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THE GAMBIA

RDS - IND

COUNTRY OF ORIGIN INFORMATION SERVICE

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1. Scope of document

- 1.01 This Country of Origin Information Report (COI Report) has been produced by Research Development Statistics (RDS), Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 20 February 2006.
- 1.02 The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- 1.03 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- 1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- 1.05 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- 1.06 As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- 1.07 The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent

documents. All sources contain information considered relevant at the time this Report was issued.

- 1.08 This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.
- 1.09 COI Reports are published every six months on the top 20 asylum-producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.
- 1.10 In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

- 1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.
- 1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel'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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2. Geography

- 2.01 As noted in Europa Regional Surveys of the World: Africa South of the Sahara 2005, "The Republic of Gambia occupies an area of 11,295 sq km (4,361 sq miles). Apart from a very short coastline, The Gambia is a semi-enclave in Senegal, with which it shares some physical and social phenomena, but differs in history, colonial experience and certain economic affiliations." [1a] (p473)
- 2.02 As documented in a BBC report (last updated on 6 May 2005), the United Nations (UN) estimated the population of The Gambia in 2005 to be 1.5 million. [8a] The Central Intelligence Agency (CIA) World Factbook (last updated on 10 January 2006) noted that the estimated population of The Gambia in July 2005 was 1,593,256 people, with an annual growth rate of 2.93 per cent. [7a] (p2) The provisional figures in the 2003 Population and Housing Census put the population at 1,364,507. [21g] The United Nations Children's Fund (UNICEF) report (accessed on 9 November 2005) noted that "Nearly 49 per cent of the Gambia's population is below 18 years of age, with 19 per cent age 15 to 24, and 22 per cent of women age 15 to 49." [15b] (p1)
- 2.03 Africa South of the Sahara 2005 stated that "The capital is Banjul, with a population of 34,828 in 2003, but it is exceeded in size by both Brikama (42,480 inhabitants in 1993) and Serrekunda (151,450 inhabitants in 1993)." [1a] (p473)
- 2.04 The same document reported that "The principal ethnic groups are the Mandinka, Fula, Wolof, Jola, Serahule, Serere, Manjago and Bambara. There is also a small but influential Creole (Aku) community." [1a] (p473) As noted in 'The Languages of the World' by Kenneth Katzner, "The official language is English. Native languages include Malinke [Mandinka] (400,000 speakers), Fulani [Fula] (200,000), Wolof (150,000), and Dyola [Jola] and Soninke [Serahuli] (100,000 each)." [30a] (p348) Emeritus Professor of African Politics at the Centre of West African Studies, University of Birmingham, Arnold Hughes, noted, on 17 February 2006, that "Soninke is the name used for the Serahuli people in neighbouring French-speaking countries. [19a] (See also section 6B on Ethnic groups)
- 2.05 Africa South of the Sahara 2005 indicated that "About 85 percent of the population are Muslims. The remainder are mainly Christians, and there are a few animists, mainly of the Diola [Jola] and Karoninka ethnic groups." [1a] (p488)

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3. Economy

- 3.01 As documented in the Foreign and Commonwealth Office (FCO) report (last updated on 12 April 2005), "The Gambia has no important mineral or other natural resources and has a limited agricultural base. About 75% of the population depend on crops and livestock for its livelihood. Small-scale manufacturing activity features the processing of peanuts, fish, and hides." [5a] (p4) The Freedom House report 2005 added that "However, oil has been discovered offshore." [16a] (p241)
- 3.02 Africa South of the Sahara 2005 stated that "Apart from the development of a significant tourism industry, the principle features of the Gambian economy have altered relatively little in the post-independence period. The country has remained poor, underdeveloped and dependent." [1a] (p478)
- 3.03 The International Monetary Fund (IMF) report, revised on 28 September 2005, noted that:
- "The Gambia's economic performance since the mid-1980s has been uneven owing to exogenous shocks, macroeconomic and structural policy slippage, poor governance, and weak institutions. The economy's vulnerability to shocks stems from a lack of economic diversification. In addition, economic performance has been constrained by policy distortions and by recurrent weaknesses in fiscal policy. Expansionary policies have increased the government's recourse to domestic bank financing, which, in turn, has raised real interest rates, increased the domestic debt burden, and tended to crowd out private investment." [37a] (p1)
- 3.04 The FCO report (last updated on 12 April 2005) added that "Short run economic progress remains highly dependent on sustained bilateral and multilateral aid, on responsible government economic management as forwarded by IMF and donor technical help and advice, and on expected growth in the construction sector." [5a] (p4)
- 3.05 An article in the *Guardian Unlimited*, dated 7 October 2005, claimed that the UK was withholding aid to The Gambia until IMF criteria regarding privatisation and transparency were met. [38a] (p2)
- 3.06 Nevertheless, the United States State Department (USSD) report 2004 noted that "The country's market-oriented economy encouraged growth through the development of the private sector." [2a] (p1)
- 3.07 The same report added that "The high population growth rate diminished the effects of modest economic expansion in recent years. During the year [2004], per capita gross domestic product increased slightly to \$341." [2a] (p1)
- 3.08 The IMF report, revised on 28 September 2005, noted that:
- "Despite an increase in groundnut production, real GDP growth slowed in 2004 to 5.1 percent (from 6.9 percent in 2003) due to lower growth in industry and services. Inflation reached 18 percent at end-2003 and declined to 5 percent by March 2005. The central bank's rediscount rate (policy rate) was reduced by

5 percentage points from September 2004 to 29 percent in March 2005.” [37a] (p2)

- 3.09 The United Nations Development Programme (UNDP) report 2005 stated that The Gambia is ranked 155 out of 175 countries (plus Hong Kong and the Occupied Territories) in the Human Development Index (HDI) value. [24a] (p142)
- 3.10 An IRIN news article, dated 26 February 2004, reported that “Gambia is one of the world’s poorest countries with 70 percent of the population living [sic] below the World Bank poverty threshold of US\$1 per day.” [3c] (p2)
- 3.11 The UNICEF report (accessed on 9 November 2005) indicated that “In rural areas, 60 per cent of households are extremely poor. The highest levels of poverty are found in the Central River Division (CRD), Lower River Division (LRD) and Upper River Division (URD).” [15b] (p1)
- 3.12 In October 2005, Transparency International (TI) ranked The Gambia 103rd out of 159 countries in its Corruption Perceptions Index (1 being the least corrupt and 159 the most corrupt country). [13c] (p5) (**See also section 6C on Corruption**)
- 3.13 As documented in Africa South of the Sahara 2005, the currency used in The Gambia is the dalasi. [1a] (p483) The same source noted that there are 100 butut to 1 Dalasi. [1a] (p483) The exchange rate on 18 January 2006 was 1 pound sterling to 51.36 Gambian Dalasi. [20]

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4. History

POST-INDEPENDENCE BACKGROUND, 1965 ONWARDS

- 4.01 As stated in the Freedom House report 2005 “After gaining independence from Britain in 1965, The Gambia functioned as an electoral democracy under President [Sir] Dawda Jawara and his People’s Progressive Party [PPP] for almost 30 years.” [16a] (p240)
- 4.02 The USSD Background Note (last updated in January 2006) noted that “The relative stability of the Jawara era was first broken by a violent, unsuccessful coup attempt in 1981.” [2d] (p2) The same report and an article in *Africa Development*, Volume XXV, Numbers 3 and 4, 2000, stated that the coup was led by Kukoi Samba Sanyang, along with a mixed group of lower rank members of the paramilitary Field Force and discontented urban youth while President Jawara was in London. [2d] (p2) [39a] (p180)
- 4.03 The USSD Background Note mentioned that President Jawara appealed to Senegal for assistance. Senegalese troops defeated the rebel force. [2d] (p2) The Freedom House report 2005 noted that “The two countries formed the Confederation of Senegambia a year later, but it was dissolved in 1989.” [16a] (p240)

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COUP D’ÉTAT AND THE JAMMEH GOVERNMENT, 1994 ONWARDS

- 4.04 Africa South of the Sahara 2005 and the FCO country profile (last updated on 12 April 2005) stated that Sir Dawda Jawara and his Government were overthrown by a military coup led by Captain Yahya Jammeh on 22 July 1994. [1a] (p474) [5a] (p2) The FCO country profile noted that “Jammeh’s Armed Forces Provisional Ruling Council (AFPRC) ran the country by decree and all political activity was banned.” [5a] (p2) Africa South of the Sahara also mentioned that the AFPRC announced the suspension of the Constitution, a temporary closure of the country’s borders and a curfew. [1a] (p474)
- 4.05 The same sources noted that a presidential decree was passed on 14 August 1996 re-establishing political activity. However, the decree prohibited the three main political parties – the PPP, the National Convention Party (NCP) and the Gambia People’s Party (GPP) – from contesting the forthcoming elections. [1a] (p475) [5a] (p2)
- 4.06 The FCO country profile (last updated on 12 April 2005) mentioned that “Under international pressure, Presidential elections were held in 1996 and Parliamentary elections in early 1997.” [5a] (p2)
- 4.07 Europa World Online (accessed on 11 July 2005) documented that “According to official results, Jammeh secured the presidency with 55.77% of the votes cast, ahead of Ousainou Darboe, the leader of the United Democratic Party (UDP), who received 35.84%.” [1b] (Recent History) The same report noted that “The dissolution of the AFPRC was announced the same day. Jammeh was inaugurated as President on 18 October [1996].” [1b] (Recent History)

4.08 Europa World Online stated that:

“As expected, the APRC won an overwhelming majority of seats [in the Parliamentary elections], securing 33 elective seats (including five in which the party was unopposed). The UDP obtained seven elective seats, the National Reconciliation Party (NRP) two, the PDOIS [People’s Democratic Organisation for Independence and Socialism] one and independent candidates two.” [1b] (Recent History)

4.09 The FCO country profile (last updated on 12 April 2005) stated that “Despite the democratically elected government, political stability remained fragile after the 1996/97 elections.” [5a] (p2) Europa World Online (accessed on 11 July 2005) mentioned that “In January 2000 the security forces announced that they had forestalled an attempted military coup.” [1b] (Recent History)

4.10 Africa Contemporary Record, Volume 27, 1998-2000, issued in 2004, stated that:

“In January 2000 two officers were arrested in connection with an assault on the presidential palace. Lieutenant Sanding Manneh was held incommunicado for several months after his arrest and charged with treason in a civil court in June. New charges before a court martial led to a sentence of 16 years in prison. Following this incident, in June 2000 two senior members of the presidential bodyguard, Lieutenants Lado Jaiteh and Omar Darbo, together with five civilians, were arrested on conspiracy charges and held under harsh conditions. The government sought unsuccessfully to link them to UDP leader Ousainou Darboe.” [53a] (p61)

4.11 The FCO country profile (last updated on 12 April 2005) also noted that “In April 2000 during student demonstrations, the Gambian security services shot dead 16 people. The report by the Commission of Enquiry into the deaths was published on 26 January 2001. The Government of The Gambia said they will not prosecute any of the people named in the report, students or police.” [5a] (p2)

4.12 The USSD report 2001 stated that “Human rights activists and a coalition of lawyers severely criticized the Government for its position, arguing that the Government, in effect, was supporting impunity.” [2f] (p3) The United Democratic Party (UDP) also criticised the government’s reaction to the findings of the Commission of Enquiry in an article dated 1 February 2001. [40a]

4.13 The USSD report 2001 mentioned that:

“On April 18 [2001], after a heated debate, the National Assembly approved a very controversial Indemnity Bill, which was backdated to January 2000. ... The bill read: ‘The President may, for the purpose of promoting reconciliation in an appropriate case, indemnify any person he may determine, for any act, matter or omission to act, or things done or purported to have done during any unlawful assembly, public disturbance, riotous situation or period of public emergency.’ In May [2001] the President signed the bill, despite a general outcry and petitions from human rights organizations. The legislation prevents those affected, including parents of children killed on April 10-11, 2000, from seeking redress in any court in the country.” [2f] (p3)

- 4.14 As documented in Africa South of the Sahara 2005 and the FCO country profile (last updated on 12 April 2005), in July 2001 Jammeh announced the abolition of Decree 89 (which disallowed members of the government in the 30 years prior to the 1994 coup from running for office). [1a] (p476) [5a] (p2) Africa South of the Sahara 2005 added that the PPP, the NCP and the GPP were consequently re-established. [1a] (p477) The same report stated that "In August [2001], the UDP, the PPP and the GPP formed a coalition to contest the forthcoming Presidential election." [1a] (p477)
- 4.15 The same report noted that "The presidential election was held, as scheduled, on 18 October 2001, in relatively calm conditions." [1a] (p477) Europa World Online (accessed on 11 July 2005) and the Freedom House report 2005 reported that Jammeh was re-elected to the presidency, with 52.84 per cent of the vote, according to official results. Ousainou Darboe, a human rights lawyer who headed the three-party opposition coalition, won 32.59 per cent of the vote. The other candidates won a combined total of 14 per cent. [1b] (Recent History) [16a] (p240)
- 4.16 Europa World Online (accessed on 11 July 2005) mentioned that "Although Darboe conceded defeat, members of the opposition subsequently disputed the legitimacy of the results, reiterating claims of incorrect practice in the distribution of voting credentials and in the counting of ballots." [1b] (Recent History) The Freedom House report 2005 stated that "Allegations surfaced after the vote that Jammeh's party had brought in members of his ethnic group living in neighboring Senegal and had issued them voter cards." [16a] (p240) Europa World Online (accessed on 11 July 2005) noted that "None the less, international observers described the poll as being largely free and fair." [1b] (Recent History) (See also Annex D on Election results)
- 4.17 The FCO country profile (last updated on 12 April 2005) mentioned that:
- "Immediately after Jammeh's victory there was a spate of human rights abuses including the detentions and torture of opposition activists and human rights campaigners and the harassment of the independent media. Civil servants who were seen to be sympathetic to the opposition were sacked. However, since then there has been a steady improvement following a reconciliatory and progressive inauguration speech made by Jammeh in December 2001 in which the President offered an amnesty to former President Jawara who has now returned to The Gambia to live." [5a] (p3)
- 4.18 Europa World Online reported that "In December 2001 the UDP-PPP-GPP coalition announced that it would boycott legislative elections scheduled for January 2002, as a result of the alleged addition of some 50,000 foreign citizens to electoral lists and the reputed transfer of voters between the electoral lists of different constituencies." [1b] (Recent History) (See also Annex D on Election results)
- 4.19 The Freedom House report 2005 noted that "The ruling Alliance for Patriotic Reorientation and Construction (APRC) won all but three seats in the January 2002 National Assembly elections. The elections showed signs of improvement over the previous, highly flawed, legislative vote in 1997, although there were some administrative problems with voter registration and the major opposition coalition boycotted the polls." [16a] (p241)

