehabilitation centre and almost zero services for the provincial population. One general nurse covers a

²¹⁸ World Health Organisation <http://www.who.int/en/>; Department of Public and Environmental Health, Gambia; undated http://www.who.int/workforcealliance/members_partners/member_list/dpehgambia/en/ Date accessed: 12 June 2013

²¹⁹ Ministry of Health and Social Welfare, The Gambia <http://www.moh.gov.gm/>; Health Services, undated http://www.moh.gov.gm/index.php?option=com_content&view=article&id=44&Itemid=78 Date accessed: 6 September 2013

²²⁰ The Point <http://thepoint.gm/>; Over 18 000 people living with HIV/AIDS in Gambia, dated 29 November 2012 <http://thepoint.gm/africa/gambia/article/over-18000-people-living-with-hivaids-in-gambia> Date accessed: 28 August 2013

²²¹ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

whole shift at the country's psychiatric hospital. 72% of patients are between the ages of 15 and 50 and 48% of patients are diagnosed with cannabis induced psychosis...From 2010 and 2011, 46 cases of sexual abuse of the mentally ill were documented....An (undated) mental health situational analysis found: '95% of the (432) respondent stated that mental health services are not available in their communities. Estimates indicate that about 0.64% of the health budget is spent on mental health. 1 Gambian train mental health Nurse, 1 psychiatric hospital, no mental health legislation, use of expired medications, no transportation facility, poor community mental health service, chaining and beating of patients, poor leadership in mental health etc.'²²²

14.08 MedCOI provided the following information compiled by the Belgian Alien's Office, dated 25 January 2013:

'The mental health services and the human resources for mental health are very limited: "There is a large gap between the numbers of people affected by a mental disorder and those receiving treatment. While the prevalence rate is estimated to be between 27.300 (severe disorders) and 91.000 (all mental disorders) the maximum number of people receiving treatment is estimated to be 3.278." (p 6) "There is no Gambian psychiatrist in mental health. Assistance is provided by three Cuban psychiatrists who are there for a few years. There is no psychologist and only one psychiatric nurse who is the head of the Tanka Tanka Psychiatric [sic] Hospital and is mostly engaged with administrative issues." (p 12-13)

'There is only one psychiatric hospital, the "Tanka Tanka Psychiatric Hospital" which has a capacity of 100 patients. This hospital is a department under the "Royal Victoria Teaching Hospital" (RVTH). But the conditions of this hospital are basic. There is neither psychiatrist nor psychologist working in Tanka Tanka so patients do not have access to professional counseling sessions. "There is no barrier between the male and female patients and they can visit each other without any hindrance".' (p 8) [Mental Health Leadership and Advocacy Programme; Gambia Mental Health Report 2012]²²³

14.09 The same response from the Belgian Alien's Office provided this information on medication:

'The hospital policy is that prescriptions can and should only be done by the doctors and trained nurses. This unfortunately is not the case in the psychiatric hospital. A quarter of the prescriptions are done by untrained personals [sic] (nurse attendants). Despite getting it right sometimes, these prescriptions have sometimes cause [sic] serious mistakes and poor or wrong choice of medication.' (p 22) [Mental Health Leadership and Advocacy Programme; Gambia Mental Health Report 2012]²²⁴

²²² Mental Health Leadership and Advocacy Programme (mhLAP) <http://mhlap.org/>; Gambia, undated <http://mhlap.org/country-of-activities/gambia> Date accessed: 28 August 2013

²²³ Project MedCOI; Reference: Belgian Alien's office, Question & Answer. Code: BDA-20130110-GM-0001, dated 25 January 2013. MedCOI disclaimer: The information is limited to the availability of medical treatment, usually at a particular hospital/clinic/health institute, in the country of origin; it does not provide information on the accessibility of treatment. The Medical Advisors' Office in the Netherlands does its utmost to provide accurate, transparent and up-to-date information within a limited timeframe. However, this information does not purport to be exhaustive. No rights can be derived from its contents.

²²⁴ Project MedCOI; Reference: Belgian Alien's office, Question & Answer. Code: BDA-20130110-GM-0001, dated 25 January 2013. MedCOI disclaimer: The information is limited to the availability of medical treatment, usually at a particular hospital/clinic/health institute, in the country of origin; it does not provide information on the accessibility of treatment. The Medical Advisors' Office in the Netherlands does its utmost to provide accurate, transparent and up-to-date information within a limited timeframe. However, this information does not purport to be exhaustive. No rights can be derived from its contents.

14.10 The response also reported on discrimination against people with mental health issues:

‘People experiencing mental distress:

are stigmatized;

are discriminated against in education and employment;

experience physical and sexual abuse;

are restricted in exercising their civil and political rights including the right to vote;

face barriers in accessing mainstream services such as essential Health & Social Care;

are often chained, stoned, beaten and jailed without just cause.’ [Elemental Wellbeing – Working in West Africa, Fundraising and Charity Events]²²⁵

14.11 The response also commented on whether treatments are free of charge:

‘The treatments at the Tanka Tanka Psychiatric Hospital are free. In other hospitals, patients must pay for it. (p 5) [The Swiss Organisation for Aid to Refugees, Gambe: traitement de PTSD et d’episodes depressifs severes]

‘In public facilities, patients pay user fees to receive care, such as D5 (\$0.17) for outpatient hospital (health center) visit for an adult, which may include consultation and medicine, and D50 (\$1.7) for inpatient care per week. These user fees are used as cost recovery for hospitals and health centers.’ (p 14) [Donald S. Shepard, Wu Zeng, Design of Health Insurance in The Gambia, February 2, 2011]²²⁶

14.12 The response also provided information about who else, or which organisations, could probably bear the costs for medication which is not free of charge:

‘Organization	Comment
Association for the Mentally Disable [sic] Gambia (AMDG)	Established in 2004, AMDG is involved in capacity building, advocacy and sensitization, family and hospital support.
Gambia Mental Health Agency (GaMHA)	Awaits an MOU from the Ministry of Health and Social Welfare to start operating.
Mental Health Leadership and Advocacy Program (mhLAP) Gambia	Started in the Gambia in February 2012. Works in advocacy and capacity building of mental health leaders and service users.

²²⁵ Project MedCOI; Reference: Belgian Alien’s office, Question & Answer. Code: BDA-20130110-GM-0001, dated 25 January 2013. MedCOI disclaimer: The information is limited to the availability of medical treatment, usually at a particular hospital/clinic/health institute, in the country of origin; it does not provide information on the accessibility of treatment. The Medical Advisors’ Office in the Netherlands does its utmost to provide accurate, transparent and up-to-date information within a limited timeframe. However, this information does not purport to be exhaustive. No rights can be derived from its contents.

²²⁶ Project MedCOI; Reference: Belgian Alien’s office, Question & Answer. Code: BDA-20130110-GM-0001, dated 25 January 2013. MedCOI disclaimer: The information is limited to the availability of medical treatment, usually at a particular hospital/clinic/health institute, in the country of origin; it does not provide information on the accessibility of treatment. The Medical Advisors’ Office in the Netherlands does its utmost to provide accurate, transparent and up-to-date information within a limited timeframe. However, this information does not purport to be exhaustive. No rights can be derived from its contents.

National Youth Parliament (NYP)	Organizes annual visits to the Psychiatric Hospital, donates materials and now has mental health in its strategy
Tanka Tanka Foundation	Built the new hospital, provided material to the hospital but in mid-2011 withdrew all its support to the hospital. Reason is not clear.
World Health Organization (WHO) Gambia	Have been technically helping the Ministry of Health, building capacity and partnering with independent organizations
Action Aid The Gambia	In 2006, helped by providing medications'

[Mental Health Leadership and Advocacy Programme, Gambia Mental Health Report 2012]²²⁷

See also sections on Women – [Health and welfare](#) and Children – [Health and welfare](#).

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15. Land ownership

Legal issues

15.01 The US State Department's Reports on Human Rights Practices for 2012, published in April 2013, stated, '...The judicial system also recognizes customary law and Sharia (Islamic law).

'Customary law covers...inheritance, land tenure 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.'²²⁸

See also sub-sections on [Customary land](#), [Position of women](#) and [Women-discrimination](#)

Position of women

²²⁷ Project MedCOI; Reference: Belgian Alien's office, Question & Answer. Code: BDA-20130110-GM-0001, dated 25 January 2013. MedCOI disclaimer: The information is limited to the availability of medical treatment, usually at a particular hospital/clinic/health institute, in the country of origin; it does not provide information on the accessibility of treatment. The Medical Advisors' Office in the Netherlands does its utmost to provide accurate, transparent and up-to-date information within a limited timeframe. However, this information does not purport to be exhaustive. No rights can be derived from its contents.