- 4.20 Europa World Online (accessed on 11 July 2005) noted that “The long-delayed municipal [local government] elections, which were finally held in April 2002, were boycotted by the UDP and the PDOIS; consequently, the APRC was unopposed in some 85 of the 113 local seats, and won a total of 99 seats, securing control of all seven regional authorities [administrative areas].” [1b] (Recent History)
- 4.21 The Europa World Online (accessed on 11 July 2005) noted that “In January 2005 the National Alliance for Democracy and Development [NADD], a coalition of five opposition parties comprising the UDP, NRP, NDAM [National Democratic Action Movement], PDOIS and PPP, was formed to participate in the presidential elections due in late 2006.” [1b] (Recent History)
- 4.22 An article in the Gambian newspaper, *The Point*, dated 30 September 2005, mentioned that by-elections were held in four constituencies. [46e] A *Panafrican News Agency (PANA)* article, dated 30 September 2005, reported that:
- “The by-election was called after the parliamentarian clerk expelled four opposition MPs from the National Assembly for forming a united coalition party.
- “The clerk argued that the sitting MPs, having formed a new coalition, had violated the national constitution, as they became members of more than one party.
- “The opposition MPs then petitioned Gambia’s Supreme Court seeking proper interpretation of the country’s law.
- The Supreme Court, however, upheld the parliamentarian clerk’s move and called on [the] Gambian electoral office to conduct by-election[s] in the opposition constituencies to fill the vacancies.” [50a]
- 4.23 The same article noted that “According to the Independent Electoral Commission (IEC), the opposition coalition National Alliance for Democracy and Development (NADD) won in Jarra West, Wuli West and Serre Kunda Central constituencies, losing in Upper Saloum to the ruling Alliance for Patriotic Reorientation and Construction (APRC).” [50a] (See also Annex D on Election results)
- 4.24 IRIN news, on 16 November 2005, and the BBC, on 30 November 2005, reported that Gambian police arrested three opposition leaders, Hamat Bah, Omar Jallow and Halifa Sallah of the NADD, for alleged involvement in “subversive activities”. [3d] [8c] (See also section 6A on Political Activists)
- 4.25 The BBC and *The Point*, on 30 November 2005, added that later in November 2005 the Chief of Defence Staff, Captain Assan Sarr, was dismissed for “physical assaults on soldiers and using abusive and insulting language.” [8c] [46h] (See also section 5 on Internal Security) The BBC article noted that “The sacking of Capt Assan Sarr is the latest of several recent high profile dismissals in the country.” [8c] (See also Section 6C on Corruption)
- 4.26 An article in *The Point*, dated 7 February 2006, stated that on 6 February 2006 the leaders of the APRC, the National Alliance for Democracy and Development (NADD) and other political parties in the country signed a Memorandum of Understanding (MOU) regarding the forthcoming presidential elections this year.

[46j] The article added that “The party leaders also agreed, in the higher interest of the country, to respect and uphold the principles of democracy, human rights, the rule of law and good governance in The Gambia.” [46j]

- 4.27 An article by Xinhua News, dated 6 February 2006, mentioned that the Nigerian President Olusegun Obasanjo acted as mediator to the initiative. [9a] While *The Independent* (Banjul) reported, on 17 February 2006, that the former Nigerian head of state, General Abdulsalami Abubakar, was appointed as the Commonwealth Secretary-General’s “special envoy” to act as guarantor to the MOU. [29j]
- 4.28 *The Point*, dated 7 February 2006, reported that as a show of his commitment to the MOU, President Jammeh announced that the sedition and other related charges against the key opposition figures would be dropped. [46i]
- 4.29 *The Point* further stated, on 10 February 2006, that Ousainou Darboe (Secretary-General of the UDP) announced that he had resigned from the NADD as of 1 February 2006. Following the resignation, the respective leaders of the UDP and the NRP expressed their intention to form an alliance. Darboe added that he would invite any other political party in the country to join the alliance. [46k] Professor Arnold Hughes noted, in a letter dated 17 February 2006, that the NADD alliance was in danger of “falling apart”. [19a]

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5. State structures

THE CONSTITUTION

5.01 As noted in Europa World Online, (accessed on 11 July 2005):

“Following the coup d’état of July 1994, the 1970 Constitution was suspended and the presidency and legislature, as defined therein, dissolved. A Constitutional Review Commission was inaugurated in April 1995; the amended document was approved in a national referendum on 8 August [1996]. The Constitution of the Second Republic of The Gambia entered into full effect on 16 January 1997.” [1b] (The Constitution)

5.02 The USSD background note (last updated in January 2006) stated that “The constitution provides for a strong presidential government, a unicameral legislature, an independent judiciary, and the protection of human rights.” [2d] (p4)

5.03 Europa World Online (accessed on 11 July 2005) also mentioned that “The Constitution guarantees the rights of women, of children and of the disabled. Tribalism and other forms of sectarianism in politics are forbidden. Political activity may be suspended in the event of a state of national insecurity.” [1b] (the Constitution)

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CITIZENSHIP AND NATIONALITY

5.04 As stated in the United Nations (UN) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) report, dated 10 April 2003, and the United States Office of Personal Management (OPM) report 2001, citizenship laws are based upon the Constitution of the Republic of The Gambia. [26a] [27a] The OPM report 2001 advised that “As a former British colony, Gambian citizenship laws are divided to accommodate people born before and after independence. The division date is February 18, 1965.” [27a]

5.05 The CEDAW report, dated 10 April 2003, noted that “According to section 3 of the Constitution, citizenship of The Gambia could be attained either by birth or descent.” [26a] The OPM report 2001 added that citizenship could also be obtained by registration. [27a] The report stated that a “Woman married to a citizen of The Gambia is entitled, upon making the proper application, to be registered as a citizen of The Gambia.” [27a]

5.06 The same report indicated that dual citizenship is not recognised in The Gambia, with the exception of Gambian citizens, who acquire new citizenship through marriage. [27a]

5.07 The OPM report 2001 stated that “The following are grounds for involuntary loss of Gambian citizenship:

- Person voluntarily acquires foreign citizenship.
- Person voluntarily claims or exercises any rights accorded to citizens of a foreign country. [27a]

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POLITICAL SYSTEM

- 5.08 As noted in the FCO country profile (last updated on 12 April 2005), “The Gambia is a republic under multiparty democratic rule.” [5a] (p1) Europa World Online (accessed on 11 July 2005) stated that “The Constitution provides for the separation of the powers of the executive, legislative and judicial organs of state.” [1b] (The Constitution)
- 5.09 The USSD report 2004 mentioned that “The Constitution provides citizens with the right to change their Government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.” [2a] (p6) The Freedom House report 2005 added that “The Gambia’s citizens were granted their right to choose or change their government for the first time in several years in the 2001 presidential election, despite sporadic violence preceding the polls.” [16a] (p241)
- 5.10 Europa World Online (accessed on 11 July 2005) reported that “The Head of State is the President of the Republic, who is directly elected by universal adult suffrage. No restriction is placed on the number of times a President may seek re-election.” [1b] (The Constitution) The same report added that the president incumbent is H.E. Colonel Dr Alhagi Yahya A. J. J. Jammeh, who was proclaimed Head of State on 26 July 1994, elected President on 26 September 1996, and re-elected on 18 October 2001. [1b] (The Government)
- 5.11 The Cambridge International Reference on Current Affairs (CIRCA) stated in a report dated 14 July 2004 that “The legislature is unicameral. The sole chamber, the National Assembly, has 53 members, 48 of them directly elected by universal adult suffrage, and five appointed by the president, for a five-year term.” [17a]
- 5.12 Europa World Online (accessed on 11 July 2005) noted that:
- “The Speaker and Deputy Speaker of the Assembly are elected, by the members of the legislature, from among the President’s nominees. The Constitution upholds the principle of executive accountability to parliament. Thus, the Head of State appoints government members, but these are responsible both to the President and to the National Assembly. Ministers of cabinet rank take the title of Secretary of State. Committees of the Assembly have powers to inquire into the activities of ministers and of government departments, and into all matters of public importance.” [1b] (The Constitution)
- 5.13 The CIRCA report, dated 14 July 2004, stated that “The Alliance for Patriotic Reorientation and Construction (APRC) holds the presidency, and an overall majority of seats in the National Assembly.” [17a]
- 5.14 The FCO country profile (last updated on 12 April 2005) noted that other major political parties included the United Democratic Party (UDP); the National Reconciliation Party (NRP); the National Democratic Action Movement (NDAM); the People’s Democratic Organisation for Independence and Socialism (PDOIS); the People’s Progressive Party (PPP); and the National Convention Party (NCP). [5a] (p1) Europa World Online (accessed on 11 July 2005)

mentioned that the main opposition party was the National Alliance for Democracy and Development (NADD), a coalition of five parties comprising of the UDP; the NRP; the NDAM; the PDOIS and the PPP. [1b] (Recent History)

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JUDICIARY

5.15 As documented in Africa South of the Sahara 2005:

“The judicial system of The Gambia is based on English Common Law and legislative enactments of the Republic’s Parliament which include an Islamic Law Recognition Ordinance whereby an Islamic Court exercises jurisdiction in certain cases between, or exclusively affecting, Muslims.

“The Constitution of the Second Republic guarantees the independence of the judiciary.” [1a] (p487)

5.16 The USSD report 2004 mentioned that “The Constitution provides for an independent judiciary; however, in practice, the courts, especially at the lower levels, were corrupt and subject to executive branch pressure at times. Nevertheless, the courts demonstrated independence on several occasions, including in significant cases.” [2a] (p3)

5.17 Africa South of the Sahara 2005 stated that:

“The Banjul Magistrates Court, the Kanifing Magistrates Court and the Divisional Courts are courts of summary jurisdiction presided over by a magistrate or in his absence by two or more lay justices of the peace. There are resident magistrates in all divisions. The magistrates have limited civil and criminal jurisdiction, and appeal from these courts lies with the Supreme Court. Islamic Courts have jurisdiction in matters between, or exclusively affecting, Muslim Gambians and relating to civil status, marriage, succession, donations, testaments and guardianship. The Courts administer Islamic Shari’a law. A *cadi*, or a *cadi* and two assessors, preside over and constitute an Islamic Court. Assessors of the Islamic Courts are Justices of the Peace of Islamic faith. District Tribunals have appellate jurisdiction in cases involving customs and traditions. Each court consists of three district tribunal members, one of whom is selected as president, and other court members from the area over which it has jurisdiction.” [1a] (p487-488)

5.18 The Freedom House report 2005 added that:

“While lower courts are sometimes subject to executive influence, the judiciary has demonstrated its independence on several occasions, at times in significant cases. There are a number of judges from Nigeria, Ghana, and other African countries who tend to operate fairly and vigorously. Local chiefs preside over courts at the village level.” [16a] (p242)

5.19 Transparency International (TI) stated in its 2004 report on The Gambia that “Judges are appointed by the President. Other judicial officers are appointed by the Judicial Service Commission. The Judicial Secretary is appointed by the President.” [13b] (p28) The USSD report 2004 stated that “The Attorney General oversees the hiring of foreign judges on contract. The Government reserves the

right not to renew a judge's contract. Foreign judges were generally less susceptible to corruption and executive branch pressure. Despite these steps, corruption in the legal system persisted." [2a] (p3)

- 5.20 The Gambian-based newspaper, *The Daily Observer*, stated, on 26 May 2005, that:

"The GBA [Gambian Bar Association] is expressing worry over the continuous dominance of foreign contractual judges over local potential qualified ones.

"Bittaye [President of the Gambia Bar Association] who described such positions as 'the rightful places' of the Gambian judges, recorded that there are currently 127 registered legal practitioners in the Gambia and out of this number, 48 are eligible to sit in the supreme and high courts as judges. He noted that there is only one Gambian in the supreme court, none at the court of appeal and only one in seven of the high court judges. He said the Bar is ready to face the problem but constrained by the capacity and pointed out the need to initiate dialogue among stakeholders; the judiciary, bar and the government." [41a]

- 5.21 The TI report 2004 added that:

"The Gambian Judiciary has been an institution that has greatly suffered from lack of independence, political interference, lack of manpower, lack of basic office stationery and a proper library. Judges and magistrates who have acted in accordance with the law and made decisions unfavourable to the state have been dismissed by the Executive, at times with the concurrence of the Judicial Service Commission, which acts on directives from the Executive." [13b] (p28)

- 5.22 In an article in *The Independent* (Banjul), dated 28 November 2005, President Jammeh, when swearing in two new judges, complained of a backlog of cases in the court and instructed the new judges to "maintain neutrality and integrity of The Gambia's legal system." [29h]

LEGAL DOCUMENTS

- 5.23 The USSD report 2004 mentioned that "The law requires that authorities obtain a warrant before arresting a person; however, on occasion individuals were arrested without a warrant. Detainees generally were permitted prompt access to family members and legal counsel." [2a] (p2)

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LEGAL RIGHTS / DETENTION

- 5.24 The USSD report 2004 stated that "The Constitution prohibits arbitrary arrest and detention; however, police and security forces at times arbitrarily arrested and detained citizens." [2a] (p3) The TI report 2004 stated that "There are cases of unlawful arrests and detention, human rights violations and selective application of the law." [13b] (p35)
- 5.25 The USSD report 2004 noted that "Trials are public, and defendants have the right to an attorney at their own expense. Defendants are presumed innocent,

have the right to confront witnesses and evidence against them, present witnesses on their own behalf, and appeal judgment to a higher court.” [2a] (p4)

- 5.26 The USSD report 2004 stated that “There was a functioning bail system. However, on several occasions, the courts released accused offenders on bail, while the police or other law enforcement agencies rearrested the offenders upon their leaving the court.” [2a] (p3)
- 5.27 The same report noted that “Periods of detention generally ranged from a few hours to 72 hours, the legal limit after which detainees must be charged or released.” [2a] (p2) The same report added that “During the year [2004], there were cases of detentions that exceeded the 72-hour limit.” [2a] (p3)
- 5.28 The report also mentioned that “The slow pace of the justice system resulted in detainees waiting long periods in pretrial detention. Approximately 40 of Mile 2 Prison’s 230 inmates were in detention pending trial. Some have been incarcerated for more than 4 years without trial.” [2a] (p3)
- 5.29 The USSD report 2004 stated that “The Constitution provides for a fair trial; however, the judicial system suffered from corruption, particularly at the lower levels, and from inefficiency at all levels. Many cases were not heard for months or years because the court system was overburdened and lacked the capacity to handle the high volume of cases.” [2a] (p3)
- 5.30 The Freedom House report 2005 mentioned that “Although the Jammeh government has made some steps toward political openness, it still has extensive repressive powers. A 1995 decree allows the National Intelligence Agency to cite ‘state security’ to ‘search, arrest, or detain any person, or seize, impound, or search any vessel, equipment, plant, or property without a warrant.’ In such cases, the right to seek a writ of habeas corpus is suspended.” [16a] (p242)

DEATH PENALTY

- 5.31 Europa World Online (accessed on 11 July 2005) stated that “The death penalty, which had been abolished in April 1993, was restored by governmental decree in August 1995, reportedly in response to a recent increase in the murder rate.” [1b] (Recent History) However, the AI report (last updated on 21 March 2005) noted that there have not been any executions in The Gambia since 1981. [25a]

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INTERNAL SECURITY

- 5.32 Europa World Online (accessed on 11 July 2005) stated that “In August 2004 the Gambian National Army comprised 800 men (including a marine unit of about 70 and a presidential guard) in active service.” [1b] (Defence)
- 5.33 However, the USSD background note (last updated in January 2006) noted that “The Gambian national army numbers about 1,900. The army consists of infantry battalions, the national guard, and the navy, all under the authority of the Department of State for Defense (a ministerial portfolio held by President Jammeh).” [2d] (p4)

5.34 The USSD report 2004 stated that:

“The Gambian Armed Forces reports [sic] to the Secretary of State (Minister) for Defense, a position held by the President. The police report to the Secretary of State for the Interior. The National Intelligence Agency (NIA), responsible for protecting state security, collecting intelligence, and conducting covert investigations, reports directly to the President. While civilian authorities generally maintained effective control of the security forces, there were a few instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed human rights abuses.” [2a] (p1)

5.35 The TI report 2004 stated that “Generally the police force is regarded as partisan and unprofessional in its dealing with the public, poorly trained and equipped.” [13b] (p35)

5.36 The TI report 2004 added that:

“Investigative techniques used by the police are outdated, the low level of education of most police officers coupled with the low income they earn undermine their ability to effectively execute their duties. There are instances where some police officers have been accused of asking for or taking bribes, but these are not documented.

“The ability of the police to fight crime is further undermined by the operatives of the National Intelligence Agency who arrogate to themselves police powers. They virtually carry out all powers given to the police, including the arrest and detention of criminal suspects, they also interfere in civil disputes.” [13b] (p36)

5.37 An article in the BBC, dated 30 November 2005, reported that the chief of the defence staff, Captain Assan Sarr, was dismissed in November 2005 for violating the military code and his “degrading and humiliating treatment of soldiers”. [8c]

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PRISONS AND PRISON CONDITIONS

5.38 The USSD report 2004 noted that:

“Prison conditions at Mile 2, Janjanbureh, and Jeshwang prisons generally met international standards, and the Government permitted visits by independent human rights observers. However, an opposition politician, Lamin Waa Juwara, who was held spent 6 months at Mile 2 Central Prison [February to June 2004 [29b]], criticized the poor diet given to the inmates.

“Local jails continued to experience overcrowding. Inmates, including detainees awaiting trial, occasionally had to sleep on the floor; they were provided with mats or blankets. Prison guards were reluctant to intervene in fights between prisoners, and some of the prisoners were injured.

“Women were held separately from men. Juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners. There was no separate section or facility for political prisoners.

“The Government permitted independent monitoring of prison conditions by local and international human rights groups.” [2a] (p2)

- 5.39 The Freedom House report 2005 mentioned that “Torture of prisoners in jails has been reported, although conditions in some of the country’s prisons have improved.” [16a] (p242)

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MILITARY SERVICE

- 5.40 Europa World Online (accessed on 11 July 2005) stated that “Military service has been mainly voluntary; however, the Constitution of the Second Republic, which entered into full effect in January 1997, makes provision for compulsory service.” [1b] (Defence)
- 5.41 Nevertheless, the Coalition to Stop the Use of Child Soldiers report 2004 noted that there was no conscription in The Gambia. [14a] The same report noted that “The Armed Forces Act specifies that ‘Where a person enlisting has not attained the age of eighteen years, his period of enlistment shall commence from the date he attains the age of eighteen years’ (section 23).” [14a] The report also mentioned that “There were no reports of under-18s in the armed forces.” [14a] The War Resisters’ International (WRI) report, dated 27 July 1998, noted that “Initially recruits enlist for a specified minimum period, in which they undergo a training of 4 to 6 months, thereafter they may wish to re-engage in the armed forces for another specified period.” [12a]
- 5.42 The same report indicated that “There is no known legal provision for conscientious objection.” [12a]

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MEDICAL SERVICES

- 5.43 The BBC country profile (last updated on 6 May 2005) reported that the standard of health care in The Gambia was poor and it relied on foreign aid. [8a] The USSD Consular Information Sheet (last updated on 21 July 2005) added that “Medical facilities in The Gambia are very limited, some treatments are unavailable, and emergency services can be unpredictable and unreliable.” [2e]
- 5.44 The Bansang Hospital Appeal report (accessed on 15 November 2005) stated that with regard to the state provision of health care:
- “Successive Gambian Governments have striven relentlessly to offer the health service as much resources as the meager and hard pressed economy will allow. Unfortunately the economy just does not generate enough money to satisfy the enormous demands that these high use hospital facilities require. The consequence of this shortfall in finances is a health service that is constantly functioning close to and at times well below [above] crisis point.” [31a] (p1)

- 5.45 The Gambian Department of State for Health and Social Welfare noted in a report (accessed on 15 November 2005) that:

“The public health service delivery system in The Gambia is three tiered, based on the primary health care strategy. Presently government services are provided by 3 hospitals, 36 health facilities at the secondary level which provide outreach MCH services to an additional 223 villages. There are 428 Primary Health Care villages, organised in 69 circuits, providing limited village-based care, and outpatient clinics with physicians in 38 of those PHC villages. ... Thirty four private and Non-Governmental Organization clinics complement the public health system. The public sector has 1,477 beds, 211 doctors and dentists, 8 Pharmacists, 261 Registered nurses, 250 Enrolled nurses, 144 community health nurses and 122 public health officials.” [32a]

- 5.46 The Bansang Hospital Appeal report went on to say that the main hospitals are the Royal Victoria Hospital situated in Banjul, a recently opened facility in Farafenni and the Bansang Hospital situated in the remote town of Bansang. [31a] (p1) The report also mentioned that “There are additional primary health care clinics dotted around The Gambia, however these only provide basic health care facilities and are designed to deal with simple day to day health issues only.” [31a] (p1)

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HIV/AIDS

- 5.47 The Joint UN Programme on HIV/AIDS (UNAIDS) report (accessed on 15 November 2005) mentioned that “HIV infection has been on the increase in the Gambia since the first AIDS case was diagnosed in the country in 1986.” [33a]

- 5.48 According to an IRIN news article, dated 15 September 2005, “The Gambia has a relatively low HIV infection rate, officially estimated at 1.6 percent of the population aged between 15 and 49. However, many humanitarian workers fear that the real HIV prevalence rate is much higher because of an increase in the sexual abuse of local children.” [3b]

- 5.49 The UNAIDS report (accessed on 15 November 2005) stated that “There are regional differences in HIV prevalence, with rural areas having higher prevalence.” [33a] The same report noted that “The predominant mode of HIV transmission in the Gambia is heterosexual contact and women are most affected.” [33a]

- 5.50 The USSD report 2004 noted that:

“There was evidence of societal discrimination against persons infected with the HIV/AIDS virus. Stigma and discrimination hindered disclosure and led to rejection from partners and relatives. In some cases, persons infected with HIV/AIDS were prevented from meeting visitors.

“The Government committed itself to protecting the rights of persons living with HIV/AIDS by developing a 5-year National Strategic Plan that includes the provision of care, treatment, and support to persons living with, or affected by, HIV/AIDS.” [2a]

- 5.51 The UNAIDS report (accessed on 15 November 2005) mentioned that:

“In response to the growing problem, the Gambia is making a continuous effort through its national coordinating authority, the National AIDS Secretariat (NAS), supported by the National AIDS Council (NAC) and chaired by the President.

“NAS is a multisectoral national authority that has decentralized its responsibilities to five Divisional AIDS Committees (DACs) and two municipalities. Furthermore, NAS coordinates the overall national response in collaboration with the UN system, nongovernmental organizations, line ministries, civil society groups including people living [sic] with HIV and AIDS, religious leaders and community leaders at grass-roots level.

“The NAS, in collaboration with the government, especially with the health sector, line ministries, parliamentary members, as well as nongovernmental organizations, the private sector and civil society, has positively affected the progress towards the response.

“However, poor coordination with donors, the duplication of activities without consultation with the relevant authority, the delay of funds, delay of procurement and insufficient human resources are a few of the constraints that have affected the progress negatively.” [33a] This was also noted in the Joint UNAIDS Epidemiological fact sheet, dated 1 September 2004. [33b]

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MENTAL HEALTH

- 5.52 The WHO Mental Health Atlas 2005 mentioned that “There is a paucity of epidemiological data on mental illnesses in Gambia in internationally accessible literature.” [34a] (p1)

- 5.53 The same report, however, stated that:

“Treatment is available and mental health is being integrated into the primary health system. ... There is a community mental health service that conducts country wide mental health promotional activities. ... A good number of doctors and nurses were trained on the diagnosis, treatment and management of mental health disorders through WHO support last year. Some traditional healers have also been trained.” [34a] (p2)

- 5.54 The report also noted that “The country has specific programmes for mental health for children.” [34a] (p2)

- 5.55 An article in the Gambian newspaper, *The Independent*, dated 10 October 2005, reported that Mr Bakary Sonko, head of the Community Mental Health Team at the Campama Psychiatric Unit, reported that the rise in mental health illnesses in The Gambia was a challenge to all Gambians. [29a] The article added that “He warned against treating psychiatric patients in homes, describing it as ‘very bad and inhuman.’” [29a]

- 5.56 The article noted that the patients treated in homes lacked all their rights. [29a] It continued to state that some home-treated psychiatric patients were tied up and kept in unhygienic places. [29a]

PEOPLE WITH DISABILITIES

- 5.57 The USSD report 2004 mentioned that:

“There were no statutes or regulations requiring accessibility for persons with disabilities. No legal discrimination against persons with physical disabilities existed in employment, education, or other state services; however, some societal discrimination existed towards those with disabilities. Persons with severe disabilities subsisted primarily through private charity. Persons with less severe disabilities were accepted fully in society, and they encountered little discrimination in employment for which they physically were capable. Very few buildings in the country were specifically accessible to persons with disabilities.” [2a]

- 5.58 A Disability World article, dated January–March 2002, stated that the Constitution provided for the right to respect, dignity and protection against exploitation and discrimination of people with disabilities. [42a]
- 5.59 The same article reported negative attitudes towards disabled children. Ousman Sowe, the Director of Public Health, stated that a disabled child is a “burden of the family”. [42a] However, the article also mentioned the Gambia Association of the Physically Disabled (GAPD) and the National Union for the Disabled were raising awareness about disability in social and economic life. [42a] **(See also section 6B on Street children)**

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EDUCATION SYSTEM

- 5.60 The USSD report 2005 mentioned that “The Constitution mandates free, compulsory primary education up to 8 years of age, but the state of the educational infrastructure prevented effective compulsory education, and children still must pay school fees.” [2a] (p8)
- 5.61 Europa World Online (accessed on 11 July 2005) stated that “Primary (or basic) education, beginning at seven years of age, is free but not compulsory and lasts for nine years. Secondary education, from 16 years of age, lasts for three years.” [1b] (Education)
- 5.62 The same report stated that “The Jammeh administration has, since 1994, embarked on an ambitious project to improve educational facilities and levels of attendance and attainment. A particular aim has been to ameliorate access to schools for pupils in rural areas.” [1b] (Education)
- 5.63 The USSD report 2004 mentioned that “The enrollment of girls was low, particularly in rural areas where a combination of poverty and socio-cultural factors influenced parents’ decisions not to send girls to school.” [2a] (p8) The UNICEF report, dated 27 June 2005, noted that “When research conducted in 2003 indicated that some parents didn’t send their children to school because the school calendar conflicted with planting and harvesting cycles, during which

children's help is needed, the government adapted the calendar taking these seasons into consideration." [15a] (p2)