²²⁸ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

15.02 The (undated) Social Institutions and Gender Index 2012 (SIGI 2012) provided information using data from November 2011 or before:

‘Women’s rights in regard to inheritance depend on the law applied. Sharia provides for detailed and complex calculations of inheritance shares, whereby women may inherit from their father, mother, husband or children and, under certain conditions, from other family members. However, their shares are generally only half of that to which men are entitled. Christian women and female children can receive properties under the wills of their husbands or fathers, but may also find themselves disadvantaged. Their law of inheritance permits husbands, if they so choose, to will away all property and leave nothing for their wives and children. Gambian law offers no protection to women in such cases. Under customary law, wives are not entitled to the property of their husband unless – and until – they agree to let themselves be inherited by the husband’s family. In effect, such women are treated as a form of property to be inherited along with the rest of their husbands’ assets. In some areas, however, women can inherit land from their mothers, and leave it in turn to their daughters.’²²⁹ (Discriminatory Family Code)

15.03 The SIGI 2012 further stated:

‘Women’s access to land in Gambia is determined by their marriage status. Land tenure practices in rural areas are still governed by customary law. Under customary practices, women borrow rather than own the land they cultivate from their husbands, their husbands’ families or other members of the village. As a result, and because of inheritance practices that are less favourable to women, in 2002 it was reckoned that only 8.2% of title deeds to land were owned by women. The recent Lowlands Agricultural Development Programme, which ran 1997–2005, redistributed land to landless farmers, many of whom were women. Women will have the right to retain ownership of this land, and to pass it on to their children.’²³⁰ (Restricted resources and entitlements)

See also sub-sections on [Women – discrimination](#) and [Women - Family and personal law](#).

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Ownership of land

15.04 Freedom Newspaper noted the following on 31 January 2010:

‘In The Gambia, people claimed ownership of land by inheritance, state leased, and in some occasions by virtue of occupation of a given land in a locality. The state reserves the right to evict people from areas earmarked for developmental purposes.’²³¹

²²⁹ Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

²³⁰ Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

²³¹ Freedom Newspaper <http://freedomnewspaper.com/>; Violence erupts in Gambia!!! As Western region communities fight, dated 31 January 2010 <http://freedomnewspaper.com/Homepage/tabid/36/mid/367/newsid367/4886/Breaking-News-Gambia-Violence--Erupts-In-Gambia/Default.aspx> Date accessed: 30 August 2013

See also sub-sections on [Legal issues](#), [Position of women](#) and [Confiscation, eviction and demolition](#).

- 15.05 The BBC reported on confusion regarding land ownership in Africa on 23 July 2013: <http://www.bbc.co.uk/news/business-23421548> ²³²

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Customary land

- 15.06 Garden City Real Estate Agency in Gambia provided the following (undated) information:

‘Customary Tenure Land is land that is owned and occupied by families or groups of families usually over a long period of time. The title or ownership to this type of land is established by customary law which is recognized by the Laws of The Gambia. A lot of land in The Gambia particularly in the provinces, Kombo North District and Kombo South are customary land. The heads of villages known as Alkalo’s can confirm customary land ownership in their villages. Customary land is recognized by law and once the property is transferred to the buyer, he or she can apply for a lease of the property from the State.’ ²³³ (Customary land)

- 15.07 Further information about customary land is available here: http://www.gardencity.gm/index.php?option=com_content&view=article&id=3&Itemid=1 ²³⁴

See also sub-section on [Legal issues](#).

Land disputes

- 15.08 Gainako.com, a Gambian news website, noted the following on 22 August 2013:

‘...more and more Gambians get tangled in land disputes including the President. Land has become the hottest commodity in Gambia and even the president is allegedly involved in land grabbing as he expands his hunger for more farms and businesses. One thing Gambians must be mindful of, land disputes are very sensitive and could spell very serious conflicts in a Nation. A great example is the numerous conflicts in Gunjur, and other parts of the country. Peoples’ land heritage must be respected and protected to avoid confiscation of genuine lands that belongs to families.’ ²³⁵

See also sub-section on [Confiscation, eviction and demolition below](#).