- 5.64 The USSD report 2005 mentioned that "The Government implemented a countrywide program to pay school fees for all girls." [2a] (p8) The International Federation of Human Rights (FIDH) report, dated 12 July 2005, noted that:

"Over the last few years, the government has increased its efforts with regard to girls' education. It has created 'girls friendly schools' which encourage the education of girls and a 'girls education desk' in the Ministry of national education. It has also established free state primary schools, which has encouraged poor families to educate their daughters. When families do not have the means, they prefer to educate boys, all the more so since girls are indispensable helpers for female domestic work." [22a] (p4)

- 5.65 The UNICEF report, dated 27 June 2005, observed that "The efforts are bearing fruit: overall enrolment rates went up to 91 per cent in 2004, from 85 per cent in 2001, when the UNICEF-supported girl-friendly-school initiative was launched. Girls' enrolment went up from 62 per cent in 2001 to 84 per cent in 2004, with a gender gap of only 2 per cent at primary level." [15a] (p2)

- 5.66 The FIDH report observed that "Whilst real efforts are being made, it should, however, be noted that the authorities have not taken any steps to ban the practices which prevent the education of girls, such as forced marriages and going into domestic service." [22a] (p4)

- 5.67 The UNICEF report, dated 27 June 2005, stated that "Government, non-governmental organizations and donor agencies provide resources for scholarship trust funds, school construction, toilets, water wells, meals and other interventions to get more children into school and keep them there." [15a] (p2) The same report noted that "In response to a study last year that revealed girls' vulnerability to frequent sexual harassment by adults in schools, the government swiftly issued a policy that punishes perpetrators." [15a] (p2)

- 5.68 Europa World Online (accessed on 11 July 2005) noted that:

"Post-secondary education is available in teacher training, agriculture, health and technical subjects. Some 1,591 students were enrolled at tertiary establishments in 1994/95. The University of The Gambia, at Banjul, was officially opened in 2000. In 1977 The Gambia introduced Koranic studies at all stages of education, and many children attend Koranic schools (daara). In 1999 current expenditure by the central Government on education was an estimated D146.0m., equivalent to 22.9% of non-interest current spending." [1b] (Education)

- 5.69 The FIDH report, dated 12 July 2005, stated that "65.8% of adult women are illiterate as against 51.4% of men." [22a] (p4)

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6. Human rights

6.A HUMAN RIGHTS ISSUES

GENERAL

6.01 The USSD report 2004 noted that:

“The Government generally respected the human rights of its citizens; however, there were problems in some areas. Despite some election deficiencies, citizens generally were able to exercise their right to change their government through periodic elections. Security forces harassed or otherwise mistreated journalists, detainees, prisoners, opposition members and in some cases, ordinary civilians. Arbitrary arrest and detention were problems; and there were reports of a case of incommunicado detention. Prolonged pretrial detention was a problem. Detainees were denied fair and expeditious trials by a slow, inefficient, and corrupt court system.” [2a] (p1)

6.02 The same report noted that:

“The Government at times infringed on citizens [sic] privacy rights. The Government limited freedom of speech and of the press by intimidation and restrictive legislation. Some journalists practiced self-censorship. The Government generally did not restrict freedom of assembly. Violence and discrimination against women were problems. The practice of female genital mutilation (FGM) remained widespread and entrenched. Child labor persisted, mainly on family farms, and there were reports of child prostitution and sexual exploitation. There were reports of trafficking.” [2a] (p1)

6.03 According to the Alliance for Patriotic Reorientation and Construction (APRC) Manifesto 2001:

“The APRC regards human rights as indivisible and symbiotic in their relationship. We also consider that the most essential human rights, in our present socio-economic circumstances, are those which guarantee the basic necessities of life, such as food, shelter, education, medical care, clean water and environment, work and the opportunity to live and develop in a free society and in peace and dignity.

“The APRC pledges to work assiduously towards making these rights accessible to all Gambians. The APRC also pledges to uphold and defend the human rights and fundamental freedoms enshrined in Chapter IV of the Constitution of the Second Republic, particularly, the right to life, personal liberty, property, freedom of speech, association, assembly, movement, privacy, equality before the law and freedom of a responsible press. We, as a people, must however know where our rights end and where other peoples’ rights begin. The various rights and freedoms must however be exercised with due regard to our duties to the State.” [21b] (p5)

6.04 The official Gambian website of President Jammeh, State House Online, stated in an article, dated 24 May 2004, that the American ambassador, Jackson McDonald, stated that the human rights situation had improved considerably since his arrival in The Gambia in 2001. The US lifted sanctions imposed since

1994 and aid resumed, following the multi-party elections of 2000-2001. The article noted that “Asked for his assessment of the system of democracy and rule of law in the country during his tour of duty, the US envoy declared, ‘it is not always perfect, but I would say that since the last three years in The Gambia, on all three scores – rule of law, democracy and respect for human dignity-there have been major improvements and the challenge now is to maintain those improvements, to consolidate them.’” [21f]

- 6.05 As mentioned in an article in *FrontPageAfrica*, dated 6 December 2005, a Birmingham University academic claimed that “The Gambia is no longer a safe haven for democracy.” [51c]
- 6.06 *The Point* noted, on 14 December 2005, that at the same time the Gambian government established a National Human Rights Unit (NHRU) on 6 December 2005. In the Vice-President of The Gambia’s launching address it was announced that the NRHU was within the Office of The Ombudsman. [46a]
- 6.07 The Freedom House report 2006 indicated that, using a scale of 1-7 (1 being the most free and 7 being the least free), The Gambia was rated as 5 for political rights (a decline on the previous report) and 4 for civil liberties. [16d] (p7)

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EXTRA-JUDICIAL KILLINGS

- 6.08 The Reporters Sans Frontières (RSF) report, dated January 2005, and the FIDH report 2003 stated that on 26 December 2003, Ousman Sillah–Jobe’s attorney and the chairman of the Lawyers’ coalition for Human Rights–was shot outside his house. [22b] (p51) [35c] (p5) The RSF report added that “The next morning a neighbour told a journalist with the *Daily Observer* he saw a green pickup with tinted windows and no number plate parked not far from Sillah’s home at around 10 p.m., and that he also saw a tall, strange-looking man with a green T-shirt and black trousers in the immediate vicinity.” [35c] (p5) **(See also Annex C on Prominent people)**
- 6.09 The RSF annual report 2005 noted that on 16 December 2004, Deyda Hydara was shot and killed at the wheel of his car just after 10 p.m. from a taxi with no number plate. [35a] (p1) **(See also Section 6 of Freedom of speech and media)**
- 6.10 The RSF report, dated January 2005, stated that:

“In view, inter alia, of the strong similarities in method of operation, it is not unreasonable to presume a link between Hydara’s murder, the attempted murder of lawyer Ousman Sillah, the abduction of Abdoulie Sey, the arson attack on *The Independent* and the arson attack on Ebrahima Sillah’s home. Reporters Without Borders noted during its visit that most of the persons it talked to, both journalists and others, regard the police with suspicion. Most of the witnesses cited in this report were afraid of being questioned by the authorities as they were convinced that the state, in one way or another, was involved in Hydara’s murder.” [35c] (p8)
- 6.11 The RSF annual report 2005 stated that “The Gambian police promised to do everything possible to find out who was responsible. But so many crimes have

gone unpunished, including the two arson attacks in 2004 and the attempted murder of a lawyer in December 2003 in circumstances akin to Hydara's murder, that the government's good faith was questioned." [35a] (p1)

- 6.12 An article in *The Independent* (Banjul), dated 3 February 2006, also reported that:

"These of course include the slow pace of the investigations into certain criminal offences such as the death in mysterious circumstances of Ousman Koro Ceesay in 1995, the attempted murder of Lawyer Ousman Sillah in 2003, the cold-blooded murder of Deyda Hydara in 2004 as well as the mysterious murder of more than 11 non-Gambians last year and dumping their bodies in the bushes near Brufut. There are also the so far uninvestigated cases of the arson attacks on media houses in this country, including the burning of Radio 1FM in 2001, the burning down of *The Independent* printing press in 2004 as well as the burning down of the private residence of Ebrima Sillah in 2004, and of course numerous other pending cases calling for attention." [29i]

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FREEDOM OF SPEECH AND THE MEDIA

- 6.13 An article in AMRAC Africa News Agency, dated 4 May 2005, reported that "Gambia is one of the countries listed amongst the top three enemies of press freedom and human rights by reporters without borders [RSF]." [52a]
- 6.14 As stated in the Freedom House report 2005 "Press freedom is guaranteed, but harassment and self-censorship sometimes inhibit free expression of the country's independent print media." [16a] (p241) Europa World Online (accessed on 11 July 2005) stated that "In June 2003 the National Media Commission was created, despite continuing opposition from journalists, and was given far-reaching powers, including the authority to imprison journalists for terms of up to six months." [1b] (Recent History)
- 6.15 The Freedom House report 2005 noted that "The commission can issue arrest warrants for journalists and can jail journalists for contempt for up to six months. Offenses can include the publication or broadcast of 'language, caricature, cartoon, or depiction, which is derogatory, contemptuous, or insulting against any person or authority,' according to the New York-based Committee to Protect Journalists [CPJ]." [16a] (p241)
- 6.16 The Freedom House, Freedom of the Press 2005, report stated that "Press freedom declined further in The Gambia in 2004 owing to increased legal restrictions and state repression. The administration of President Yahya Jammeh has generally conducted state policies regarding media freedom without respect for the 1997 constitution that, in theory, guarantees freedom of expression." [16b] (p85)
- 6.17 The CPJ, stated in a report, dated 12 April 2005, that "The administration's antipathy toward the independent press is underscored by its information policy, which limits access to government sources and discriminates against certain media outlets." [6f] (p1) The same article noted that "In describing the pernicious legal environment, journalists cited two new laws secretly signed by the president in late December 2004. [6f] (p1)

- 6.18 The Freedom House, Freedom of the Press 2005, report and the International Press Institute (IPI) report 2004, noted that an amendment to the Newspapers Act required all print and broadcast media to reregister with authorities and pay the mandatory licence fee. [16b] (p85-86) [44a] (p1-2) The RSF report, dated January 2005, stated that the licence fee rose fivefold in price from 100,000 dalasis to 500,000 dalasis. Newspaper proprietors were also required to register their homes as security for the payment of any fines. "If they did not comply, they could not continue publishing." [35a] (p7) The CPJ article, dated 12 April 2005, added that "Media outlets were required to re-register within 14 days after the president signed the measure into law." [6f] (p1)
- 6.19 The Freedom House, Freedom of the Press 2005, report added that "In addition, amendments to the criminal code imposed mandatory prison sentences of at least six months for media owners or journalists convicted of publishing defamatory or seditious material or publishing or broadcasting 'false news.' The legislation also allows the state to confiscate without judicial oversight any publication deemed 'seditious.'" [16b] (p85-86) This was also mentioned in an IRIN news article dated 10 March 2005, [3a] the RSF report, dated January 2005 [35a] (p7) and the IPI report 2004. [44a] (p2)
- 6.20 Article 19 (a human rights organisation dedicated to global freedom of expression and information) in a letter, dated 22 December 2004, from its Executive Director to President Jammeh expressed concern over the Newspaper Amendment Act 2004 and the Criminal Code (Amendment) 2004 Bill. [45a]
- 6.21 The Freedom House, Freedom of the Press 2005, report stated that a growing number of journalists are practising some degree of self-censorship. [16b] (p85-86) The USSD report 2004 mentioned that "On occasion, security forces detained persons who publicly criticized or who expressed views in disagreement with the Government." [2a] (p4)
- 6.22 *The Independent* mentioned in an article, dated 25 November 2005, that the Director of the African Centre for Documentation and Human Rights Studies, at the 38th Ordinary Session of the African Commission for Human and People's Rights, held in Banjul, had spoken out against official treatment of the press and The Gambia and Zimbabwe. [29c]

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NEWSPAPERS, RADIO AND TELEVISION

- 6.23 The Freedom House, Freedom of the Press 2005, report stated that "The government owns a daily newspaper, a national radio station, and the only national television station, and political or news coverage at these outlets favors the official line." [16b] (p85-86)
- 6.24 The USSD report 2004 stated that:
- "The Government published one newspaper, *The Gambia Daily*. *The Daily Observer*, although privately owned, tended to favor the Government in its coverage. There were four other independent newspapers, including one

published by an opposition political party. There was one independent weekly magazine.

“The Government generally did not restrict the publication, importation, or distribution of written material. English, French, and other foreign newspapers and magazines were available.