- 15.09 The Point reported as follows on 25 July 2013:

²³² BBC <http://www.bbc.co.uk/>; World Bank: Africa held back by land ownership confusion, dated 23 July 2013 <http://www.bbc.co.uk/news/business-23421548> Date accessed: 30 August

²³³ Garden City Real Estate Agency Gambia <http://www.gardencity.gm/>; Legal Advice Gambia, undated http://www.gardencity.gm/index.php?option=com_content&view=article&id=3&Itemid=11 Date accessed: 30 August 2013

²³⁴ Garden City Real Estate Agency Gambia <http://www.gardencity.gm/>; Legal Advice Gambia, undated http://www.gardencity.gm/index.php?option=com_content&view=article&id=3&Itemid=11 Date accessed: 30 August 2013

²³⁵ Gainako.com <http://gainako.com/>; Jammeh Fires Local Govt and Lands Minister Aki Bayo, Momodou S Colley takes Charge, dated 22 August 2013; <http://gainako.com/?p=1714> Date accessed: 30 August 2013

'The situation befalling land ownership in this country, to say the least, is alarming.... our point of focus is the rate at which simmering land cases increase in our courts... Ordinary citizens now find it difficult to own a plot of land in this country....It is our belief that land must be made available, affordable and accessible to all citizens by means of legal mechanisms, and through the right channels. Selling a plot of land to three or four different persons at the same time, as seen in many cases, is unacceptable. It is, therefore, the responsibility of the Ministry of Lands and Regional Government to address the issue by putting in place a proper mechanism, to ensure that land is legally acquired to avoid unforeseeable circumstances.'²³⁶

15.10 The Point addressed the issue once again on 29 August 2013, stating,

'The number of issues pertaining to land in The Gambia is growing day-by-day. We have poor coordination, false possession, and people charging high prices for what do not belong to them; to name but a few of the problems. As things stand, the reality is that genuine people who wish to invest their hard-earned money in a piece of property, are increasingly afraid to risk getting involved in land disputes...the last thing you want is for that money to be lost in a dubious land deal. In any case, prospective investors in land need to remind themselves of the importance of obtaining reliable confirmation and transfer documents from alkalos [village chief], and proper advice and guidance from lawyers... Land in The Gambia now is a burning issue, and people need help, as they are suffering.'²³⁷

Confiscation, eviction and demolition

15.11 Freedom Newspaper reported on confiscation of land by the Government in an article dated 5 July 2010:

<http://freedomnewspaper.com/Homepage/tabid/36/mid/367/newsid367/5376/Gambia-GOVERNMENT-TO-CONFISCATE-ALL-DISPUTED-LANDS-IN-THE-GAMBIA/Default.aspx>²³⁸

15.12 The Point website reported on evictions from property and demolitions of property on 7 May 2012: <http://thepoint.gm/africa/gambia/article/the-land-crisis-issue>²³⁹ The Point reported on evictions from business premises and demolition of property in Banjul on 5 December 2012: <http://thepoint.gm/africa/gambia/article/massive-demolition-of-compounds-workshops-at-bund-road>²⁴⁰

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16. Freedom of movement

²³⁶ The Point <http://thepoint.gm/>; The looming land crisis, dated 25 July 2013

<http://thepoint.gm/africa/gambia/article/the-looming-land-crisis> Date accessed: 30 August 2013

²³⁷ The Point <http://thepoint.gm/>; The Challenge for the new Lands Minister, dated 29 August 2013

<http://thepoint.gm/africa/gambia/article/the-challenge-for-the-new-lands-minister> Date accessed: 30 August 2013

²³⁸ Freedom Newspaper <http://freedomnewspaper.com/>; Government to confiscate all disputed lands in The Gambia, dated 5 July 2010 <http://freedomnewspaper.com/Homepage/tabid/36/mid/367/newsid367/5376/Gambia-GOVERNMENT-TO-CONFISCATE-ALL-DISPUTED-LANDS-IN-THE-GAMBIA/Default.aspx> Date accessed: 30

August 2013

²³⁹ The Point <http://thepoint.gm/>; The land crisis issued, dated 7 May 2012

<http://thepoint.gm/africa/gambia/article/the-land-crisis-issue> Date accessed: 24 October 2013

²⁴⁰ The Point <http://thepoint.gm/>; Massive demolition of compounds, workshops at Bund Road, dated 5 December 2012 <http://thepoint.gm/africa/gambia/article/massive-demolition-of-compounds-workshops-at-bund-road>

Date accessed: 30 August 2013

16.01 The US State Department Country Report on Human Rights Practices for 2012, The Gambia, published in April 2013, stated:

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

²⁴¹

16.02 The Social Institutions and Gender Index 2012 stated, 'There are no reported legal restrictions on women's freedom of movement. Data is unavailable regarding day-to-day restrictions on women's freedom of movement, imposed by husbands and families.'²⁴²
(Restricted Civil Liberties)