“During the year [2004], one government-owned and four private radio stations broadcast throughout the country. There were at least two independent radio stations. Local stations rebroadcast the British Broadcasting Corporation, Radio France Internationale, the Voice of America, and other foreign news reports, and all were available via short-wave radio.” [2a] (p5)

6.25 The Freedom House report 2005 noted that:

“Private broadcasters and newspapers in The Gambia struggle to pay high licensing fees. State-run Radio Gambia broadcasts only tightly controlled news that is also relayed by private radio stations. ... Citizen FM broadcasts in a number of indigenous languages and is an important source of independent information for rural Gambians. Authorities shut it down in October 2001, and it remained closed in 2004.” [16a] (p241-242) This was also noted in an article in *The Independent*, dated 7 November 2005. [29e]

6.26 An article by the Committee to Protect Journalists (CPJ), dated 24 October 2005, reported that the Gambian branch of the Senegalese private radio station, Sud FM, was shut down by police in October 2005. Neneh McDoll-Gaye, the acting Information Minister, accused the radio station of ‘inciting trouble’ between Gambia and Senegal. However, Pape Djomaye Thiare, Sud FM’s Banjul director, stated that the station had not been informed of the reason for the government’s action. [6b] (p1)

6.27 The USSD report 2004 stated that:

“Both the government-owned GRTS television and foreign cable and satellite television channels were available in many parts of the country. The Government allowed unrestricted access to satellite television, and residents who could afford to do so received independent news coverage via a satellite dish or antenna.” [2a] (p5)

6.28 The USSD report 2004 stated that “During most of the year [2004], government-owned television and radio gave very limited coverage to opposition activities, but some statements by opposition parliamentarians in the National Assembly were reported.” [2a] (p5)

6.29 The Freedom House report 2005 added that “Internet access is unrestricted.” [16a] (p241-242)

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JOURNALISTS

6.30 The RSF report, dated January 2005, noted that “President Jammeh’s hostility to journalists is well-known and long-standing.” [35c] (p7) An IRIN news article, dated 10 March 2005, reported that “Jammeh has long been locked in conflict

over freedom of expression with Gambia's private media and has made no secret of his loathing for journalists, saying in the past they should be given 'a long rope to hang themselves.'" [3a] (p2)

6.31 An article in *The Guardian*, dated 3 January 2005, reported that:

"President Yaya Jammeh has threatened to bury journalists 'six-feet deep'. Last year, when asked about journalists criticising his attempts to force them to register, he told the state radio that he believed in 'giving each fool a long rope to hang themselves'. Journalists, he went on, should 'either register or stop writing or go to hell'." [38b] This was also stated in the RSF report, dated January 2005. [35c] (p7)

6.32 Several reports noted that government officials detained, threatened or otherwise harassed journalists and editors of newspapers that published articles considered sensitive or overly critical. [2a] (p4-5) [6d] [16b] (p85-86) [29e]

6.33 The USSD report 2004 noted that "For example, on February 2 [2004], Alhaji Yorro Jallow, the managing editor of *The Independent* newspaper, and editor-in-chief Abdoulie Sey, were arrested and questioned for several hours regarding a story on the ownership of the Kairaba Beach Hotel and Resort." [2a] (p4-5)

6.34 An article in *The Independent*, dated 7 November 2005, also reported that:

"The bi-weekly newspaper *The Independent* faced two arson attacks for a single reason: publishing the truth about the government's hidden acts against the population. The 'Green Boys' threatened to kill the paper's managing editor, Alagi Yorro Jallow. Through this, they simply aim to frighten him and his colleagues off, as they work for truth and justice. The home of Ebrima Sillah, Banjul correspondent for the BBC, was set to fire for unknown reasons. Yet one can confidentially relate it to political reasons." [29e] This was also mentioned in the CPJ report 2004, [6a] (p1-2) the CPJ article, dated 17 December 2004, [6c] The Freedom House, Freedom of the Press 2005, [16b] (p85-86) CPJ report 2003 [6d] (p1) the RSF report, dated January 2005 [35a] (p5-7) and the IPI report 2004. [44a] (p2) An article by the CPJ, dated 17 December 2004, stated no one has been prosecuted for the arson attacks. [6c]

6.35 *The Independent*, dated 7 November 2005, added that "Demba Jawo, the president of the Gambia Press Union (GPU) received an anonymous letter accusing the media of criticizing President Jammeh and threatening to 'Teach a GPU journalist a lesson very soon'." [29e]

6.36 Europa World Online stated that "In mid-December [2004] Deyda Hydara, the editor of the independent newspaper *The Point*, who had been severely critical of the new legislation, was murdered in Banjul. The incident precipitated a demonstration in the capital, reportedly attended by several hundred journalists, and later that month a one-week media strike was observed." [1b] (Recent History) This was also mentioned in an IRIN news report, dated 10 March 2005, [3a] (p2) an IRIN news article, dated 22 December 2004, [3e] the CPJ report 2004, [6a] (p1-2) the CPJ Article, dated 17 December 2004, [6c] Freedom House, Freedom of the Press 2005, report, [16b] (p85-86) the RSF report 2005 [35a] (p1-2) and the RSF report, dated January 2005. [35c] (p1-4, 7-8)

- 6.37 An article by the CPJ, dated 27 October 2005, stated that “The investigation was originally assigned to the Gambian police, before being taken over by the NIA [National Intelligence Agency] in February [2005].” [6d] The same article reported that the government have failed to respond to calls for an independent investigation.” [6d]
- 6.38 An article by RSF, dated 28 October 2005, noted that RSF sent two fact-finding missions to The Gambia, in December 2004 and April 2005, to investigate Hydera’s death. [35b] The article stated that:
- “In particular, the organisation discovered that his murder, which was carried out by professionals, followed the pattern of a series of attacks against journalists and other figures who had upset the authorities. The circumstances, the method of operation, the recurring use of cars with no licence plates and preceding death threats were similar in every case. Hydera’s murder matches the pattern of many press freedom violations in recent years in Gambia and in all of these cases, the National Intelligence Agency (NIA) has been identified as the perpetrator or leading suspect.” [35b]
- 6.39 IRIN news report, dated 10 March 2005, added that “The killers have yet to be arrested.” [3a]
- 6.40 A CPJ article, dated 27 October 2005, reported that Musa Saidykhan, the editor of *The Independent* newspaper, was detained and interrogated for several hours by Gambian state intelligence officers. “Local journalists said they believe Musa Saidykhan is being harassed in connection with a recent article on the unresolved December 2004 murder of prominent Gambian editor Deyda Hydera.” [6e] An RSF article, dated 28 October 2005, added that Saidykhan also sought intervention from the South African President Thabo Mbeki. [35b]
- 6.41 The CPJ article, dated 12 April 2005, reported that “Abdoulie Sey, editor of the biweekly newspaper *The Independent*, resigned and fled the country in fear of his life.” [6f] (p1) *The Observer* (London) reported, on 29 May 2005, that Yarro Jallow, former editor of *The Independent*, fled The Gambia after his offices were bombed by “thugs” supporting the Jammeh government. [43a]

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FREEDOM OF RELIGION

- 6.42 As noted in the USSD International Religious Freedom report, dated 8 November 2005, “The Constitution provides for freedom of religion, and the Government generally respects this right in practice. ... The generally amicable relationship among religions in society contributed to religious freedom.” [2b] (p1) The same report added that “The Government at all levels strives to protect this right in full and does not tolerate its abuse, either by governmental or private actors.” [2b] (p1) It went on to say that “There is no state religion.” [2b] (p1)
- 6.43 The State House Online, nevertheless, stated, in 2002, that about 90 per cent of the population was Muslim, eight per cent Christian and two per cent were composed of traditional African religions. [21e] Europa World Online (accessed on 11 July 2005) and the USSD International Religious Freedom report, dated 8 November 2005, stated that approximately 95 per cent and 85 per cent of the population are Muslims respectively. [1b] (Religion) [2b] (p1) Europa World Online,

added that “The remainder are mainly Christians, and there are a few animists, mostly of the Diola and Karoninka ethnic groups.” [1b] (Religion)

- 6.44 The USSD International Religious Freedom report, dated 8 November 2005, mentioned that “The Government does not require religious groups to register. Religiously based nongovernmental organizations (NGOs) are subject to the same registration and licensing requirements as other NGOs.” [2b] (p1)
- 6.45 The same report stated that “Intermarriage between members of different religious groups is legal and socially acceptable.” [2b] (p2) The report also mentioned that “Intermarriage between Muslims and Christians is common.” [2b] (p1)
- 6.46 The USSD report noted that “The Constitution establishes Cadi Courts in such places as the Chief Justice determines. The two Cadi Courts in the country sit in Banjul and Kanifing. Their jurisdiction applies only to matters of marriage, divorce and inheritance that involve Muslims. The Cadi Courts apply classical Maliki fiqh.” [2b] (p1)

MUSLIMS

- 6.47 The USSD International Religious Freedom report, dated 8 November 2005, added that “The vast majority [of Muslims] are Malikite Sufis, of which the main orders represented are Tijaniyah, Qadiriya, Muridiyah, and Ahmadiyah. Except for Ahmadiyah Sufis, all orders pray together at common mosques. A small percentage of Muslims, predominately immigrants from South Asia, do not ascribe to any traditional Islamic school of thought.” [2b] (p1)

CHRISTIANS

- 6.48 The same report noted that “The Christian community, situated mostly in the west and south of the country, is predominantly Roman Catholic; there are also several Protestant denominations including Anglicans, Methodists, Baptists, Seventh-day Adventists, Jehovah’s Witnesses, and various small Protestant evangelical denominations.” [2b] (p1)
- 6.49 The report also mentioned that “In several interviews, Catholic and Anglican bishops have praised the Government and people of the country for the friendly protection and accommodation of the Christian minority.” [2b] (p2)

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FREEDOM OF ASSOCIATION AND ASSEMBLY

- 6.50 The Freedom House report 2005 stated that “Freedom of assembly is guaranteed, but this right is not always respected. Security forces often crack down violently on demonstrators. Human rights groups and other nongovernmental organizations generally operate freely, although human rights workers, opposition members, and journalists occasionally face harassment.” [16a] (p242)
- 6.51 The USSD report 2004 stated that “The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. However, on December 22 [2004], the Government restricted others from

joining journalists who participated in a demonstration held in response to the killing of journalist Deyda Hydara. The Government further discouraged members of the public from joining the march by positioning National Guard soldiers along the demonstration route in Banjul.” [2a] (p5)

- 6.52 An article in *FrontPageAfrica*, dated 4 December 2005, reported that the Inspector General of police denied the NADD a permit to hold a rally in Serre Kuda, in December 2005, citing security reasons. [51a] The article mentioned that “Sources say the opposition had been denied permit by the police on numerous times and had never defied police attempts to deny them their constitutional rights to hold public rallies.” [51a]
- 6.53 The USSD noted that “The Constitution provides for freedom of association, and the Government generally respected this right in practice. The AFPRC’s Decree 81 requires nongovernmental organizations (NGOs) to register with the National Advisory Council, which has the authority to deny, suspend, or cancel the right of any NGO to operate, including that of international NGOs. The Government did not take action against any NGOs during the year [2004].” [2a] (p5)

POLITICAL ACTIVISTS

- 6.54 The Coalition to Stop the Use of Child Soldiers report 2004 mentioned that restrictions on political activities were revoked in July 2001. [14a]
- 6.55 However, an IRIN news article, dated 16 November 2005, and a BBC article, dated 30 November 2005, reported that three opposition leaders were arrested for suspected involvement in “subversive activities” and accused of posing a threat to national security in November 2005. [3d] [8c]
- 6.56 IRIN news stated that “Bah [Hamat] of the National Reconciliation Party, Jallow [Omar] of the former ruling People’s Progressive Party and Sallah [Halifa], of the People’s Democratic Organisation for Independence and Socialism merged their parties last year with the main opposition United Democratic Party to create a new opposition force called the National Alliance for Development and Democracy (NADD).” [3d] *The Independent*, stated on 21 November 2005, that Mr Sallah and Mr Jallow were charged for “uttering seditious and false information against President Jammeh”, contrary to section 52 of the Criminal Code. Mr Bah was charged for “retaining unauthorised official document.” [29g]
- 6.57 *The Independent* added, on 29 November 2005, that all three refused to enter a plea before the Nigerian judge, Justice Paul, questioning his impartiality because of friction with opposition leaders in the past. [29f] The article noted that “Justice Paul, however, denied the men’s request to be tried by another judge and entered a plea of guilty for them.” [29f]
- 6.58 Lamin Waa Juwara in an interview, in *FrontPageAfrica*, dated 18 November 2005, referred to Justice Paul’s questionable past with the Assets Management Recovery Commission. “He noted that one of the accused persons Ha mat Bah, had a history of bad blood with Justice Paul, following Bah’s revelations in the National Assembly that Paul and other Asset and Management Recovery Corporation top officials were engaged in alleged corrupt practices. This according to Waa led to an enquiry to be set up by the National Assembly,

which later indicted Justice Paul and others for corruption and abuse of office.” [51d] (p1-2)

- 6.59 The same article in *FrontPageAfrica* reported that Waa Juwara, who is an arch critic of the Jammeh government said, following the damning corruption revelation against Justice Paul, that the country’s Bar Association had since then refused to appear before Justice Paul’s court.” [51e]
- 6.60 In an interview with Lamin Waa Juwara in *FrontPageAfrica*, dated 20 November 2005, he claimed that the arrests were “politically motivated” and were a reaction to the formation of NADD ahead of the 2006 presidential elections.
- 6.61 Nevertheless, *The Point* reported, on 7 February 2006, that President Jammeh announced that the sedition and other related charges against the key opposition figures would be dropped. [46i]

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EMPLOYMENT RIGHTS

- 6.62 The USSD report 2004 mentioned that “Minimum wages and working hours were established by law through six joint industrial councils, comprised of representatives from labor, management, and the Government. The lowest minimum wage was approximately \$0.41 (12 dalasi) per day for unskilled labor. The national minimum wage did not provide a decent standard of living for a worker and family.” [2a] (p10-11)

POSITION ON TRADE UNIONS

- 6.63 The USSD report 2004 stated that “The Labor Act, which applies to all workers except civil servants, specifies that workers are free to form associations, including trade unions, and workers exercised this right in practice.” [2a] (p10) The same report noted that “Unions must register to be recognized, and there were no cases where registration was denied to a union that applied for it.” [2a] (p10)
- 6.64 The same report mentioned that “Employers may not fire or discriminate against members of registered unions for engaging in legal union activities, and the Government intervened to assist workers who were fired or discriminated against by employers.” [2a] (p10)
- 6.65 The USSD report observed that:
- “Unions were able to negotiate without government interference; however, in practice, the unions lacked experience, organization, and professionalism, and often turned to the Government for assistance in negotiations. Union members’ wages, which generally exceeded legal minimums, were determined by collective bargaining, arbitration, or agreements reached between unions and management. The act also sets minimum contract standards for hiring, training, terms of employment, and provides that contracts may not prohibit union membership.” [2a] (p10)

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THE RIGHT TO STRIKE

- 6.66 The Freedom House report 2005 noted that “Gambians, except for civil service employees and members of the security forces, have the right to form unions, strike, and bargain for wages. There are two main labor unions, and about 10 percent of the workforce is unionized.” [16a] (p242)
- 6.67 The International Confederation of Free Trade Unions (ICFTU) stated, in February 2004, that “Private sector workers have the right to organise and the right to bargain collectively. Civil servants are not allowed to organise, nor do they have the right to strike. The right to strike for private sector workers is restricted.” [18a]
- 6.68 The USSD report 2004 noted that:
- “The Labor Act authorizes strikes but requires that unions give the Commissioner of Labor 14 days’ written notice before beginning an industrial action (28 days for essential services); however, because of certain provisions of the Labor Act and the weakness of unions, few strikes occurred. There were no strikes during the year [2004]. ... Upon application by an employer to a court, the court may prohibit industrial action that is ruled to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. It prohibits retribution against strikers who comply with the law regulating strikes.” [2a] (p10)

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PEOPLE TRAFFICKING

- 6.69 As documented in the USSD Trafficking in Persons report, dated 3 June 2005, “The Gambia is a source, transit, and destination country for women and children trafficked for the purposes of sexual exploitation and forced domestic and commercial labor.” [2c]
- 6.70 An IRIN news article, dated 26 February 2005, reported that Ghanaian children were trafficked into The Gambia for use as “sex slaves” and “unpaid domestic servants”. [3c] (p1) The USSD Trafficking in Persons report, dated 3 June 2005, added that:
- “Children are trafficked from other countries in the region, mainly Senegal, Sierra Leone, Liberia, Ghana, and Nigeria, and internally from rural to urban areas, for forced work, including sexual exploitation, begging, street vending, and involuntary domestic servitude. Women are trafficked into The Gambia across its land borders and exploited in prostitution or involuntary domestic servitude. Ghanaian children are also trafficked to The Gambia for forced labor in the fishing industry. Children engage in prostitution in bars, hotels, and brothels with the knowledge of business proprietors and managers.” [2c]
- 6.71 The same report stated that “The Government of The Gambia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.” [2c]
- 6.72 The same report added:

“The Gambia continued to lack a comprehensive law prohibiting trafficking and law enforcement mechanisms remained inadequate to address the trafficking problem over the reporting period. Draft anti-trafficking legislation remained pending; existing criminal provisions dealt principally with kidnapping, abduction, child sex tourism, and sexual exploitation of children. ... No information was available to confirm whether police actively investigated complaints of sexual exploitation of minors in prostitution or forced labor over the last year; no new cases or prosecutions were reported. Law enforcement lacked training and resources, and the government had no strategy to collect data. There was no evidence that government authorities or individual members of government forces were involved in, facilitated, or condoned trafficking.” [2c]

- 6.73 The report also noted that “Over the last year, the government lacked resources and was unable to provide adequate protection and assistance specifically for trafficking victims. It ran no shelters for trafficking victims and the country had no victim protection in law or practice. The government obtained funding to build a shelter, which, once built, will likely be used for trafficking victims and others in need.” [2c]
- 6.74 The same report mentioned that “The government in 2004 conducted some anti-trafficking campaigns that focused on preventing child sex tourism. ... The pending Children’s Bill that would specifically outlaw trafficking of children was featured in the Head of State’s speech at the National Assembly’s opening in March 2005. [2c]

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FREEDOM OF MOVEMENT

- 6.75 The USSD report 2004 stated that:

“The Constitution provides for these rights but allows for ‘reasonable restrictions,’ which the Government at times enforced. The Government prohibited those under investigation for corruption or security matters from leaving the country.

“The Constitution prohibits forced exile, and the Government did not use it.” [2a] (p6)

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6.B HUMAN RIGHTS – SPECIFIC GROUPS

ETHNIC GROUPS

- 6.76 The USSD background note (last updated in January 2006) stated that “A wide variety of ethnic groups live in The Gambia with a minimum of intertribal friction, each preserving its own language and traditions. The Mandinka tribe is the largest, followed by the Fula, Wolof, Jola, and Serahule. Approximately 3,500 non-Africans live in The Gambia, including Europeans and families of Lebanese origin.” [2d] (p2) **(See also section 2 on Geography)**
- 6.77 The Freedom House report 2005 mentioned that “Ethnic groups in The Gambia live harmoniously. The constitution prohibits discrimination based on religion, language, ethnicity, gender, and other factors, and the government generally enforced these provisions.” [16a] (p242)
- 6.78 According to State House Online (accessed on 21 July 2005), “Not only is there no ethnic strife in The Gambia but there is increasing cultural interaction and intermarriage, making the country a West African melting pot.” [21a] **(The People)**

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WOMEN

- 6.79 As noted in the International Federation of Human Rights (FIDH) report, dated 12 July 2005, “Generally speaking, The Gambia has not integrated the legislative and legal provisions contained in the conventions it has ratified into its legislation. Its internal law is therefore in complete contradiction to the Convention on the Elimination of All Forms of Discrimination against Women, and especially to those articles concerning family law, in particular marriage and divorce.” [22a] (p7)
- 6.80 The same report stated that:
- “In accordance with the Constitution which provides that ‘customary law forms part of Gambian law’, the law of persons is characterised by the co-existence of several legal systems: the codes of the customary law, Islamic law and the so-called modern law co-exist, with Muslim law being the most widespread. ... In many cases, the provisions of the Sharia co-exist alongside the laws of custom, which is an additional handicap for women as the discriminations in both systems apply. The lives of over 90% of Gambian women are subject to the law of the Sharia and/or customary law.” [22a] (p7)
- 6.81 The USSD report 2004 mentioned that “Shari’a law is applied in divorce and inheritance matters for Muslims, who make up more than 90 percent of the population. Women normally received a lower proportion of assets distributed through inheritance than did male relatives. The appropriate church and the Office of the Attorney General settled Christian and civil marriage and divorce matters.” [2a] (p8)
- 6.82 The FIDH report, dated 12 July 2005, stated that “All discriminations connected with Islamic law are applied to Gambian women: polygamy, inequality as regards succession, divorce at the instigation of the husband except in certain

specific cases, inferiority of women in several spheres such as that of legal witness, the testimony of two women being equal to that of one man.” [22a] (p8)

- 6.83 The USSD report 2004 noted that “Marriages often were arranged and, depending on the ethnic group, polygyny was practiced. Women in polygynous unions have property and other rights arising from the marriage. They have the option to divorce but not a legal right to approve or be notified in advance of subsequent marriages.” [2a] (p8)
- 6.84 The APRC Manifesto 2001 stated that “All forms of gender inequality will be eliminated and women will have access to and control of factors of production as well as appropriate skills training. The APRC government shall also take steps to eliminate all forms of discrimination and violence against women and girls, reduce illiteracy among women and improve the quality and access to health care services.” [21b] (p5)

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EDUCATION AND EMPLOYMENT

- 6.85 The ICFTU report of February 2004 stated that “Gambia has ratified the core ILO [International Labour Organisation] Convention on Equal Remuneration and the Convention on Discrimination. Discrimination is prohibited by law but does occur in practice.” [18a] Another report by the ICFTU dated 4 February 2004 noted that “With regard to discrimination, the report notes that there is a lack of employment opportunities for women whose employment is generally restricted to occupations such as selling food or subsistence farming. Women are subject to discrimination in education and employment. The female literacy rate is extremely low at 32.8%.” [18b]
- 6.86 As stated in the USSD report 2004, “Traditional views of women’s roles resulted in extensive societal discrimination in education and employment. Employment in the formal sector was open to women at the same salary rates as men. No statutory discrimination existed in other kinds of employment; however, women generally were employed in such places as food vending or subsistence farming.” [2a] (p8)
- 6.87 The Freedom House report 2005 stated “Higher education and wage employment opportunities are still far fewer for women than for men, especially in rural areas. However, the government has waived school fees for girls, and women occupy senior government posts, including those of the vice president and minister of education.” [16a] (p242) The State House Online (last accessed on 14 February 2006) noted that there were four women Secretaries of State, including Secretary of State for Women’s Affairs, Secretary of State for Education, Secretary of State for Tourism and Culture and Secretary of State for Communication, Information and Technology. [21h] **(See also Annex C on Prominent People)**
- 6.88 The FIDH report dated 12 July 2005 stated that:
- “21% of public sector employees and 32% of employees in the strictly private sector are women. However, even although health and education have begun to take account of women over the last few years, only 17% of managers are women, whilst women make up 79% of unqualified employees.

“Generally speaking, women make up 4.9% of the qualified work force and 61.9% of the unqualified work force. On the other hand, men make up 90.6% of the qualified work force and 38.1% of the unqualified work force. [Sic - Note: qualified work force does not add up to 100 percent]. Women become increasingly rare as one rises through the ranks. In addition, 70% agricultural workers are women who are responsible for 40% of the total agricultural production, including most of the food production. In view of this information, it is easy to understand that of the two thirds of the Gambian population who are poor, most of these are women.” [22a] (p5)

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ABUSE OF WOMEN

- 6.89 The USSD report 2004 stated that “Domestic violence, including spousal abuse, was a problem. It was reported occasionally, and its occurrence was believed to be common. Police considered these incidents to be domestic issues outside of their ordinary jurisdiction. Rape, spousal rape, and assault are crimes under the law; rape was not common. The law against spousal rape was difficult to enforce effectively, as many did not consider spousal rape a crime and failed to report it.” [2a] (p7)
- 6.90 The same report explained that “There are no laws against sexual harassment. Although individual instances have been noted, sexual harassment was not believed to be widespread.” [2a] (p8)

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PROSTITUTION

- 6.91 The USSD report 2004 noted that “Prostitution is illegal but was a problem, especially in the tourist areas. The Government expelled numerous foreign prostitutes. The 2003 Tourism Offences Act was passed to deal with increasing incidents of tourism-related offences, including sex tourism. The Act prohibits child prostitution, trafficking and pornography.” [2a] (p8)

FEMALE GENITAL MUTILATION (FGM)

- 6.92 The USSD report 2004 noted that “The practice of FGM remained widespread and entrenched, although there were efforts by several NGOs to discourage the practice through public education. Between 60 and 90 percent of women have undergone FGM. Approximately seven of the nine major ethnic groups practiced FGM at ages varying from shortly after birth until age 16.” [2a] (p7)
- 6.93 A 2001 article by Sheikh E T Lewis, a liberal Muslim cleric, carried by the International Society for Human Rights (ISHR), stated that 93 per cent of Gambian women are circumcised. [47a]
- 6.94 The FIDH report dated 12 July 2005 suggested that “Frequency varies from one ethnic group to another. It is almost 100% amongst the Mandingoes and the Sarakoles [Serahulis] and more than 90% amongst the Peuls [Fulas]. It is less frequent amongst the Jolas (65-70%) and very rare amongst the Wolofs (less

than 2%). On the religious front, FGM is almost unheard of amongst the Christian population.” [22a] (p6)

- 6.95 However, the USSD report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC), dated June 2001, stated that:

“Nearly all Mandinkas, Jolas and Hausas (together 52 percent of the population) practice Type II [commonly referred to as excision] on girls between 10 and 15 years of age. The Sarahulis (nine percent of the population) practice Type I [commonly referred to as clitoridectomy] on girls one week after birth. The Bambaras (one percent of the population) practice Type III [commonly referred to as infibulation], which takes place when girls are between 10 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’ of Type IV on girls anywhere between one week and 18 years of age.

“The Wolofs, Akus, Sereres and Manjangos [sic –Manjagos] (together 16 percent of the population generally do not practice any of these forms. However, if a women marries a member of an ethnic group that engages in this practice, she may be forced to undergo the procedure prior to marriage.” [2g] (p1)

- 6.96 The USSD report 2004 noted that “The Government publicly supported efforts to eradicate FGM and discouraged it through health education; however, authorities have not passed legislation against FGM, which was not considered a criminal act. ... Practitioners of FGM and other types of circumcision in the country believed that Islam mandates it; however, at least one influential imam declared that Islam forbids such harmful customs.” [2a] (p8)

- 6.97 A Panafrican News Agency (PANA) article, dated 30 November 2004, stated that many Gambians, including State House Imam Abdoulie Fatty support FGM. [28a] The same article mentioned that “In his sermons, Imam Fatty often preaches that FGM ‘is good and should be encouraged by every Muslim.’ He describes anti-FGM campaigners as ‘enemies of the Islamic faith and infidels, paid to cause confusion among Gambian population.’ Following national tension generated by the topic, President Yahya Jammeh had to issue an executive order a few years ago forbidding State radio and television from broadcasting views on FGM. It was not until recently, that the State media resumed reporting on the sensitive subject.” [28a] The Africa Contemporary Record Vol. XXVII 1998-2000, noted that President Jammeh has spoken sympathetically about FGM. The article stated that:

“Vice President Isatou N’Jie-Saidy spoke against female genital mutilation at gatherings of women’s organizations, but while his government formally subscribed to international protocols against it, President Jammeh refused to ban it, considering it to be a matter of family choice. In his end-of-Ramadan address in January 1999 he attacked the local opponents of female genital mutilation and their international culture.” [53a] (p63)

- 6.98 The USSD Religious Freedom report, dated 8 November 2005, stated that:

“In May [2004], the head of the Supreme Islamic Council stated that the practice is an ‘honor for women to undergo,’ but other, well-respected local Muslim leaders continued to speak out against it, as did human rights activists and

others. Although government programs to promote girls' education and development quietly work to reduce the prevalence of FGM by changing societal attitudes, the Government's official stance is that female circumcision is a cultural issue that the Government cannot forbid. However, on June 22 [2004] the National Assembly passed the Children's Bill, aimed at curbing violence against children, that outlaws 'social and cultural practices that affect the welfare, dignity, normal growth and development of the child and in particular, those customs and practices that are (1) prejudicial to the health and life of the child and; (2) discriminatory to the child on the grounds of sex or other status.' [2b] (p2)