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²⁴¹ US State Department <http://www.state.gov/>; Country reports on human rights practices for 2012; Gambia, The; published 19 April 2013 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> Date accessed: 29 July 2013

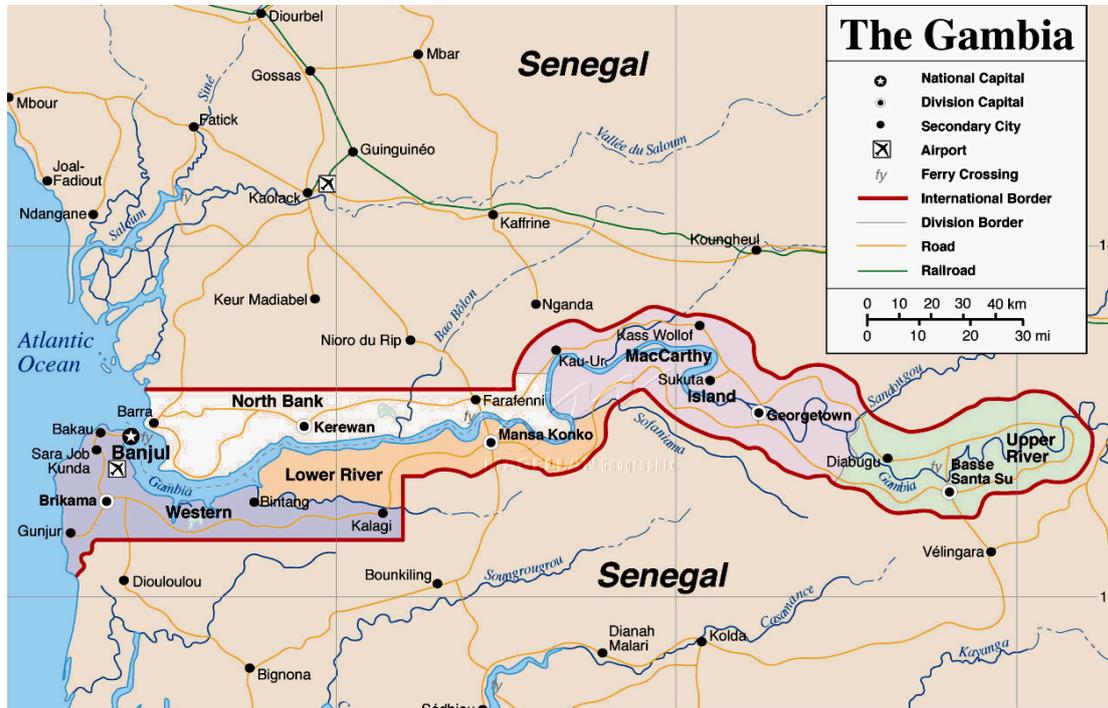
²⁴² Social Institutions and Gender Index <http://genderindex.org/>; Social Institutions and Gender Index 2012; Gambia, The; undated <http://genderindex.org/country/gambia> Date accessed: 30 July 2013

²⁴² FCO email to UK Border Agency dated 2 February 2011; Entry and exit procedures. Available on request.

Annex A

Map

Map of The Gambia:



Gambian government, Department of State for Trade, Industry and Employment, undated (DOSTIE).²⁴³

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²⁴³ Department of State for Trade, Industry and Employment (DOSTIE) <http://www.gambia.gm/>; Map of Gambia, undated <http://www.gambia.gm/Statistics/images/THEGAMBIA.gif> Date accessed: 10 September 2013

Annex B

Useful sources

Background information

CIA World Factbook; Gambia, The; updated 22 August 2013

<https://www.cia.gov/library/publications/the-world-factbook/geos/ga.html>

Recent political and economic history

Freedom House; Countries at the Crossroads 2012; The Gambia

<http://www.freedomhouse.org/report/countries-crossroads/2012/gambia> (Introduction and Accountability and Public Voice)

Constitution of The Gambia

World Intellectual Property Organisation; Constitution of the Republic of The Gambia

http://www.wipo.int/wipolex/en/text.jsp?file_id=221243#LinkTarget_2234.

For comment on the Constitution, Freedom House; Countries at the Crossroads 2012; The Gambia (Accountability and Public Voice)

<http://www.freedomhouse.org/report/countries-crossroads/2012/gambia>

Gambian press

The Point

<http://thepoint.gm/>

Freedom Newspaper

<http://freedomnewspaper.com/>

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