- 6.99 The USSD report, dated June 2001, and the AI report, dated 1 October 1997 noted that the Foundation for Research on Women's Health Productivity and Environment (BAFROW) and the Gambia Committee against Traditional Practices (GAMCOTRAP) focused on eradication of any form of FGM in The Gambia. [2g] (p2) [25b] (p3)

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CHILDREN

- 6.100 According to the USSD report 2004, "The Government was committed to children's welfare. The Department of Education and the Department of Health and Social Welfare were the two most generously funded government departments; however, lack of resources limited state provision of both education and health services." [2a] (p8)

CHILD ABUSE

- 6.101 The UNICEF report, dated December 2003, mentioned that:

"The Gambia ratified the Convention on the Rights of the Child (CRC) on 3rd August 1990. Article 19 specifically relates to sexual abuse of children while in the care of parents(s), legal guardian(s) or any person who has the care of the child. Article 34 of the CRC specifically relates to sexual abuse and exploitation. Article 1 of the same Convention concerns the definition of the child, Article 35 deals with the abduction, sale and trafficking of children. The Gambia ratified the African Charter on the Rights and Welfare of the Child in September 2000." [15c] (p13)

- 6.102 The USSD report 2004 stated that:

"Authorities generally intervened when cases of child abuse or mistreatment were brought to their attention; however, there was no societal pattern of abuse against children. Any person who has carnal knowledge of a girl under the age of 16 is guilty of a felony (except in the case of marriage, which can be as early as 12 years of age). Incest also is illegal. These laws generally were enforced. Serious cases of abuse and violence against children were subject to criminal penalties." [2a] (p8)

- 6.103 The USSD report 2004 noted that "The Child Protection Alliance (CPA), a consortium of various organizations (national and international) that promote the protection of children from abuse, conducted countrywide workshops for teachers on alternatives to corporal punishments, and awareness campaigns

against sexual exploitation of children for community and religious leaders.” [2a] (p8)

- 6.104 The UNICEF report, dated December 2003, noted that “A Child Welfare Unit has been setup at Police Headquarters in Banjul and all Police Stations in the country have Child Welfare Officers.” [15c] (p65)
- 6.105 An article in *The Observer* (London), dated 4 July 2004, reported that “European sex tourists have been turning to the Gambia as the authorities in Thailand and the Philippines have been running vigorous campaigns to keep them off their soil. Last year as many as 100,000 tourists, mainly from Britain, Sweden, Norway, Denmark, Finland, the Netherlands and Germany, visited Gambia.” The article added that “Only a few prosecutions have been successful. In 2001 a German was given a two-year sentence for raping an eight-year-old. By contrast, a British resident was cleared in January this year for shooting a sex video with four white men and 11 teenage girls who were allegedly paid 100 dalasis (£2) each.” [43b]
- 6.106 The Gambian newspaper, the *Daily Observer*, reported on 15 December 2005, that “Ms Fanta Basse Sisay, the Director of Social Welfare, has called on Government to live up to its commitment to protect the right of children against sexual abuse and exploitation, child labour and trafficking.” [41b] The article added that Ms Sisay stated that “By these ratifications, The Gambia has committed itself to fulfilling and protecting all the rights of children, including the right to protection against sexual abuse and exploitation, child labour and trafficking.” [41b]
- 6.107 The *Daily Observer*, reported that “According to her [Ms Sisay], the Sharia is also very protective of children. ‘The Islamic Law (Sharia) protects the rights of the child even before the birth of the child. However, the misinterpretation of Sharia in our various traditions and cultures has affected the rights of the child and make them vulnerable. We live in a changing world and The Gambia is no exception; peoples’ beliefs and attitudes have also changed.’” [41b]

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CHILD LABOUR

- 6.108 The ICFTU report, February 2004, stated that “Gambia has ratified the ILO core Convention on the Worst Forms of Child Labour, as well as the Convention on Minimum Age.” [18a] The USSD report 2004 noted that “The statutory minimum age for employment is 14 years; however, child labor was a problem.” [2a] (p10) The ICFTU report dated 4 February 2004 added that:
- “Child labour is prevalent in Gambia. Some 49,000 children between 10 and 14 years were economically active in 2000, representing 33.83% of this age group. There are not enough secondary schools and enrolment of girls in school is low, particularly in rural areas. Many children in rural areas assist their families in farming activities and there is no protection from exploitation for children on family farms.” [18b]
- 6.109 The USSD report 2004 observed that “The tourist industry stimulated a low, but growing level of child prostitution.” [2a] (p10)

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STREET CHILDREN

- 6.110 A report by the Consortium for Street Children (accessed on 17 January 2006) stated that:

“Working children and children with disabilities (also known as Almudos) are commonly seen as street children. There are ethnic, gender and urban-rural variations in the factors that determine the presence of children on the street. Approx. 3% of the street children spend both day and night on the streets. In terms of experiencing abuse on the streets, 45% said they were beaten, with 53% of child labourers having experienced beating, physical abuse and violence.

“The common factor among street children in the Gambia is poverty; low income, non-literate families and poor living conditions are common. Families cannot meet most of their basic requirements for food and shelter, and as a consequence, the developmental growth of the children is severely affected. The major factors pushing children onto the streets are therefore primarily poverty and domestic violence.” [54a]

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HOMOSEXUALS

- 6.111 As documented in the Behind the Mask report (accessed on 21 July 2005), the Gambia Criminal Code 1965-90 covered the issue of homosexuality:

“Chapter XV, Offences Against Morality Article 144: Unnatural offences 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 a male 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.” [23a]

- 6.112 *The Point* reported, on 7 November 2005, that “President Yahya Jammeh has emphasised that religious fundamentalism and homosexuality would not be tolerated by his government.” [46b] (p1)

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6.C HUMAN RIGHTS – OTHER ISSUES

TREATMENT OF REFUGEES AND ASYLUM SEEKERS

6.113 The USSD report 2004 noted that:

“The Constitution provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and the Organization of African Union’s Convention Governing the Specific Aspects of Refugee Problems in Africa, and the Government has established a system for providing such protection. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. The country hosted approximately 600 Senegalese refugees from the troubled Casamance region, as well as approximately 1,500 additional refugees from the Republic of the Congo, the Democratic Republic of the Congo, Eritrea, Ethiopia, and Liberia.

“The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol.” [2a] (p6)

6.114 The UNHCR report, dated November 2004, stated that The Gambia was Considered to be one of the most “refugee friendly” countries in all of West Africa. [48a] (p3)

6.115 The report added that “The exact number of refugees residing in the Gambia is not known. The main reason is the large urban population is unaccounted for. ... UNHCR estimates that there are approximately 12,000 refugees living throughout the Gambia. Other sources give estimates ranging from 10,000 to over 30,000 persons.” [48a] (p3)

6.116 The UNHCR report mentioned that:

“In general, the Gambian government has adopted a policy whereby they allow for the refugees to enter the country and wait for a durable solution to their plight. The 1951 Convention and the 1967 protocol and the 1969 OAU Convention govern these practices. As a member state of the Economic Community of West Africa (ECOWAS), the Gambia abides by laws that grant economic rights, or the right to work, to nationals of other ECOWAS states. However, in order to move freely and work, refugees must possess a residence permit. The law requiring work permits that applies to the refugees is the same law that is applied to all non-Gambians who seek employment in the Gambia.” [48a] (p4)

6.117 The report noted that “While the Gambia is known for its hospitality towards foreigners, including refugees, there is much resentment found between the various populations.” [48a] (p14)

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REFUGEE CAMPS

- 6.118 The UNHCR report, dated November 2004, stated that there were two refugee camps in The Gambia, Basse and Bambali. The Basse refugee camp was located a few kilometres from Basse town, the third largest population centre in The Gambia and housed 189 Sierra Leonean refugees. The Bambali refugee camp was located close to the small village of Bambali. The report stated that the Bambali camp was often referred to as the 'five-star' camp by many. [48a] (p5-8)
- 6.119 The same report, nevertheless, noted that "The majority of refugees living in the Gambia are not found within the confines of the Basse and Bambali camps. Rather, there are a large number of urban refugees in the greater Banjul area as well as along the border with Senegal. [48a] (p9) The report added that "Prostitution and theft as survival strategies were more present in Banjul than in rural camp settings." [48a] (p11)

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TREATMENT OF NON-GOVERNMENTAL ORGANISATIONS (NGOs)

- 6.120 The USSD report 2004 stated that "A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views." [2a] (p7)

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CORRUPTION

- 6.121 The USSD report 2004 stated that "Corruption was a serious problem." [2a] (p6) According to the Freedom House report 2004, "Anticorruption efforts topped the government's agenda in 2003, and a number of officials faced charges of financial impropriety. The government worked to improve transparency as it sought to win much-needed foreign investment." [16c] (p1) The USSD report 2004 noted that "During the year [2004], a number of senior government officials also lost their jobs, some of them for suspected corrupt practices." [2a] (p7)
- 6.122 The State House Online, in an article dated 24 March 2005, reported that:
- "Based on the investigations and findings of the Presidential Anti-Corruption Commission of Inquiry into the Assets, Properties and Activities of Public Officers from the Period 22nd July 1994 to 22nd July 2004, a number of currently serving officers have been dismissed because of reasons of being found to be maintaining standards of living not commensurate with their past and present emoluments, and also being in control of pecuniary resources disproportionate to their past and present income as their expenditure exceeded their income from all known sources." [21c]
- 6.123 The USSD report 2004 stated that:
- "Corruption was a serious problem. In October 2003, the President launched an anti-corruption program, 'Operation No Compromise', to rid the government system of corruption and help restore the confidence of the international

community. A number of once influential government officials and businesspersons have been affected by the campaign. Immediately following the start of the campaign, the Government ended open speculation on the national currency by black-market foreign exchange dealers. [2a] (p6-7)

6.124 The same report noted that:

“The law does not provide for public access to government information. Under Official Secrets Act, civil servants are not allowed to divulge information about their department or even to speak to the press without prior clearance with their head of department. In some cases, journalists from certain independent newspapers have been refused access to public events, apparently because of the dislike by certain government officials of their editorial stance.” [2a] (p7)

6.125 As stated in Professor Arnold Hughes, “‘Democratisation’ under the Military in The Gambia: 1994–2000’ Commonwealth & Comparative Politics, 38, 3 November 2000:

“A characteristic of personal rulership in post-colonial Africa is the conflation of public revenue with that of the ruler. The AFPRC identified such a personalised network of patronage as the source of widespread corruption under the Jawara administration and vowed to extirpate it as part of ‘the transition to democracy’. Not surprisingly, both the AFPRC and the successor APRC have frequently been accused of similar misuse of state resources. Government has been unusually reticent in offering more than straight denials of accusations of misuse of foreign loans, most particularly those from the Republic of China (Taiwan) and Libya. An oil-for-diplomatic-support arrangement between Jammeh and the late Nigerian head-of-state, Sani Abacha, recently came to light as well, according to which The Gambia received 20,000 tonnes of Nigerian oil, via a Swiss intermediary, in return for Jammeh’s support for a beleaguered Nigeria at the 1995 Commonwealth Heads of State summit in New Zealand. Money ostensibly for national development purposes has inexplicably ended up in Swiss bank accounts to which only the President and close confidants have access. ... Jammeh’s frequent public promises to deal firmly with civil service corruption are not easily squared with aspects of his own financial activities as the supreme servant of the Gambian people.” [36a] (p44)

6.126 In an article dated 24 March 2005, on the State House Online website, the Government defended its role in the “oil deal” [21d] The article stated that “The unfounded and false allegations made by the UDP Secretary General that The Gambia Government had lifted and diverted, and embezzled huge sums of money in particular are provocative and irresponsible and ought to be withdrawn forthwith.” [21d]

6.127 The APRC Manifesto 2001 stated that:

“The APRC considers probity in public life as one of the most essential pre-requisites for effective running of the public service. We also strongly believe that accountability is an indispensable factor in public administration and that transparency in public affairs is imperative in order to maintain confidence in the public service and to justify the enormous sacrifices Gambians are called upon to make for the public good.

“The APRC would formalize a set of rules and regulations that would make the Public Service accountable to the people and make it less profitable for public officers to indulge in corrupt practices.

“The Commissions of Inquiry would eventually be moulded into a single institution to investigate and punish illegal and dishonest acquisition of property and wealth.” [21b] (p8)

- 6.128 The Freedom House report 2005 noted that “The Gambia’s anticorruption commission began hearings in 2004 as part of President Yahya Jammeh’s ‘Operation No Compromise.’” [16a] (p1)
- 6.129 Transparency International stated, in its Corruption Perceptions Index 2004, that a fall in corruption was apparent in The Gambia. [13a] However, according to the Transparency International Corruption Perceptions Index 2005, The Gambia saw a slight increase in the level of corruption the following year. [13c] (p5)
- 6.130 The USSD report 2004 noted that “The police generally were corrupt and on occasion acted with impunity and defied court orders.” [2a] (p2)

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Annex A: Chronology of major events

- 1965** **18 February:** The Gambia gains independence from Britain, with Sir Dawda Jawara as Prime Minister. [1a] (p473) [5a] (p2)
- 1970** **24 April:** The Gambia becomes a Republic following a referendum, with Jawara elected as President. [5a] (p2)
- 1972** President Jawara is re-elected President. [55a] (pxxi)
- 1976** The National Convention Party (NCP) is formed. [55a] (pxxi)
- 1977** Parliamentary elections take place. The People's Progressive Party (PPP) win 27 seats to NCP's five. NCP replace UP as the main political party. President Jammeh is re-elected. [55a] (pxxi)
- 1981** **30 July:** Kukoi Samba Sanyang heads an attempted coup of leftist civilians and mutinous paramilitary police. Several hundred deaths reported and Senegalese army intervenes to suppress insurrection. [55a] (pxxi)
- 1982** **1 February:** As a result of Senegal's intervention a Senegambia Confederation of The Gambia and Senegal inaugurated. [55a] (pxxii)
- 1986** The Gambia People's Party (GPP) and the People's Democratic Organisation for Independence and Socialism (PDOIS) are formed. [55a] (pxxii)
- 1987** Presidential and Parliamentary elections take place. The PPP win 31 of 36 seats. Sir Dawda is returned to power. [55a] (pxxii)
- 1989** **December:** Dissolution of Senegambia Confederation. [55a] (pxxii)
- 1992** The new People's Democratic Party (PDP) is formed. Presidential and Parliamentary elections take place. The PPP win 25 of 36 seats and Sir Dawda is returned to power. [55a] (pxxii)
- 1994** **22 July:** Sir Dawda Jawara and his PPP government are overthrown in an army coup. Captain Yahya Jammeh becomes Chairman of the Armed Forces Provisional Ruling Council. [53b] (p50-51)
- 1994** **11 November:** Alleged attempted coup by Lt. Barrow and others bloodily suppressed. [53b] (p53)
- 1995** **27 January:** Two AFPRC leaders, Lts. Sadibou Hydara and Sana Sabally, are arrested and later imprisoned for alleged coup attempt. [53b] (p53)
- 1996** **14 August:** New multiparty constitution promulgated. [1a] (p475) [5a] (p2) AFPRC creates a new political party, Alliance for Patriotic Reorientation and Construction (APRC), with Jammeh as its leader and presidential candidate. The three major political parties, PPP, NCP and GPP, remain banned. [53c] (p55-56)

- 1996 26 September:** Jammeh defeats Ousainou Darboe, candidate of the newly-formed opposition United Democratic Party (UDP), in disputed presidential election; accredited with 55.80 per cent of the votes cast. [53c] (p57-58)
- 1996 November:** Failed attack on Farafenni army camp by armed followers of Kukoi Samba Sanyang from across Senegalese border, causing several fatalities. Most of the attackers are killed or captured and some are extradited from Senegal. [53c] (p59)
- 1997 2 January:** The legislative elections take place. [5a] (p2) APRC wins 33 of 45 seats in controversial new parliamentary elections. Remaining seats shared by UDP, NRP, PDOIS and Independents. [53c] (p58-59)
- 1997 July:** Remnants of those involved in November 1994 coup attempt staged an unsuccessful coup attempt from across Senegalese border. [36a]
- 2000 January:** Government says it has foiled a military coup. [8b] Two officers arrested in connection with an attack on the presidential palace. [49a] (p2)
- 2000 April:** At least 12 people are shot dead during student demonstrations against the alleged torture and murder of a student the previous month. [8b]
- 2000 June:** Ousainou Darboe, leader of the main opposition United Democratic Party, and 20 of his supporters are charged with the murder of activist of the ruling Alliance for Patriotic Reorientation and Construction. [8b]
- 2001 23 July:** President Jammeh announces the abolition of Decree 89 (which disallowed members of the government in the 30 years prior to the 1994 coup from running for office). [1a] (p476) [5a] (p2)
- 2001 August:** The UDP, the PPP and the GPP form a coalition to contest the forthcoming Presidential election. [1a] (p477)
- 2001 September:** Military court sentences former head of the presidential guard Lieutenant Landing Sanneh to 16 years in prison for conspiracy in an alleged plot against Jammeh. [8b]
- 2001 18 October:** The presidential elections are held in relatively calm conditions. Jammeh is re-elected to the presidency, with 52.84% of the votes cast. [1a] (p477) [1b] (Recent History)
- 2001 December:** The UDP-PPP-GPP coalition announces that it will boycott legislative elections scheduled for January 2002. [1b] (Recent History)
- 2002 17 January:** National elections take place. The APRC wins 12 of the 15 contested seats, giving the party an overall total of 45 elective seats. [1b] (Recent History)
- 2002 April:** The UDP and the PDOIS boycott the Municipal elections. The APRC is unopposed in some 85 of the 113 local seats, and wins a total of 99 seats, securing control of all seven regional authorities. [1b] (Recent History)
- 2002 May:** Opposition MPs and journalists condemn a new media law, passed by parliament, as draconian and intended to muzzle the independent press. [8b]

- 2004 July:** Two armed forces officers accused of involvement in an alleged coup plot in June 2000 are acquitted after charges were dropped. [49a] (p2)
- 2004 October:** Charges over the alleged coup are dropped against a third defendant, Momodou Marena. All three men had been detained since June 2000. [49a] (p2)
- 2004 December:** New press law is passed, providing for the jailing of journalists found guilty of libel, sedition. Days later a critic of the law, prominent newspaper editor Deyda Hydara, is shot dead. [8b]
- 2005 January:** The NADD is formed to participate in the presidential elections due in late 2006. [1b] (Recent History)
- 2005 March:** Ministers and civil servants are sacked and more than 30 senior officials are arrested over corruption allegations arising from a report commissioned by the president. [8b]

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Annex B: Political organisations

Europa World Online (accessed on 11 July 2005) stated that “In 2004 eight parties were registered with the Independent Electoral Commission (IEC).”

Alliance for Patriotic Reorientation and Construction (APRC)

The Armed Forces Provisional Ruling Council (AFPRC) [the military junta that seized power in July 1994] converted itself into a political party – the APRC – following the return to party politics in 1996-97. The AFPRC Chairman, Lieutenant Yahya Jammeh, was chosen as party leader and presidential candidate. Supporters were drawn from parties that were banned at the time of the APRC’s formation and other parties. [55a] (p31)

Gambia People’s Party (GPP)

Founded in 1986 [1b] (Political Organizations) by a disaffected Vice-President, Assan Musa Camara, and two other former PPP ministers. Centrist. Attracted support from break-away elements within the PPP and the opposition NCP. [55a] (p78) The GPP was not registered with the IEC. [1b] (Political Organizations)

The Gambia Party for Democracy and Progress (GPDP)

A minor political organisation [19a] founded in 2004 [1b] (Political Organizations) by Henry Gomez (Secretary-General). [19a]

National Alliance for Democracy and Development (NADD)

Founded January 2005 to contest 2006 elections. Its Chairman was Assam Musa Camara. The Co-ordinator was Halifa Sallah. [1b] (Political Organizations) The alliance comprises:

National Democratic Action Movement (NDAM)

A break-away party from the UDP. It was founded 2002 by Lamin Waa Juwara (leader and Secretary-General, former UDP propaganda secretary and executive committee member.) NDAM joined the NADD in 2005. [19a]

Reformist. [1b] (Political Organizations) *The Point*, in an article dated 24 September 2005, referred to the NDAM as defunct. [46c]

National Reconciliation Party (NRP)

Founded in 1996 [1b] (Political Organizations) to challenge the APRC at a time when all opposition parties (except the PDOIS) were banned. Its founder-leader, Hamat N. K. Bah, had no previous experience of politics and espoused a ‘pro-democracy’ programme. [55a] (p127)

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

Founded in 1986. Socialist. Its leaders are Halifa Sallah, Sam Sarr and Sidia Jatta. [55a] (p139-140)

People’s Progressive Party (PPP)

Founded in 1959. Former ruling party in 1962–94. Centrist. Since Jawara’s return from exile and withdrawal from politics, its Chairman is Omar Jallow. [55a] (p141-142)

United Democratic Party (UDP)

Founded 1996. Reformist. The Secretary-General and Leader is Ousainou N. Darboe. [55a] (p175)

National Convention Party (NCP)

Broke away from the PPP in 1975 following the expulsion of its leader, Sheriff Mustapha Dibba, from the ruling party. Following his defeat in the January 2001 presidential election, Dibba made his peace with President Jammeh and was appointed Speaker of The Gambian National Assembly in February 2001. [55a] (p126)

Professor Arnold Hughes, in a letter dated 17 February 2006, noted that the NCP is "Believed to be defunct following party leader Sheriff Dibba's defeat in last presidential election and reconciliation with President Jammeh. Dibba made Speaker of the National Assembly." [19a]

Save The Gambia Democratic Project (STGDP)

USA-based Gambian opposition grouping, linking pro-democracy groups in North America with NADD, founded in February 2004. An article by Clandestine Radio Watch (CRW), dated 26 April 2005, stated that "The group has sought to make a direct impact on the country's political scene and successfully brought the fragmented opposition together under the National Alliance for Democracy and Development (NADD). Its efforts, including the new radio program, are meant to send a signal to the regime of former Sergeant Yahya Jemmah that the upcoming elections in October 2006 will be no cakewalk." [4a]

Annex C: Prominent people: past and present

THE CABINET (Accessed 14 February 2006)

H.E. Dr Alhagi Yahya A.J.J. JAMMEH

President of the Republic of the Gambia and
Commander in Chief of the Armed Forces

H.E. Mrs. Isatou Njie-Saidy

Vice-President and
Secretary of State for Women's Affairs

Hon. Edward Singhatey

Secretary of State for Forestry & the Environment

Hon. Bai Mass M. Taal

Secretary of State for Fisheries & Water Resources

Hon. Sheikh Tijan Hydara

Attorney General and Secretary of State for Justice

Hon. Lamin Kaba Bajo

Secretary of State for Foreign Affairs

Hon. Musa G. Bala Gaye

Secretary of State for Finance and Economic Affairs

Hon. Dr Tamsir Mbowe

Secretary of State for Health and Social Welfare

Hon. Yankouba Touray

Secretary of State for Agriculture

Hon. Ismaila K. Sambou

Secretary of State for Local Government and Lands

Hon. Col. Baboucarr Jatta

Secretary of State for the Interior

Hon. Ms. Fatou L. Faye

Secretary of State for Education

Hon. Mrs. Susan Waffa Ogoo

Secretary of State for Tourism and Culture

Hon. Alieu Ngum

Secretary of State for Trade, Industry and Employment

Hon. Mrs. Neneh Macdouall-Gaye

Secretary of State for Communication, Information
& Technology

Hon. Samba Faal

Secretary of State for Youth and Sports & Religious Affairs [21h]

OTHER PROMINENT PEOPLE**Sir Dawda Kairaba Jawara**

Prime Minister from May 1962 until April 1970. [1b] (Recent History) President from April 1970 until July 1994. [1b] (The Gambia) Former leader of the People's Progressive Party (PPP). [1b] (Recent History) Is now retired from political life and was allowed to return home following an "amnesty" by President Jammeh in late 2001. Jawara returned home the following year. [19a]

Deyda Hydara

Former editor–proprietor of *The Point* newspaper and critic of the Jammeh Government. Hydara was murdered in Kanifing, near Banjul by unidentified gunmen (suspected of being supporters of the Government) on 18 December 2004. [1b] (Recent History) [3a] (p2) [16b] (p85-86)

Baba Jobe

President's former right-hand man and majority leader in parliament. Jobe was arrested on 26 December 2003 along with several members of his family and accused of tax evasion. The RSF report, dated January 2005, noted that "At his trial, he said the importing company, the Youth Development Enterprise (YDE), was set up on President Yahya Jammeh's initiative to compete with the private sector and bring down rice and sugar prices, and to provide jobs to members of the ruling APRC's youth wing." [35c] (p5)

Kukoi Samba Sanyang

A Jola and self-declared revolutionary opponent both of the PPP government and the AFPRC/APRC administrations. Led the abortive coup of July–August 1981; after which he fled to Guinea-Bissau and was deported to Cuba. Subsequently returned to Africa; initially to Libya, then Burkina Faso and Liberia, from where he continued to plot armed attacks against The Gambia. [55a] (p154-155)

Ousman Sillah

Jobe's attorney and the "dean" of Gambia's lawyers. Sillah was shot several times outside his home in South Atlantic, a district of Fajara, on the night of 26 December 2003. Sillah was quickly evacuated to Dakar for treatment in a private clinic. After recovering from his injuries, which included a damaged kidney, he opted for self-imposed exile in the United States where his daughter is studying medicine." [21b] (p51) [35c] (p5)

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Annex D: Election results

PRESIDENTIAL ELECTION, 18 OCTOBER 2001

Candidates	Votes	Per cent of votes
Yahya A. J. J. Jammeh (APRC)	242,302	52.84
Ousainou N. Darboe (UDP-PPP-GPP Coalition)	149,448	32.59
Hamat N. K. Bah (NRP)	35,671	7.78
Sheriff Mustapha Dibba (NCP)	17,271	3.77
Sidia Jatta (PDOIS)	13,841	3.02
Total	458,533	100.00

[1b] (President and Legislature)

GENERAL ELECTION, 17 JANUARY 2002*

* The major opposition coalition (including the UDP, the PPP and the GPP) boycotted the polls. [16a] (p241)

Party	
Alliance for Patriotic Reorientation and Construction (APRC)	45 [†]
People's Democratic Organization for Independence and Socialism (PDOIS)	2
National Reconciliation Party (NRP)	1
Total	48^{††}

[†] Including 33 seats taken in constituencies in which the party was unopposed.

^{††} The President of the Republic is empowered by the Constitution to nominate five additional members of parliament. The total number of members of parliament is thus 53.

[1b] (President and Legislature)

BY-ELECTION, 29 SEPTEMBER 2005

Four by-elections were held on 29 September 2005 after the Supreme Court upheld a decision by the parliamentary clerk to expel four opposition MPs from the National Assembly for forming the NADD, which was seen as a distinct political party by the courts. [50a]

Serrekunda Central	
Halifa Sallah (NADD)	5,911
Lai Sanyang (APRC)	3,984

[46e]

Upper Saloum	
Hamat NK Bah (NADD)	2,454
Sainey Mbye (APRC)	2,946

[46f]

Wuli West	
Sidia Jatta (NADD)	3,430
Janko Jawneh (APRC)	2,659

[46d]

Jarra West	
Kemeseng Jammeh (NADD)	3,444
Musa Saidykhan (APRC)	2,974

[46g]

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